



Appeal Decision

Hearing Held on 9 January 2019

Site visit made on 9 January 2019

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2019

Appeal Ref: APP/D0840/W/18/3203046

Barbican Road, Looe PL13 1NW

- 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 K. Hards, A. Hards, S. Kennard against the decision of Cornwall Council.
 - The application Ref PA17/05908, dated 23 June 2017, was refused by notice dated 21 November 2017.
 - The development proposed is outline planning application (means of access to be considered in detail) for the development of up to 100 dwellings (including 50% affordable housing – Use Class C3), affordable Care/Extra Care Home (up to 50 beds – Use Class C2/C3), associated access, parking, infrastructure (including retaining structures), landscaping and open space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with the matter of access to be considered in detail and those comprising appearance, scale, landscaping and layout reserved for future consideration. I have determined the appeal on that basis. However, as well as detailed drawings relating to the vehicular access, the submissions nevertheless include illustrative masterplans, Dwg Nos 4016/SK05 and 4016 004 Revision A, the latter being the version amended during the application process, all of which I have taken into account. The illustrative masterplans show how the proposed development could be set out on the site, albeit not reflecting the amended red line site boundary shown on Dwg No 4016 001 Revision A, which I have also taken into account.
3. Since the Council issued its decision and during the appeal process, the appellant has made further submissions to address the Council's concerns set out in its second and third reasons for refusal, relating to the effect of the proposed development on the ecology and archaeology of the site respectively. It is now common ground between the two parties that those further submissions have addressed the concerns such that the Council is no longer pursuing those reasons for refusal. I have no substantive basis to disagree with the Council's position.
4. Since the Council issued its decision, it has been confirmed by the parties that contrary to the referral in the first reason for refusal to the site being Grade 2 agricultural land, it is actually Grade 3b and so does not represent the Best and Most Versatile Land. I have determined the appeal on that basis.

Main Issues

5. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the surrounding area;
 - ii) whether or not the proposal would be in a suitable location for the dwellings concerned, having regard to development plan spatial strategy policies, including whether or not the scheme would represent rounding off of the settlement, infill development, or a rural exception site.

Reasons

Character and appearance

6. The proposed development would occupy a large field on the edge of Looe sloping downwards from existing development within the settlement on and beyond the ridge top. The site is visible to varying extents from various public vantage points to its north-east and east. That existing development, to the south of the site and on the opposite side of the road and beyond, is also currently visible from those vantage points to varying degrees. However, due to the topography and degree of intervening vegetation it does not materially interfere with the pleasant, generally open and undeveloped nature of that valley, of which the existing site is a part. Other development such as a nearby caravan holiday park is also visible to varying degrees in some of the same vistas. However, that development is of a low height and nestled down, not on a prominent slope or at such a high level as that of the appeal site.
7. Although only an outline application, the illustrative masterplan shows how the proposed development would inevitably bring a significant degree of built form and formality to the site, projecting that edge of the settlement over a significant area of land downwards. From some of those vantage points referred to above, it would be seen in the same view as the more distant buildings of the central area of Looe. However, it would be clearly seen set well apart from that existing development and in a different context, with the town centre buildings clearly and distinctly spilling down an adjacent valley with the intervening slopes not being substantially developed.
8. The proposals would include new planting of trees within and around the edges of the site, together with the use of Cornish Hedges where appropriate, which would be detailed at the reserved matters stage. However, due to the height differences across the site, such planting would be unlikely to significantly screen or soften the proposed dwellings, even if they were built to be set into the slope of the land. In any case, such planting would inevitably take some time to mature and could not be guaranteed to fulfil that role in the longer term once initially established, in terms of its ongoing maintenance or survival. Avoidance of undue shading effects in relation to the living conditions within the dwellings, and limited control over planting in private gardens would further reduce the likelihood of effective screening in the longer term.
9. For the above reasons, in the context of the existing nature of the valley concerned, as referred to above, and whilst taking account of the submitted Landscape and Visual Impact Assessment (LVIA), including the Addendum version, from those north-easterly and easterly vantage points, the proposal would be seen to varying degrees as a dominating and obtrusive form of

development. This would be despite intentions to design the scheme to take account of the contours and setting buildings into the slope. It would significantly erode the pleasant open countryside setting of that part of the settlement edge creating a built environment in that location that would not be clearly seen from the above vantage points as part of the settled character of Looe.

10. From closer to the site on the adjacent road and close approaches from the north, it is likely that the development would be screened or softened to varying degrees by the road side hedge/bank. Nevertheless, although it would be intended to remove only a relatively limited amount of hedgerow to make way for the proposed access, this would inevitably open up views of the site from that stretch of road. From there it would again be likely to appear as a prominent and dominating feature of that valley side to the east of the road.
11. I acknowledge that there is extant planning permission for a traveller transit site immediately to the north of the site. However, based on the evidence provided, that would occupy a significantly smaller site than that proposed and therefore a much smaller and more discrete development, also likely to comprise modest height accommodation. It is therefore likely that its visual effect would be substantially less than that of the appeal scheme.
12. The appellants highlight that the site, at least in part, was identified in the January 2016 Cornwall Strategic Housing Land Availability Assessment (SHLAA). 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. Furthermore, the site is not allocated for development under adopted development plan policies. Reference was also made at the Hearing to the allocation of part of the site for employment uses in the emerging Neighbourhood Plan. However, that is not a made document or part of the development plan and so I have afforded little weight to it.
13. The appellants also highlight that a previous proposal for development on the site, including a supermarket and housing, was not refused by the Council on grounds relating to character and appearance. Whilst that was the case, there is nevertheless no extant planning permission for any such development and so there is not a fall-back position. I have in any case determined this appeal on its own merits based on all the submitted evidence and my observations.
14. I acknowledge that the site's location within an Area of Great Landscape Value, that covers a wide area, does not preclude development in principle within it. It is also not land of the higher grades of agricultural quality as referred to under policy 21 of the Local Plan. Furthermore, it is not within the Conservation Area or Area of Outstanding Natural Beauty. However, for the above reasons, whilst having taken account of the LVIA, including the Addendum version, I conclude on this issue that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. This is also regardless of whether or not the site is in a location of relatively lower landscape sensitivity than other parts of the settlement edge.
15. As such, in respect of this issue, the proposal would be contrary to policies 2 and 23 of the Cornwall Local Plan (the Local Plan) and saved policy CL9 of the Caradon Local Plan which, amongst other things, require development

proposals to sustain local distinctiveness and character. In respect of this issue, it would also be contrary to section 12 of the National Planning Policy Framework (the Framework) which relates to achieving well-designed places.

16. The Council, in its decision notice, also refers to policies 1, 3 and 9 of the Local Plan under its first reason for refusal. Policy 1 relates to the presumption in favour of sustainable development which I have considered in my planning balance. Policies 3 and 9 relate to the role and function of places and rural exception sites which I consider below under the second main issue.

Suitability of location

17. Policies 2 and 2a of the Local Plan set 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; infill schemes; or rural exception sites.
18. It was agreed by the parties at the Hearing that the proposed development would not represent rounding off of the settlement. Based on the submitted evidence and my observations, I have no basis to consider differently. There is also not a made Neighbourhood Plan in place. Furthermore, being an agricultural field, it does not represent previously developed land, and the substantial size of the site and amount of proposed development, and the location at the edge of the settlement in open countryside, with limited enclosure by existing buildings, would preclude it from being considered as infill. Furthermore, as referred to under the first main issue, I have afforded little weight to part of the site being identified in the SHLAA, and the site is not allocated for development under adopted development plan policies.
19. The key consideration on this matter therefore relates to whether or not the scheme would represent a rural exception site. In this respect, the proposal would accord with that element of policy 9 of the Local Plan, relating to rural exception sites, that requires that market housing must not represent more than 50% of the homes. Furthermore, a mechanism is included within the submitted Planning Obligation to ensure the maximum quantum of affordable housing based on the financial viability of the development.
20. However, policy 9 also requires the scheme to be well related to the physical form of the settlement and appropriate in scale, character and appearance. Therefore, even if the appellants are correct in concluding that the proposal in itself would be of an appropriate scale relative to the size and role of Looe as a whole, and that it would represent a small site as referred to in the Framework definition of rural exception sites, I have found that fundamentally it would cause unacceptable harm to the character and appearance of the surrounding area. It would therefore fail a key requirement of policy 9, and so would not represent a rural exception site.
21. For the above reasons, I conclude on this issue that the proposed development would not be in a suitable location for the dwellings concerned, having regard

to development plan spatial strategy policies. As such, it would be contrary to policies 2, 3 and 9 of the Local Plan.

Other matter

22. In relation to the Council's fourth reason for refusal, a legal agreement entered into by the Council and appellant under section 106 of the Town and Country Planning Act 1990 has been submitted during the appeal process. It includes the provision for affordable housing and the affordable care/extra care home on the site. Such provision would represent a benefit in terms of addressing an identified local need for such housing which I have considered further in the planning balance. In respect of the other matters relating to that reason for refusal, as I have found there to be unacceptable harm in relation to the main issues, it has not been necessary for me to consider them in any further detail.

Planning balance

23. 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, I have received 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, when also taking account of estimated windfall development figures. 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 the proposed number of dwellings is not substantial.

24. I note that there is an identified need for affordable housing. This proposal would contribute towards that by providing at least 50% affordable dwellings and up to 50 beds in an affordable care/extra care home, 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 local services and facilities. There would also be the potential for some benefit in terms of the biodiversity of the site with any increased and enhanced habitat provision, albeit that the extent of such benefits is not clear at this outline stage.

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

Conclusion

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

Andrew Dawe

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Chris Britto	Chartered Landscape Architect
Mark Scoot	Chartered Town Planner & Surveyor

FOR THE LOCAL PLANNING AUTHORITY:

Jim Lee	Appeal Officer
Stephen Kirby	Case Officer
Kathryn Statham	Landscape Architect

INTERESTED PERSONS:

Edmund Wilson	Local resident and representative of Looe Strategy Group
David Gamblin	Local resident and member of Looe Strategy Group
Armand Toms	Local Member for Cornwall Council
Paul Webber	Planning Consultant representing Looe Town Council

DOCUMENTS SUBMITTED AT THE HEARING:

1. Letter in support of the proposal dated 6 January 2019
2. Letter in support of the proposal dated 4 January 2019
3. Further evidence on behalf of Looe Strategy Group
4. Signed and dated Section 106 Agreement
5. Extract from Guidelines for Landscape and Visual Impact Assessment
6. Copy of email from Council's Archaeologist dated 16 May 2018