



Appeal Decision

Hearing Held on 28 February 2018

Site visit made on 21 March 2018

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2018

Appeal Ref: APP/D0840/W/17/3184189

Land between Rodda's Road and Penhall Lane, Mount Hawke, Cornwall

- 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 Oceans Reach (Cornwall) Ltd against the decision of Cornwall Council.
 - The application Ref PA16/11743, dated 13 December 2016, was refused by notice dated 6 April 2017.
 - The development proposed is application for outline permission with all matters reserved for erection of up to 85 new dwellings of mixed tenure on land between Rodda's Road and Penhall Lane and new highway access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address on the original planning application form is incomplete and so that shown in the above header is taken partially from the appeal form which also reflects that shown on the Council's decision notice.
3. The application was submitted in outline, with all matters, comprising appearance, scale, landscaping, access and layout, reserved for future consideration. The submissions nevertheless include a site layout plan which shows how the proposed dwellings and access could be set out on the site, including a break-down of the number of each house type, as well as more detailed drawings relating to that vehicular access to the site. I have determined the appeal on that basis.
4. A copy of the Council's Chief Planning Officer's Advice Note: Infill/Rounding Off, dated December 2017, was submitted at the Hearing. As that document provides up-to-date guidance in relation to relevant policies of the development plan I have afforded it some weight.

Main Issues

5. The main issues are:
 - i) whether or not the proposal would be in a suitable location for the dwellings concerned, having regard to the Council's spatial strategy policies, and including whether or not the scheme would represent a rural exception site;

- ii) the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Suitability of location

6. Policy 2 of the Cornwall Local Plan (the Local Plan) sets out the spatial strategy relating to new development such that the dispersed development pattern of Cornwall is maintained and that homes and jobs based on the role and function of each place are provided. Importantly, having regard to policy 3 of the Local Plan, housing other than at the main towns identified in the Local Plan, as is the case in this instance, will be delivered through identification of sites where required through Neighbourhood Plans; rounding off of settlements and development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role; or rural exception sites. Such development under policy 3, other than in the case of a rural exception site, is required to provide 30% affordable housing and 5% self and/or custom build housing and improved access to public transport and non-car travel modes.
7. I have firstly had regard to whether the proposal would represent a rounding off of the village. The site comprises open agricultural fields clearly separated from existing development to the west and south by Penhall Lane and the track serving Old Church Cottages respectively both of which are bordered by varying extents of hedgerow and trees. Those properties on the opposite side of Penhall Lane are also backing onto that road with generally maturely vegetated back gardens and roadside boundaries. The nature of development on that western side of Penhall lane is also of a distinctly linear nature compared with the more compact and regular shape of the main part of the village to the south. In these respects the proposal would extend that more compact form further to the north beyond clear existing edge of settlement demarcation features.
8. The southern site boundary is irregular in its alignment. However, the triangle of land immediately on the opposite side of the Rodda's Road site boundary is distinctly and clearly undeveloped containing a significant tree cover. Furthermore, the land on the opposite side of Gover Hill, which is alongside the eastern site boundary, comprises open fields. The presence of that road, bisecting the fields either side, is not an unexpected feature of, and does not materially diminish, the open countryside setting to the village provided in part by the appeal site. There are also a small number of residential buildings to the north of the site, towards its western end, but these are clearly separated from the site boundary in the valley bottom and more sporadically positioned. The site as a whole is therefore not clearly and substantially surrounded on at least two sides by existing built development.
9. For these reasons, the site does not appear as being clearly contained within the physical boundaries or even the broad confines of the existing settlement pattern but instead is clearly seen as open countryside despite being bordered by the road to the east and wooded valley, stream and more sporadic buildings to the north. The proposed development would therefore not represent a rounding off of the village.

10. The appellant also refers to another appeal decision, Ref APP/D0840/W/16/3162355, relating to a large housing development on the edge of Par where my colleague found that it would represent rounding off of that settlement. I do not have the full details of that case to enable a proper comparison. However, my colleague refers to the site concerned being substantially enclosed, including development on three sides and a substantial physical farm presence on the other. Such circumstances are therefore different to those relating to this appeal proposal which I have in any case determined on its own merits.
11. In relation to policy 3, I have also had regard to the matters concerning the scale of the proposal in relation to the existing settlement. However, even if the appellant is correct in concluding that it would be of a scale appropriate to the size and role of Mount Hawke, I have found that fundamentally it would not represent a rounding off of the village.
12. In respect of this issue, it therefore remains to consider whether the proposal would comprise a rural exception site. Such sites, under policy 9 of the Local Plan, are required to be clearly housing led with market housing not representing more than 50% of the total number of homes or 50% of the land take. In this case there would be 70% market housing. The level of affordable housing would therefore fall significantly short of the required amount and I have not received any evidence to indicate that such housing would be likely to occupy 50% or more of the land take, excluding infrastructure and services. The proposal would therefore not be a rural exception site.
13. The appellant highlights that the site was the only site relating to Mount Hawke identified in the 2012-2015 Strategic Housing Land Availability Assessment. However, that in itself does not indicate that the site is necessarily suitable for housing in planning policy terms, and it has not been allocated as such. I have therefore afforded little weight to this factor.
14. For the above reasons, and regardless as to the extent of the site that is currently best and most versatile agricultural land, I conclude on this issue that the proposed development would not be in a suitable location for the dwellings concerned, having regard to the Council's development plan spatial strategy policies, and would not represent a rural exception site. As such, it would be contrary to policies 2, 3 and 9 of the Local Plan.
15. The Council, in its decision notice relating to this issue, refers to policy 1 of the Local Plan which relates to the presumption in favour of sustainable development. I consider whether or not the proposal would be sustainable in the planning balance below.

Character and appearance

16. The proposed development would occupy two agricultural fields on the edge of Mount Hawke which currently contribute to the village's pleasant open countryside setting. On the approach from the north along Gover Hill, views of the site are restricted until fairly close to the village. However, on that closer approach the edge of the main part of the village is seen as being distinctly perched on top of a hill, and clearly demarcated behind various degrees of vegetation bordering the track serving Old Church Cottages. Existing housing extends northwards along Fore Street to the west of the site. However, this is very much linear in nature, set well away from Gover Hill, and significantly

softened or screened by intervening vegetation when seen from there. There are wind turbines and a solar farm within the wider local area which are visible from the environs of the site to varying degrees. However, those features are distinctly set apart from the village and seen within their open countryside setting.

17. The site forms a distinct swathe of open countryside in the foreground when approaching the village along Gover Hill, the side nearest to the road being particularly prominent, more so due to its sloping nature. Although it is also bound by the wooded valley bottom to its north, that valley area is clearly seen in the context of and part of that open countryside setting. Those buildings further to the west, beyond that northern boundary, are also largely screened from view on that approach by the intervening trees and landform.
18. The proposed development, despite the inclusion of various areas of open space and proposed tree planting, its fairly low density, and intended variations in building scale, design and layout, would inevitably bring a significant degree of formality and built form to the site. Importantly, it would occupy that sloping land to the north of the village, spilling down across a wide area from the existing developed hilltop.
19. As such, when seen from that northern approach along Gover Hill, it would be a highly prominent and dominating form of development that would materially change that substantially hilltop character of the village and significantly erode the pleasant open countryside setting of the village. The same would be the case at close range from Penhall Lane to the west of the site. Existing and proposed planting would be likely to provide some degree of screening or softening effect, particularly close up. However, it would be unlikely to disguise the development's presence generally. Furthermore, it could not be assumed or guaranteed that prospective householders would plant or maintain levels of planting sufficient to have a material mitigating effect.
20. The verdant nature of the wooded triangle of land on the opposite side of Rodda's Road from the site also currently adds to that pleasant open countryside setting, framing that corner of the settlement. Approaching the site from the south along the road running alongside the eastern edge of the village, that triangle of land also represents a verdant, undeveloped transition from the village to the open countryside beyond. The eastern end of the proposed development would therefore be seen from that approach as a disjointed and clearly separate built up area from the rest of the village.
21. For the above reasons, and whilst having taken account of the appellant's Landscape and Visual Impact Assessment, I conclude on this issue that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. As such it would be contrary to policy 23 of the Local Plan which requires development proposals to sustain local distinctiveness and character.

Other matters

22. The Council's third reason for refusal relates to the appellant failing, at the time the decision was taken, to demonstrate that a safe means of access to the development could be achieved, having regard to highway safety. The appellant has since provided further details concerning this matter which the Council has confirmed addresses its concerns. I have had regard to the

objections from local residents in respect of this issue. However, I have not received any substantive evidence to provide sufficient basis for me to consider differently to the Council on this matter.

23. The Council's fourth reason for refusal relates to the absence of a planning obligation in relation to provision of: affordable housing; accessible homes; future maintenance of on-site public open space; and financial contributions to mitigate pressures on public open space and education facilities. However, during the appeal process the appellant has provided an obligation in the form of a Unilateral Undertaking (UU) relating to these matters. The UU also adds provision for a financial contribution towards the Strategic Access Management and Monitoring (SAMM) of the Penhale Dunes Special Area of Conservation (SAC) to mitigate any potential impact from prospective residents on that SAC.
24. Notwithstanding my findings on the amount of affordable housing in relation to the first main issue, I consider the benefits of the amount proposed in my planning balance. In relation to all of the other above elements relating to the planning obligation, I have received no evidence to consider that the UU would not address the Council's concerns. Furthermore, in respect of the SAMM contribution, as this would provide mitigation to make it unlikely that the proposed development would have a significant effect on the SAC, no further consideration of appropriate assessment under the Habitats Regulations is required. Therefore, in relation to those other elements of the UU, and given that I am dismissing the appeal for other reasons, it has not been necessary for me to consider these matters in any further detail.
25. I note that the former school within Mount Hawke, a fairly short distance from the site, is a Grade II listed building (the LB). There is a need to give special attention to the desirability of preserving the setting of LBs. The proposed development would be noticeably separated from the LB and with existing intervening buildings which provide a more immediate context to its setting. For these reasons, I consider that the LB's setting would be preserved with the addition of the proposed development. However, this does not deflect from the harm that I have otherwise found would be caused to the character and appearance of the surrounding area.

Planning balance

26. The proposal would have the benefit of providing additional dwellings to the supply of housing in the area, acknowledging that housing delivery figures set out in policy 2A of the Local Plan are a minimum. However, there is no substantive evidence to indicate that the overall housing target or that for the local Community Network Area will not be met without the appeal scheme. Importantly, as the Council is able to demonstrate a five year supply of deliverable housing sites, the weight that I attach to the addition of up-to 85 dwellings is not substantial.
27. I note that there is an identified need for affordable housing. This proposal would contribute towards that by providing 26 affordable dwellings, secured through a planning obligation. I have applied some additional weight to that social benefit. Furthermore, the proposal would be likely to provide some local economic and social benefits in terms of employment relating to its construction in the short term and then from future residents supporting village services and facilities. The latter would include taking up some or all of any

surplus capacity at the school, provision of additional parking spaces for the school, and spending in the small number of shops, public house and cafe.

28. Despite the above benefits, these would be insufficient to outweigh my findings that the proposed development would not be in a suitable location for the dwellings concerned, having regard to the Council's development plan spatial strategy policies, would not represent a rural exception site and would cause unacceptable harm to the character and appearance of the surrounding area. It would therefore not be a sustainable form of development.

Conclusion

29. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Paul Bateman	Influence Planning
Dan Mitchell	Influence Planning
Lucy Wilson Richards	CEC Ltd
Sally Jones	CAD Architects

FOR THE LOCAL PLANNING AUTHORITY:

Tim Marsh	Principal Planning Officer
Kath Statham	Landscape Architect

INTERESTED PERSONS:

Alison Parker	Local Resident
Angela Davies	Local Resident
Martin Ripper	St Agnes Parish Council
E Harvie	Local Resident
Christine Rowberry	Local Resident
Duncan Coombs	Local Resident
June Lane	Local Resident
Michael Lane	Local Resident
John Slater	Local Resident

DOCUMENT SUBMITTED AT THE HEARING:

Chief Planning Officer's Advice Note: Infill/Rounding Off