



Appeal Decision

Site visit made on 1 April 2025

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/D0840/W/24/3351254

Dovedale Cottage, Broad Langdon, Jacobstow, Cornwall EX23 0BZ

- 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 J Grill against the decision of Cornwall Council.
 - The application Ref is PA23/09863.
 - The development proposed is described on the application form as 'proposed dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning 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 and treated the drawings, other than the submitted site location plan, as indicative only.
3. On 12 December 2024 a revised National Planning Policy Framework (the Framework) was published. The main parties have been given the opportunity to make comments on the implications of the updated Framework for this appeal.

Main Issues

4. The main issues in this appeal are:
 - whether the appeal site is an appropriate location for housing having regard to the development plan and access to services and facilities; and
 - The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Location

5. Policy 3 of the Cornwall Local Plan Strategic Policies 2010–2030 (the LP) seeks to provide for housing outside identified towns through allocation in a Neighbourhood Plan (NP), rural exception sites, and the rounding off, infill and development of previously developed land in settlements. There is no adopted NP and the proposal is not for affordable housing. The appellant's case is that the proposal constitutes rounding off. Policy 3 permits the rounding off of a scale appropriate to the size and role of the settlement. Accordingly, the starting point is whether the appeal site is located within a settlement.

6. In this respect, both parties have referred to the Chief Planning Officer's Advice Note' (CPOAN)¹. Although the CPOAN is not adopted policy, it does provide useful guidance for decision making purposes and as both parties have relied upon it in support of their case, I have given it moderate weight.
7. The LP sets out that a settlement should have a form and shape and clearly definable boundaries and the CPOAN says that they should comprise well-defined groups of dwellings with a collective name. I saw that Broad Langdon consists of a clear collection of buildings and houses on both sides of the lane and around a central informal grassed area. Whilst the layout and positioning of the properties in their respective plots was irregular, there was nonetheless a collective identity. There is no dispute between the main parties that Broad Langdon is a settlement and from the evidence before me including my site visit, I see no reason to conclude differently.
8. I therefore turn to whether the proposal constitutes rounding off. The appeal site is accessed via an existing gate from the unsurfaced track which provides access to Dovedale Cottage, its annexe and the collection of buildings associated with Lower Broad Langdon, including Shepherds Rest to the north east. The gate provides access to an existing concrete yard area and an area to the south enclosed by established hedge and trees. The appeal site consists of part of this area.
9. The site is laid to grass and has some ornamental planting. Notwithstanding whether it has a lawful use as a garden or not, its compact size and more domestic appearance makes it distinctly different in character and scale from the open, rolling agricultural landscape which surrounds it on two sides. The presence of buildings to the north and north west adds to my view that development on the appeal site would amount to rounding off.
10. Whilst the CPOAN sets out that there is no expectation of services and facilities in defining a settlement, whether the scale of the proposal is appropriate to the size and role of the settlement requires consideration of the proximity, accessibility and relationship of the settlement to facilities and services required for day-to-day living.
11. The nearest settlement is Canworthy Water which is 2.4km from the appeal site. There is no evidence before me regarding the level of services and facilities available there. Even so, it is beyond the comfortable walking distance as set out in Manual for Streets. The route from the appeal site is an unlit rural road with no footways. Therefore, whilst it would be possible for some users to access any services and facilities in Canworthy Water on foot or by bicycle, it would not be an attractive or practical proposition for all users, including those with limited mobility, particularly in the dark or inclement weather.
12. The appellant advises that other settlements, Warbstow and Jacobstow are nearby and that Broad Langdon is centrally located between Bude, Holsworthy and Launceston but details of what facilities and services these have and their distance from the appeal site have not been provided.
13. I am advised that there is a bus service to Bude and Launceston every day except Tuesday. However, in the absence of evidence relating to the frequency of that service, I cannot be certain that this offers a realistic alternative to the car. The

¹ dated December 2017 in respect of infill/rounding off

appeal site is close to Sustrans cycle route 3 but I have no details before me to indicate how this could be utilised to access services and facilities elsewhere.

14. Whilst there is a growing move towards online shopping and the delivery of goods to homes, this would not negate the need for future occupiers of the site to travel to access services such as health and education.
15. Taken together and acknowledging that in a rural place like Cornwall the opportunities to use public transport, walking or cycling alone for all journeys is unrealistic, I nevertheless find that there are very limited opportunities to minimise the number and length of car journeys from the appeal site. Occupiers of the appeal property would be reliant on the private car for all but the very occasional journey.
16. Drawing everything together in respect of Policy 3 of the LP, and from the evidence before me, it has not been demonstrated that the appeal site is part of a network of settlements or in reasonable proximity to a larger village or town with more significant community facilities, such as a primary school. Accordingly, the appeal proposal would not constitute rounding off of a settlement of a scale appropriate to its size and scale.
17. Policy 7 of the LP relates to housing in the countryside but none of the special circumstances listed are relevant to the proposal before me. The proposal would not comply with the requirements of Policy 21 of the LP given my findings above regarding access to services and facilities.
18. Therefore, the proposed development would introduce new housing into the countryside in a way which would not adhere to the distribution of development policies of the development plan. This would conflict with Policies 1, 2, 3, 7 and 21 of the LP and harmfully undermine the spatial strategy for the location of housing contained in the development plan. The proposal would also conflict with Policy T1 of the Climate Emergency Development Plan Document, adopted February 2023 (DPD) which requires that development is located where the need to travel is minimised and use of sustainable transport modes can be maximised.

Character and appearance

19. The appeal site is located in the Cornwall Character Area (CCA) 39: Upper Tamar and Ottery Valleys. One of the valued attributes of CCA39 is the strongly rural character reinforced by low-density settlement pattern which the CCA notes is under pressure from development on the edges of existing settlements, which would impact on the tranquil perceptual qualities and erode the traditional settlement pattern of small, dispersed villages and farmsteads.
20. I have set out above that the site has a much more domestic character and appearance than the surrounding rural landscape. As a result, it contributes little to the overall valued attributes of the CCA. It nevertheless contributes to the rural setting of Broad Langdon and the erection of a dwelling on the appeal site would urbanise a site at the edge of the settlement. The domestic paraphernalia that occupation would generate would add to this urbanising effect.
21. As the appeal site is enclosed by established planting along all its boundaries with the exception of the point of access, development on the appeal site would be well screened from the surrounding area. The impact of any development would

therefore be very localised. In addition, it would be seen in the context of the dwellings and buildings located nearby. I therefore conclude that whilst there would be harm to the intrinsic character and beauty of the countryside, the harm in this instance would be minor.

22. 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.

Other considerations

23. The new dwelling would be designed to include solar panels, ground or air source heat pumps and an electric vehicle charging point. However, the application is in outline so the specific details of this and the benefits which would arise are not before me. I give this very limited weight.
24. The dwelling would be for the appellant's parents initially and stay in the family long term. However, this would be a personal benefit and, as such, carries very limited weight.
25. The proposal has the support of the parish council but this does not outweigh my conclusions in respect of the harm arising from the proposal.
26. The appellant engaged in pre-application discussions with the Council. However, such advice was given without prejudice to the outcome of any subsequent formal application, and in any event, I understand that this related to a different site to the one before me. I have determined the appeal on its own merits.
27. The Council can no longer demonstrate a five year housing land supply. I understand the current supply position to be 3.8 years which is well below Government expectations. I consider this further in the planning balance.

Planning Balance

28. I have found that the proposal would not be in a suitable location for new housing having regard to the development strategy and there would be harm arising from the availability of transport options. I have also found that the appeal proposal would result in some harm, albeit minor to the character and appearance of the area. The proposal would therefore conflict with the development plan as a whole. However, because of the housing land supply position, Paragraph 11d) of the Framework is relevant.
29. As a result, the development plan policies which are most important for determining this appeal are deemed out of date although due weight should be given to them according to their degree of consistency with the Framework.
30. Paragraph 83 of the Framework encourages the development of housing where it will enhance or maintain the vitality of rural communities. There is no substantive evidence before me that this would occur. Paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. I have found that the opportunities for occupiers of the appeal site to access services and facilities by means other than the private car are very limited. Paragraph 187 of the Framework recognises the intrinsic character

and beauty of the countryside. The appeal site contributes towards the distinctive rural character of the area. I have found that the proposed development would result in some, albeit limited harm in this respect. For these reasons, I afford the conflict with the development plan significant weight in this respect.

31. Balanced against this are the benefits that would arise. Paragraph 61 of the Framework seeks to boost the supply of housing and Paragraph 73 acknowledges that small sites can make an important contribution towards this. The proposal is for one dwelling so the benefits that would arise from the proposed development in this respect would be meaningful but limited. I have also given very limited weight to the benefits advanced by the appellant in terms of the occupation of the dwelling and the incorporation of renewable energy technology.
32. With reference to Paragraph 11 d) ii) of the Framework I find that the adverse impact arising from the proposal's conflict with the development plan, would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework taken as a whole having particular regard to key policies for securing well-designed places. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

33. I therefore conclude that the proposed development is contrary to the development plan as a whole and there are no material considerations, including the Framework, that outweigh this conflict. Consequently, with reference to Section 38(6) of the Act, the appeal is dismissed.

Alison Fish

INSPECTOR