



Appeal Decision

Site visit made on 12 November 2024

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/D0840/W/23/3334972

Field to the West of The Oaks, Turfdown Road, Turfdown, Bodmin Cornwall PL30 4AJ

- 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 Jonathan Jenkins against the decision of Cornwall Council.
 - The application Ref is PA23/01299.
 - The development proposed is described on the application form as 'Application for two new residential dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicates that the proposal was submitted in outline with all matters reserved for future consideration. I have assessed the proposal on this basis.
3. The site visit procedure was altered from an access required site visit to an unaccompanied visit because the appellant was not present at the prearranged time and I was able to see all I needed to from public land.

Main Issues

4. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for the proposed development with reference to the spatial strategy in the development plan and access to services and facilities;
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on ecology.

Reasons

Location

5. Together, Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (the LP) set out the Council's spatial strategy for development. Policy 2 seeks to provide a sustainable approach to accommodating growth. Policy 3 seeks to secure the majority of housing at or well related to a number of named towns and in a number of specified circumstances outside of these areas. Insofar as is relevant to this appeal this includes rounding off of

settlements and infill schemes which do not physically extend the settlement into the open countryside.

6. To assist with the interpretation of policy, the Council have produced a 'Chief Planning Officer's Advice Note: Infill/Rounding off' (CPOAN) dated December 2017. The document is not adopted policy and therefore I am unable to give it significant weight in my decision. However, it does provide useful guidance for decision making purposes and accordingly, I have given it moderate weight.
7. The CPOAN sets out the need to identify initially whether the proposal physically relates to a recognisable settlement. The LP (paragraph 1.68) defines a settlement as having 'form and shape and clearly definable boundaries, not just a low-density straggle of development'.
8. In the vicinity of the appeal site, there are a number of roads with properties at varying intervals along them. The properties are largely set back from the road in spacious grounds with intervening fields. Whilst these properties have collectively been given the name of Turfdown, it is not a well-defined group. The dispersed nature of the properties means that there is no obvious centre and no sense that you have arrived at a place. There is no clearly defined point where the countryside ends and Turfdown starts. For these reasons, Turfdown lacks the form, shape and identifiable boundaries of a settlement. Therefore, although the appeal site is located close to three other properties, and not isolated in the context of Paragraph 84 of the National Planning Policy Framework (the Framework) the proposal would not constitute rounding off or infill in a settlement. The proposal therefore fails to comply with the requirements of Policy 3 of the LP in terms of the location of new housing.
9. Policy 7 of the LP permits the erection of dwellings in the open countryside but none of the special circumstances listed apply to the appeal proposal.
10. Policy 21 of the LP encourages an increase in building density where appropriate taking into account access to services. There are no services and facilities in Turfdown. The appeal site is approximately 750 metres from a bus stop and 1km from the nearby settlement of Bodmin which contains a range of services and facilities together with the Bodmin Parkway railway station. However, accessing these on foot would involve walking along narrow rural roads without footways or lighting. I find it unlikely that occupiers of the appeal proposal would choose to walk to those facilities, particularly in the dark or inclement weather. I am told there are cycle paths to Bodmin but no details have been provided with the appeal.
11. My attention has also been drawn to the Climate Emergency Development Plan Document adopted 21 February 2023 (the DPD). Policies C1 and T1 seek to minimise the need to travel and prioritise the ability to make trips by public transport and support walking and cycling rather than the use of the car. For the reasons set out above, the appeal proposal would not achieve this.
12. The proposal would therefore be contrary to Policies 2,3, 7 and 21 of the LP and Policies C1 and T1 of the DPD as it would introduce new housing into the countryside in a way which would not adhere to the distribution of development policies of the development plan. In addition, the appeal site is not well placed for convenient access to services and facilities other than by the car. This would undermine and be harmful to the planned approach to the distribution of development.

Character and Appearance

13. The appeal site is located within the Mid Fowey Area of Great Landscape Value (AGLV) and Policy 23 of the LP seeks to maintain the character and distinctive qualities of such areas. I have not been provided with details setting out what the distinctive landscape qualities of the AGLV are. Nonetheless, I observed that the appeal site sits in a verdant agricultural landscape where hedge boundaries define pastoral fields and there is a high concentration of mature trees. This is synonymous with the CCA34 Fowey Valley Catchment Landscape Character Area. The area in the vicinity of the appeal site has intimate feel where views are enclosed and very localised.
14. The erection of two dwellings on the appeal site would result in the loss of countryside and urbanise the site. The domestic paraphernalia that occupation would generate would add to this urbanising effect. That said, the appeal site is enclosed by established planting along all its boundaries with the exception of the point of access. This results in it being well screened from the surrounding area such that the impact of any development would be very localised. In addition, it would be seen in the context of the dwellings located nearby. As such, whilst I find that there would be harm to the intrinsic character and beauty of the countryside, the harm in this instance would be minor.
15. As such I find that there would be some conflict, albeit it limited, with Policies 2 and 23 of the LP which seek to ensure that new development respects and maintains the distinctive landscape character of Cornwall. For the same reasons, there would be some limited conflict with Policy C1 of the DPD which seeks to conserve the natural environment.

Ecology

16. The appeal site consists of an undeveloped grass field enclosed on all sides by established trees and hedges. The site is located in a rural landscape typified by fields, hedgerows and trees. These are all features which could provide habitat for protected species including bats. Therefore, there is a reasonable likelihood that protected species may be affected by development on the appeal site.
17. A Preliminary Ecological Appraisal (PEA) of the appeal site would identify all likely ecological constraints, any mitigation, additional survey requirements and opportunities to deliver ecological enhancement but one is not before me.
18. The appellant acknowledges the need for a PEA but suggests that this could be submitted at reserved matters stage or secured by a pre-commencement condition. Circular 06/2005¹ advises that the need to ensure ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances. No exceptional circumstances have been put to me in this instance.
19. The Natural Environment and Rural Communities Act 2006 (as amended) includes a duty under s40(1) that every public body must, in exercising its functions, have regard to the purpose of conserving biodiversity. The impact of the proposed development on protected species is therefore a material consideration in this appeal. However, the absence of a PEA at outline stage

¹ Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

means it is not possible for me to assess the impact of the proposed development, or any proposed mitigation, on any protected species.

20. Accordingly, the proposal would be contrary to Policy 23 of the LP and Policies G1 and C1 of the DPD which seek to conserve and protect biodiversity interests. The proposal would also not accord with the Framework which seeks to protect and enhance sites of biodiversity value.

Other Matters

21. The appellant refers to the proposal resulting in biodiversity net gain. However, there are no specific proposals accompanying the appeal.
22. The appellant suggests that an element of affordable housing could form part of the development but as this is not secured by any means, I give this very limited weight in my consideration of this appeal.
23. The appellant refers to a housing crisis but as the Council can demonstrate a five year housing land supply which is not disputed by the appellant, I give this very limited weight.
24. I note the concerns of interested parties which refer to, amongst other things, highway safety. Given that I have identified harm in respect of the main issues, these are not matters on which my decision turns.

Conclusion

25. The proposed development is contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is dismissed.

Alison Fish

INSPECTOR