



Appeal Decision

Site visit made on 12 November 2024

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2024

Appeal Ref: APP/D0840/W/24/3343484

The Coach House, Pendarves, Camborne, Cornwall TR14 0RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Graham Bingham against the decision of Cornwall Council.
 - The application Ref is PA23/06540.
 - The development proposed is a new dwelling and car port on infill plot using existing access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal has been made in outline, with appearance and landscaping reserved for future consideration. Plans that accompanied the application show an indicative street elevation, a carport design, and some landscaping proposals. However, as appearance and landscaping are reserved matters, I have considered these aspects of the drawings solely on the basis that they have been submitted for illustrative purposes.
3. During the appeal, on 19 and 20 December 2023, the Government published revisions to the National Planning Policy Framework (the Framework). The alterations result in the paragraphs that are referred to on the Council's decision notice being renumbered. The wording, however, remains the same.

Main Issues

4. The main issues are:
 - a) Whether the site is suitable for the development, bearing in mind the settlement policies of the development plan, the accessibility of the location, and the effect of the proposal on the character and appearance of the area; and,
 - b) Whether the location of the proposal would be acceptable having regard to the risk of flooding.

Reasons

Settlement policy, accessibility and character and appearance

5. Policy 2 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan) sets out the spatial strategy for development. It seeks to maintain the dispersed development pattern of Cornwall, providing homes

and jobs based on the role and function of each place. Based on this strategy, Policy 3 defines how development will be accommodated, with growth focussed on identified main towns. However, it also supports housing growth within or adjoining smaller settlements through rounding off; development of previously developed land (PDL); infill schemes that fill a small gap in an otherwise continuous built frontage; or rural exception sites.

6. As the proposal is not put forward as a rural exception site, support for a dwelling in this location is dependent on the site being within or adjoining a settlement, or comprising infill. There is no definition of a settlement in Policy 3 or its supporting text, but both parties have referred to the Chief Planning Officer's Advice Note (the CPOAN) titled Infill/Rounding Off. The CPOAN advises that a settlement is "*a place where people collectively live in permanent buildings*". Furthermore, it says that well-defined groups of dwellings with a collective name will normally be settlements, and that there is no expectation of services or facilities. However, paragraph 1.68 of the Local Plan says that "*in smaller villages and hamlets in which 'infill' sites of one-two housing units are allowed, the settlement should have a form and shape and clearly definable boundaries, not just a low-density straggle of dwellings*".
7. The place name Ramsgate appears on Ordnance Survey maps and on historic tithe maps. I also saw that there is a road sign bearing the place name at either end of the lane leading from the B3303 to Barripper. There is a tight cluster of dwellings approximately 120 metres to the west of the B3303 junction where people collectively live. This group of buildings has a form and shape, and clearly definable boundaries. It is a long-established group of buildings with a collective identity. Whilst there are no community facilities, having regard to the CPOAN advice, I am satisfied that it comprises a settlement.
8. The appeal site, however, does not lie within this cluster of buildings, or along the same lane. It is, instead, one of a number of loosely spaced buildings that lie to either side of the B3303, with no collective form or definable boundaries. It lies approximately 50 metres away from the nearest dwelling in the cluster, and is physically and visually separated from it by an open paddock and the hedgerows on either side of the lane. Consequently, it is not within or adjoining the settlement, so cannot comprise rounding off or the development of PDL in accordance with Policy 3 of the Local Plan. Furthermore, due to the large gaps between the sporadic buildings, this stretch of the B3303 could not reasonably be described as a continuous built-up frontage. The proposal would not, therefore, comprise infill in accordance with Policy 3.
9. As the site lies outside the physical boundaries of any existing settlement, it falls within open countryside as defined by paragraph 2.33 of the Local Plan. Policy 7 of the Local Plan says that the development of new homes in the open countryside will only be permitted where there are special circumstances, none of which apply in this case.
10. Policy 21 of the Local Plan says that encouragement will be given to sustainably located proposals that, amongst other things, use PDL or increase building density where appropriate. The site lies within about 800 metres of the village of Barripper. However, access to these facilities is via a narrow country lane with no footways or street lighting. Whilst this route would not be particularly hazardous for pedestrians and cyclists during daylight hours, it would not be a

safe option during hours of darkness. Furthermore, it has a very limited range of services.

11. Occupants of the dwelling would be dependant on the higher order services in Camborne for most day-to-day needs. Whilst the edge of the built-up area of the town is only about 800 metres away, the services it provides are rather more distant. Furthermore, the route from the site would involve an unlit stretch of the B3303 that has no footways and carries fast-moving traffic. It is not, therefore, a safe route for pedestrians or cyclists. The appellant contends that there are regular public transport movements adjacent to the appeal site, but I saw no signs of any bus stops in the vicinity, and I have not been provided with evidence to demonstrate that there is a regular bus service along the B3303. Consequently, occupants of the proposed dwelling would be heavily dependant on the use of private vehicles to access everyday services and facilities.
12. The site does not lie within a designated landscape, and as it is a garden, it already has a domestic character. The immediate locality does not have a strongly rural appearance, as it is influenced by the busy road, the two-storey dwellings to either side (albeit that they are spaced well-apart), and a large pub opposite. There is a stone wall/fence and trees along the road frontage, so the site is substantially enclosed, and a suitably designed dwelling would not have a significant impact on the character and appearance of the surrounding countryside.
13. This does not, however, alter my conclusion that the site is not a suitable location for a dwelling, having regard to the settlement strategy of the development plan and the accessibility of services. The proposal would, therefore, be in conflict with Policies 1, 2, 3, 7 and 21 of the Local Plan, and Policies C1 and T1 of the Climate Emergency Development Plan Document (February 2023) (the DPD). Taken together, these policies seek, amongst other things, to direct development to appropriate locations, based on their role and function, and to maximise the ability to make trips by sustainable modes of transport.

Flood risk

14. A watercourse known as the Reen Stream runs along the northern boundary of the site, emanating from a culvert under the B3303 to the east. As a result, the site lies within Flood Zone 3 of the Environment Agency's Flood Map for Planning. Paragraph 165 of the Framework advises that inappropriate development in areas at risk of flooding should be avoided, by directing development away from areas at highest risk. To achieve this, paragraphs 167 and 168 say that all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source.
15. Paragraph 173 of the Framework advises that a site-specific flood risk assessment (SSFRA) should be provided for all planning applications for development in Flood Zones 2 and 3. The SSFRA submitted with the application¹ was produced by a suitably qualified expert. It calculates flows in the Reen Stream using a recognised model and surveyed topographic data of

¹ EDS Flood Risk Assessment Ref J-1935-Rev.02 dated 22/05/2023.

the appeal site. Flows reaching the section of the watercourse adjacent to the site are limited by the capacity of the 600mm culvert under the road. The SSFRA estimates that the maximum capacity of the culvert is 1m³/s, but a figure of 1.2m³/s was adopted in the modelling as a precautionary approach. Two different methods were used to estimate flows within the watercourse for a range of return periods. In all of the scenarios considered, the culvert would be conveying flows at the maximum capacity.

16. The modelling demonstrates that, by limiting flows beyond the road, the culvert acts as a flood defence, such that in all scenarios, flows alongside the appeal site would remain in channel. If the culvert were blocked, or unable to convey the total amount of flow, flood waters would break out of the channel on the opposite side of the bridge and flow northwards away from the site. Consequently, the appeal site would be safe from flooding, even in a 1 in 1,000-year event. Furthermore, the existing access to the site would be outside any of the predicted floodplain extents, so dry access and egress from the site would be available in all rainfall events. No issues with regard to groundwater or surface water flooding were identified. Consequently, the SSFRA concludes that the site is at low risk from all sources of flooding. Where this is the case, the Planning Practice Guidance advises that the sequential test will not be required².
17. Notwithstanding the findings of the SSFRA, the Council contends that, in the absence of a formal flood map challenge, the site remains in Flood Zone 3, so the sequential test should still be applied. However, the appellant's evidence that the Flood Map for Planning is largely based on modelled data, and is therefore indicative rather than specific, has not been challenged. The SSFRA, on the other hand, is detailed and specific to the site. Neither the Environment Agency or the Council has contested its methodology or findings. It therefore carries greater weight in assessing the actual likelihood of fluvial flooding of the site than the Flood Map for Planning.
18. It has been put to me that the flood protection afforded to the site by the road and culvert could change in the future. However, no cogent evidence has been submitted to suggest that this long-established highway link between the towns of Camborne and Praze-an-Beeble is likely to be radically altered in the foreseeable future, or that the culvert will be altered. Even so, the appellant's evidence demonstrates that, if the culvert were to be increased in size to 750mm, the site would still remain free from flooding.
19. So, whilst the site is shown to be within Flood Zone 3, the SSFRA robustly demonstrates that it has a less than 0.1% annual probability of river flooding. This places it at the same level of flood risk as sites in Flood Zone 1. Consequently, even if the sequential test were to be applied, there would be no sites at lower risk of flooding where the development could be accommodated. The proposal would, therefore, accord with the Framework's sequential risk-based approach, so the site would be an appropriate location for the development.
20. The Council's reason for refusal also referred to the lack of a drainage strategy to demonstrate that the proposed development would minimise or reduce on-site and downstream flood risk. A surface water drainage strategy was submitted with the appeal outlining two options. The Lead Local Flood Authority

² Paragraph: 027 Reference ID: 7-027-20220825

has now indicated that this issue could be controlled through an appropriate planning condition.

21. I therefore conclude on this issue that the location of the dwelling would be acceptable having regard to the risk of flooding. The proposal would, therefore, accord with Policies 1 and 26 of the Local Plan and Policies C1 and CC3 of the DPD, which seek to ensure that development minimises, reduces, or eliminates flood risk.

Planning Balance

22. My attention has been drawn to the Council's plan to respond to Cornwall's Housing Crisis, as evidence in support of the proposal. I am also mindful that Paragraph 60 of the Framework seeks to significantly boost the supply of homes, and Section 11 promotes the effective use of land to provide dwellings. The development would provide a dwelling, which would assist with these aims, and would be a benefit of the proposal. However, as I have found that the site does not lie within the settlement, this benefit does not attract the great weight applied by paragraph 70 of the Framework.
23. There would be economic benefits associated with the construction phase of the development, and the future spend by occupants in the local area. However, due to the relatively small scale of the proposal, these benefits would be modest, so the weight I give them is limited.
24. The Framework makes it clear at paragraph 12, that the presumption in favour of sustainable development does not change the statutory status of the development plan, and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. The limited benefits associated with the proposal do not outweigh the conflict that I have found with the settlement policies of the Local Plan, and with the development plan policies that seek to maximise the ability to make trips by sustainable modes of transport.

Conclusion

25. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR