



Appeal Decision

Site visit made on 18 March 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 April 2025

Appeal Ref: APP/D0840/W/24/3354839

Roseland, Popes Mill, Road from Plymouth Road to The Laurels, Menheniot, Cornwall, PL14 3PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Julia Eldridge against the decision of Cornwall Council.
 - The application Ref is PA24/02352.
 - The development proposed is construction of a single, two storey, detached dwellinghouse, involving demolition of existing Nissan hut structure and using existing access to highway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (NPPF) came into force on 12 December 2024 after the appeal was lodged. The implications of the revised NPPF were addressed in the Council's Statement of Case (CSOC) dated 24 December 2024. Whilst the Appellant had an opportunity to respond to the latter no Final Comments were received from them. I sent a request to the Appellant on 19 March 2025 drawing their attention to the draft for consultation Cornwall Interim Policy Position Statement (CIPPS) dated January 2025. The request invited the Appellant to comment on whether the CIPPS had any relevance to their case. No response to this request was received.

Main Issues

3. The main issues are: (a) whether the proposed development would be acceptable having regard to local and national planning policies on the location of housing, and (b) the effect of the development on the character and appearance of the area.

Reasons

Suitability of location

4. The appeal site is located along a lane that leads to a group of buildings at Popes Mill. It comprises an old Nissan Hut (Hut) and part of an open field to its north east. Access to the Hut is to its south and is shared with an existing stables. The access also leads to the wider field that extends east to the river and to the south towards the curtilage of another property. To the north, west and east and on the opposite side of the lane are a cluster of properties including the former Mill. The appeal

proposal involves the construction of a detached two storey dwelling following the demolition of the Hut. The shared access would be enlarged through the removal of some Cornish Hedge, with the proposed curtilage extending to the north east up to the river.

5. Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) sets out the spatial strategy and seeks to manage the location and scale of new housing. This approach is expanded in policy 3 with new housing accommodated in accordance with a hierarchy, delivered through a Site Allocations Development Plan Document or Neighbourhood Plan for the identified main towns, new eco-communities and for areas outside the main towns, through Neighbourhood Plans, infill, rounding off, previously developed land (pdl) or rural exception sites.
6. These need to be read in conjunction with policies 1 and 7 of the CLP and policies 1, 2 and 6 of the Menheniot Parish Neighbourhood Development Plan 2018-2030 (NDP). Policy 1 of the NDP defines the settlement boundaries for villages where development, within those boundaries, will be supported, subject to other Plan policies. It continues by stating that outside these defined boundaries development will not be supported unless it is in accordance with policies 7 or 9 of the CLP or policy 5 of the NDP. Policy 9 of the CLP relates to rural exception sites as does policy 5. The appeal proposal is not being promoted as a rural exception site and neither of these policies are, therefore, relevant.
7. Policy 2 of the NDP states that new residential infill and brownfield development will be supported, subject to various criteria, within the development boundaries of villages. Policy 6 states that the reconstruction or conversion of abandoned or neglected buildings will, subject to various criteria, be supported for residential use.
8. The appeal site is not located within or adjacent to any of the defined settlement boundaries listed in policy 1 of the NDP. The latter are very clear and result from a recently adopted Plan. It is clear from the Plan that the definition of the boundaries followed a thorough review of the Parish, including the responses received from local stakeholders and interested parties, including local residents, during the various consultation stages.
9. The Appellant does not contend that the appeal site is adjacent to any of the defined boundaries but instead contends that the appeal site lies adjacent to a hamlet centred on Popes Mill, the properties to the west, north and east of the lane and the appeal site. However, my attention has not been drawn to any substantive evidence to support that statement or any reference in the NDP to this effect or to Popes Mill. These existing properties represent, in my judgement, a "*low density straggle of development*" or a cluster of properties that is commonly found within the open countryside. There is no form or shape to the properties and there are no clearly definable boundaries.
10. In reaching this finding, I have had regard to the appeal decisions referred to in the CSOC, where similar arguments were dismissed in similar circumstances. I have also had regard to the Chief Planning Officer's Advice Note: Infill/Rounding Off (COPAN). Whilst the latter is not a statutory document it provides guidance in interpreting CLP policies and in establishing if there is a settlement. In doing so, it adopts similar criteria to those addressed above and reinforces the importance of the role of NDP in defining settlements within their area and taking on board the views of local residents in making this judgement.

11. Whilst I accept there have been letters of support for the application, there have also been a number of objections from the residents of the neighbouring properties in Popes Mill. They regard the area as simply a collection of some five properties that developed in conjunction with the Mill and not a hamlet with any community or social networks or with any cohesive feel.
12. I find, therefore, that the properties at Popes Mill do not represent a recognisable settlement. I also find that the site is located within the open countryside. This finding is supported by the definition of open countryside set out, in particular, in paragraph 2.33 (to policy 7) of the CLP.
13. Within this context, the appeal site is not allocated for development, it is not within an identified main town and does not form one of the eco-community proposals. In relation to part 3 of policy 3 to the CLP and policies 1 and 2 of the NDP, the appeal site is located well outside any defined settlement boundaries. In relation to policy 7 of the CLP the appeal proposal does not meet any of the special circumstances whereby new dwellings will be permitted in the open countryside.
14. I accept that the appeal site is pdl but part 3 of policy 3 of the CLP states that new housing can be delivered through the development of pdl "*within or immediately adjoining that settlement*". As I have found, the appeal site does not fall within or adjacent to a settlement and this part of the policy does not apply.
15. In relation to infill, part 3 of policy 3 to the CLP states that this applies to schemes that infill a small gap in a continuous frontage that do not physically extend the settlement into the open countryside. A similar approach is set out in policy 2 of the NDP. As the appeal site is not within or adjacent to a settlement these policies do not apply. The same finding applies rounding-off, which relates to the rounding off within or immediately adjoining a settlement.
16. Whilst policy 21 of the CLP relates to best use of land and existing buildings, it states that to ensure this encouragement will be given the sustainably located proposals that have regard to the character of the surrounding area and access to services and facilities. These are issues that I address below.
17. Turning to policy 6 of the NDP this relates to the reconstruction or conversion of abandoned or neglected buildings. However, the evidence before me indicates that the Hut is not abandoned but is currently used to store equipment, machinery and materials used to maintain other land in the Appellants control, as well as being used for domestic storage. The application form confirms this in indicating that the Hut is "*incidentally used in association with nearby domestic property*" (it goes on to say that the site is vacant which contradicts the evidence that is before me).
18. In terms of neglected/dilapidated, the Appellant asserts that Structural Engineers have advised that the building could stand for a further 40 years, which, in line with part 1 a) i of policy 6, would not support the demolition of the whole or even part of the Hut. There is no evidence that the building is of a "*substantial construction*", as is required and on the contrary it appears to be a lightweight structure with a metal frame supporting a roof of corrugated sheeting. Part d) of the policy also requires any reconstruction to substantially use facing materials salvaged from demolition, which the appeal proposal would not.
19. Even so, the policy relates to the reconstruction or conversion of existing buildings. The proposal before me does not involve the reconstruction or conversion of the

Hut but its complete demolition and replacement by a new large detached dwelling. The scale, mass, footprint, floor area and orientation of the new dwelling would be significantly greater and different to that of the Hut. As such, policy 6 does not, in my view, provide any support for the appeal proposal. That finding is supported by the fact that the policy effectively provides, in my view, a layer of detail at local level to be in conformity with and to support strategic policies in the form of part 3 of policy 7 of the CLP, which supports new dwellings in the open countryside where they re-use or convert suitably constructed redundant, disused and historic buildings.

20. I find, therefore, for the above reasons, that the appeal proposal does not comply with policy 6.
21. Policies 1 and 2 of the CLP and policies C1 and T1 of the Climate Emergency Development Plan Document (DPD) seek, amongst other matters, to ensure that new development is sustainably located, minimises the need to travel and support a modal hierarchy which prioritises walking, then cycling, then public transport, then car clubs, electric vehicles and lastly private fossil-fuelled vehicles. As I confirmed earlier, policy 21 of the CLP also gives encouragement to the best use of land and existing buildings that are sustainably located.
22. As I observed on my site visit, the appeal site is located a long distance from the nearest settlements that contain the variety of day to day services and facilities that a new resident would need to access. The evidence before me indicates that the nearest settlements of any size offering such services and facilities are Liskeard and Menheniot, both a significant distance from the appeal site by road. These distances are well in excess of a reasonable walking distance, with the route involving narrow lanes, enclosed by hedging and trees, with no pavements or streetlights and a difficult topography. As such, these routes would not be easy, safe or convenient for pedestrians or cyclists. In relation to public transport, my attention has not been drawn to any nearby bus stops that would be convenient or easily and safely accessible on foot or by cycle.
23. Overall, the accessibility of the appeal site is poor and any future occupants would be heavily reliant on the use of the private car.
24. I accept that private cars often provide the main means of transport within rural areas but the appeal proposal would exacerbate the level of reliance on the private car and would not sufficiently support walking, cycling or the use of public transport. In order to promote sustainable development in rural areas, paragraph 83 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities. The appeal proposal would not meet these aims. The appeal proposal would not, therefore, constitute sustainable development.
25. Accordingly, I find that the appeal proposal would be contrary to policies 1, 2, 3, 7 and 21 of the CLP, policies 1, 2 and 6 of the NDP, policies C1 and T1 of the DPD and the corresponding policies of the NPPF.

Character and appearance

26. The appeal site is highly visible from various points on the lane and from the Public Right of Way (PROW). Within those views, the Hut reads as a modest low profile building and as a subservient feature within the landscape. The Hut does not appear out of place and its visual appearance is not, in my view, harmful. Whilst it

is not a traditional structure it is similar to buildings that are often found in the countryside. The Appellants evidence is that the building is sound and currently used for domestic and recreational storage, and as its overall condition is entirely within the control of the Appellant there would be nothing to prevent the buildings external appearance being refurbished, if required.

27. Within the public views of the Hut it is clear that it has a greater affinity with the wider field that it sits in and thus the open countryside. The latter is accentuated by the fact that the appeal site is separated from the properties to the north, west and east by the lane, and by Cornish Hedging on the sites northern boundary. The visual prominence of the site is also in contrast to the other properties which are largely screened by or sit within a mature landscaped background.
28. The new dwelling would result in a significant change to the views from the lane and PROW. The low profile Hut would be replaced by a large detached dwelling whose bulk, scale, height and footprint would be significant in comparison to the Hut. A section of Cornish Hedging would be removed to widen the access to the lane, a new engineering feature introduced along the northern boundary in the form of a flood defence wall and large parts of the curtilage would be laid to grass and thus domesticated. There would also be the inevitable added paraphernalia such as sitting out areas, patios, sheds and washing lines. Combined, they would erode the character of this part of the countryside and lead to a harmful urbanising effect.
29. The north eastern part of the appeal site, shown as grass, appears to include land that forms part of the wider field and not the curtilage of the Hut. The new dwelling would be physically and visually separated from the cluster of properties to the north, west and east. It would sit in front of these properties, visually detached from them and out of keeping with the prevailing built form. The extent of the proposed curtilage to the field to the south and east would be extensive. Whilst there are no details of its treatment on the submitted plans, any form of enclosure would harm the open character of the area and its landscape. The proposed design of the new dwelling with horizontal emphasis and large areas of glazing would exacerbate the harm, and result in a development that is not characteristic of the landscape and local distinctiveness.
30. Overall, the proposal would result in built development encroaching beyond the Hut further into the open countryside. It would harm the contribution that the appeal site makes, even with the Hut, to the rural character of the area.
31. Whilst I accept that the existing Hut is likely to include lighting there are a limited number of window openings. I also accept that lighting for the new dwelling is a matter that could be subject to further approval. Even so, it is inevitable that given the proposed design, layout and amount of accommodation proposed, it would result in light spillage, which would harm the dark night skies that remain a positive element of such landscapes.
32. Policies 2 and 23 of the CLP, policy C1 of the DPD and policy 7 of the NDP seek to protect and enhance the intrinsic character, openness and local distinctiveness of such areas. They also confirm that where new development is to be permitted it should take account of, protect and where possible enhance the characteristic, distinctive and historic landscapes of Cornwall and this Parish, both designated and un-designated landscapes. All of these policies are consistent with paragraphs 8 and 187 of the NPPF. The appeal proposal would conflict with a number of these

policy requirements and as such it would have a harmful impact on the intrinsic character of the area.

33. The appeal site also lies within Character Area, CCA 36, Seaton Valley Catchment. The key characteristics and sensitivities of this area include: historic mill sites; an intimate landscape defined by narrow, twisting valleys with small lanes enclosed by Cornish Hedging and extensive woodland; and the sensitivities, the pressure for new development and the loss of field boundaries and patterns. The appeal proposal would conflict with a number of these key characteristics and sensitivities.
34. Accordingly, I find that the appeal proposal would result in harm to the character and appearance of the area contrary to policies 2 and 23 of the CLP, policy C1 of the DPD, policy 7 of the NDP and the corresponding policies of the NPPF.

Other Matters

35. The Council's Delegated Report indicates that the appeal site falls within the zone of influence of the Plymouth Sound & Estuaries Special Areas of Conservation and the Tamar Estuaries Complex Special Protection Area Natura 2000 site, where a financial contribution is sought from new housing to fund agreed mitigation measures. The Delegated Report states that the Appellant has already signed an undertaking pursuant to section 111 of the Local Government Act 1972 and paid its contribution. Even so, in view of my findings on the main issues I have not dealt with the implications or impact of the appeal proposal on these sites further.

Planning balance and conclusions

36. The NPPF states that existing development plan policies should not be considered out of date simply because they were adopted prior to the NPPF's publication. Each policy should be assessed and due weight given to it based on its general conformity with the NPPF. In this respect, policies 1, 2, 7, 21, and 23 of the CLP and policies C1 and T1 of the DPD are consistent with and remain in general conformity with the NPPF's aims and objectives. These include those seeking to promote sustainable development, restrict new housing in the open countryside, ensure that new development is appropriately located, responding to and where possible enhance local character and local distinctiveness, and promote access on foot, by cycling and/or public transport.
37. Turning to policy 3 of the CLP, whilst its detailed locational aspects may be out of date in relation to housing supply, its more generic locational guidance in relation to understanding the extent of settlements and identifying opportunities for pdl, infill and rounding-off remain in general conformity with corresponding policies in the NPPF. These seek to ensure that development is sympathetic to local character and history, including the surrounding built environment and landscape setting, adds to the overall quality of the area, reflect local needs and is suitably located.
38. In relation to the neighbourhood plan, where this is less than 5 years old and has policies and allocations to deliver sufficient housing to meet housing requirements then paragraph 14 of the NPPF will apply. This states that "*In situations where the presumption (at paragraph 11 d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits*". Based on my understanding of the housing policies and allocations of

the NDP, paragraph 14 should apply in this case and thus the locational aspects of policies 1 and 2 should not be regarded as being out of date.

39. In terms of other considerations, there are benefits to the appeal proposal. These include a new residential unit and short term employment from construction. Even so, the level of housing provision is small and the proposal is for market housing and is not seeking to meet any identified local affordable needs. I, therefore, attach limited weight to these benefits. However, as I have found, the appeal proposal would conflict with policies 1, 2, 3, 7, 21 and 23 of the CLP, policies C1 and T1 of the DPD and policies 1, 2, 6 and 7 of the NDP. These policies should be accorded significant weight as they remain consistent with and in conformity with the NPPF. Consequently, I find that the appeal proposal would conflict with the development plan as a whole.
40. The CIPPS confirms that following the publication of the NPPF the Council can no longer demonstrate a five year supply of housing land. Paragraph 11 d) ii of the NPPF is, therefore, engaged and requires planning permission to be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*
41. The appeal proposal would not be suitably located, it would not be sustainable and would increase reliance on the use of the private car, it would have an adverse impact on the rural and landscaped setting of the area and would have a harmful impact on the character and appearance of the area. These adverse impacts lead to conflict with a number of development plan policies which remain up to date as they are consistent with those in the NPPF and thus should be accorded significant weight.
42. In my view, the harm I have identified would significantly and demonstrably outweigh the limited benefits of the appeal scheme when assessed against the policies in the NPPF, taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the NPPF does not apply in this instance. The NPPF is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.
43. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR