



## Appeal Decision

Site visit made on 15 June 2016

**by L Gibbons BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 July 2016**

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**Appeal Ref: APP/D0840/W/15/3140519**

**Little Upton, Upton Cross, Liskeard, Cornwall PL14 5AZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Greg and Sarah Coombe against the decision of Cornwall Council.
  - The application Ref PA15/07433, dated 10 August 2015, was refused by notice dated 27 October 2015.
  - The development proposed is an outline application for 14 residential units to include affordable and open market homes.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application seeks outline planning permission with access to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters to be considered in the future. The application plans include indicative site plans and sections. The appellants have indicated that these are for illustrative purposes. I shall determine the appeal on this basis.
  3. For the sake of clarity I have used the description of development as set out on the Council's decision notice and appeal form. The address of the appeal site is written in a variety of ways and I have used the address as set out on the appeal form.
  4. The proposal is accompanied by a copy of a signed Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990 (as amended) dated 8 March 2016 relating to contributions towards education and provision for play space and affordable housing. I return to this matter below.
  5. The Council refers to Policy 9 of the emerging Cornwall Local Plan Strategic Policies document. The plan has been the subject of consultation and the Examination is in progress. However, given the stage that the emerging Plan has reached, which included a round of further consultation, I give the emerging Plan little weight. I have therefore determined the appeal against the policies of the Caradon District Local Plan (LP) 2007 and the National Planning Policy Framework (the Framework).
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## Background and Main Issues

6. Paragraph 47 of the Framework indicates that in order to boost significantly the supply of housing, local planning authorities should ensure that they meet their full and objectively assessed housing needs for market and affordable housing. In these circumstances, paragraph 14 of the Framework sets out how the presumption in favour of sustainable development should be applied and indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
7. The Council indicates that for the purposes of the appeal it is unable to demonstrate a five year supply of housing land. Accordingly, its policies for the supply of housing are out of date in accordance with the Framework. Nevertheless, saved Policies EV3 and CL9 of the LP referred to by the Council do not seek to specifically restrict the supply of housing and are broadly consistent with the Framework. Therefore, I afford them significant weight.
8. The main issues are:
  - i) Whether the proposed development would preserve the setting of the adjacent listed building Upton Hall Farmhouse,
  - ii) The effect of the proposed development on the character and appearance of the area, and;
  - iii) The contribution of the proposal to sustainable development.

## Reasons

### *Listed building*

9. The appeal site is located close to Upton Hall Farmhouse a Grade II listed building. I have had special regard to the desirability of preserving the setting of the listed building. The listing for the building describes a number of architectural features. The planning application is accompanied by a Heritage Statement and Impact Assessment<sup>1</sup> (HSIA) and this indicates that the significance of the farmhouse lies in its age, completeness, materials and setting. With regard to the consideration of the listed building, the setting includes the surroundings in which the building is experienced.
10. I accept that the farm buildings surrounding Upton Hall Farmhouse contribute to its setting and that the traditional buildings in particular are a part of a group setting. However, the area in which the appeal site is located is referred to as Medieval Farmland and generally these are farms in relatively sheltered land which is the case with Upton Hall Farmhouse. The roof of the farmhouse can be glimpsed from the road looking across the appeal site. Whilst this is only seen briefly this is a key feature indicating the presence of the farmhouse and which provides an indication of its rural context.
11. In addition, Upton Hall Farmhouse can be seen from within the appeal site and it seemed to me that there is a strong visual connection between the field, the farmhouse and surrounding farmland, with the farmhouse nestled in the centre. Other than modern barns development is generally set away from the listed building. From the historical tithe mapping information supplied by the

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<sup>1</sup> Expedite Design Services August 2015

appellants, I note that the appeal site does not appear isolated from or completely unrelated to Upton Hall Farmhouse.

12. I note that the hedge between the appeal site and the farm has been recently trimmed. Nevertheless, based on the evidence before me and observations on my visit I consider that the appeal site has a strong relationship with the farmhouse with or without a tall boundary in place. That the access to the farm is positioned between the farmhouse and the appeal site with a tall hedge does not to my mind provide evidence of a lack of relationship between the two. This is particularly so as tall hedges and deep lanes are a significant feature in this area.
13. I consider the appeal site makes an important contribution to the setting of Upton Hall Farmhouse and is evidence of its historical functional connection with the agricultural landscape. I note that there are some modern cowsheds close to the listed building, however these are buildings associated with an agricultural environment and do not significantly degrade the experience of the farmhouse. I accept that the layout is indicative, although it shows that some of the proposed dwellings would be located fairly close to the farmhouse. The scheme would also obscure the glimpse of the listed building from the road. Even with landscaping in place, the development would introduce more urban features within fairly close proximity to the farmhouse which would be detrimental to its rural setting. Moreover, the appeal site is on higher ground and the dwellings would be a very dominant feature against the farmhouse.
14. For the reasons given above, I conclude that the proposed scheme would fail to preserve the setting of Upton Hall Farmhouse. It would be in conflict with saved Policy EV3 of the LP where it relates to the setting of a listed building. It would be contrary to the Framework where it relates to protecting and enhancing the built and historic environment.

#### *Character and appearance*

15. The appeal site is located within an Area of Great Landscape Value (AGLV). The settlement pattern is identified as one of hamlets with large farms and some isolated modern houses. The village of Upton Cross is mainly centred on a crossroads and ribbon development to the east of the crossroads. When travelling north towards the appeal site there is a clear sense of leaving the village and that you are moving into a rural area. There are also fields separating the theatre and public house from the village. There is sporadic residential development north of the public house and theatre but these are mainly single dwellings. There is a verdant quality to the area which includes mature hedges and planting. Overall, the area in which the appeal site is located is strongly rural in character.
16. I accept that layout is a reserved matter, nevertheless the indicative layout provides an indication of the position of the dwellings. Due to the numbers of proposed dwellings, I consider the scheme would appreciably contrast with the established pattern of sporadic development in this area. Even with the retention of the existing hedge along the B3254 the dwellings would be visible and prominent from the road as the land closest to the road is the highest. The proposed access would allow views in to the site. Although there would be some opportunities for landscaping, I consider parking and hardstanding as well as the proposed dwellings would be highly visible in the streetscene. This would have a significant negative effect on the rural character of the area.

17. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the area. It would be in conflict with saved Policy CL9 of the LP which amongst other things seeks to restrict new development if it would materially harm the character of the particular area, or the characteristic pattern of a settlement, in the particular area. It would be contrary to paragraph 17 of the Framework where it recognises the intrinsic character and beauty of the countryside.

*Contribution to the achievement of sustainable development*

18. The Framework identifies three dimensions to sustainable development – economic, social and environmental. The scheme would provide temporary construction jobs and there would be payment towards the New Homes Bonus. Upton Cross has a small number of services and facilities including a primary school, post office and theatre. It is likely that future occupiers would make use of these services and facilities.
19. The proposal includes provision for 7 affordable homes. I note that there is some local support for affordable homes from local residents. The Council confirms that there is a strong need for the provision of these types of homes within the area. Policy 9 of the emerging Plan relates to rural exception sites and that market housing on these types of sites must not represent more than 50% of the homes or 50% of the land take, excluding services and infrastructure. I note that a viability appraisal was submitted with the planning application. The two parties do not agree on the amount of land which would be taken up by market homes within the site. Nevertheless, the provision of affordable homes would be a considerable benefit. The proposal would also make a contribution towards market housing and these factors weigh in favour of the appeal scheme.
20. At present there is no footway from the appeal site to Upton Cross. The scheme incorporates a proposal to provide a footpath to the village. This would allow safer access to Upton Cross for pedestrians and would be of benefit to existing and future occupiers.
21. Were other matters acceptable, I consider that the potential for archaeological interest within the site could be dealt with by a suitable condition. There would also be the potential for landscaping and for the external materials of the dwellings to match that of the surrounding buildings. However, I have identified that harm would be caused to the character and appearance of the area and to the setting of Upton Hall Farmhouse. I return to this matter below.

**Other matters**

22. The proposal is accompanied by a UU. This relates to contributions towards education and the provision of play space and the delivery of the proposed affordable homes. I note that the Council have not agreed to the contents of the UU. In any event, I have some concerns about its execution and whether the Council can rely on it to secure these matters. For example, there are no plans and there is no Management Plan for the play space which is referred to in the UU. As I intend to dismiss the appeal for other reasons, I have not pursued this matter further with the parties.
23. The appellants refer to a potential lack of alternative housing sites within the Parish. I have also been referred to an extract of an appeal decision in

Warwick District which has some matters in common with the scheme before me including five year housing land supply and heritage assets. However, I have not been supplied with the full circumstances surrounding that case and as such I cannot ascertain whether it is directly comparable to the scheme before me. I have in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

### **Conclusion**

24. When the proposed development is considered in the context of harm to the significance of the designated heritage asset, the harm may be considered as less than substantial. The Framework requires that any such harm be assessed against any public benefits the development may bring. The provision of affordable and market housing and footpath could be considered to be such public benefits. However, the benefits in this respect would not be outweighed by the harm I have found.
25. The Framework makes it clear that the three roles the planning system is required to perform in respect of sustainable development should not be undertaken in isolation because they are mutually dependent. It also makes it clear that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment. The provision of affordable and market homes weigh in favour of the scheme. However, given my concerns due to the significant identified harm to the character and appearance of the area and that the proposal would fail to preserve the setting of the listed building, I conclude that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits. As a consequence, the proposed scheme is not sustainable development and thus the presumption in favour does not apply.
26. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*L Gibbons*

INSPECTOR