



Appeal Decision

Site visit made on 3 June 2021

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/D0840/W/21/3267236

Land Known As The Bowling Green, High Street, St Keverne, Helston, Cornwall TR12 6NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Trelyn Developments Ltd against the decision of Cornwall Council.
 - The application Ref PA20/02234, dated 7 March 2020, was refused by notice dated 15 December 2020.
 - The development proposed is the proposed erection of 14 dwellings (4 affordable), estate road, foul/surface water drainage and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, having particular regard to the location of the appeal site with the Cornwall Area of Outstanding Natural Beauty (the AONB).

Reasons

3. The appeal site is agricultural in appearance and comprises an irregular shaped parcel of sloping land, located adjoining the southern edge of the settlement at St Keverne. Notwithstanding the presence of residential development to the north, east and west of the appeal site, the site is nonetheless situated in a sensitive location which marks the transition between the built form of St Keverne and the more open countryside south of the site.
4. The Cornwall AONB Management Plan 2016-2021 (the AONBMP) places the appeal site within the South Coast Western Section of the AONB, which covers the coastal districts of the Lizard Peninsula, with areas inland from the sea being characterised by an undulating and open landscape, with farmsteads and small hamlets interspersed with streams which reach the coast. The Cornwall and Isles of Scilly Landscape Character Study characterises the surrounding area as having a contrasting landscape of open farmed plateau and small hidden valleys with few nucleated villages and isolated farmsteads. Whilst modest in size, and notwithstanding the adjoining built form of St Keverne, the appeal site nevertheless reflects and reinforces these characteristics and makes a positive, albeit limited, contribution to the landscape and scenic beauty of the AONB.

5. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030¹ (the Local Plan) guides development towards a hierarchy of locations. Whilst noting the contention that the appeal site would represent rounding off of a settlement, criterion 4 of Policy 3 of the Local Plan confirms that, within the AONB, development would be supported only where it accords with other policies within the Local Plan, and where the proposed scheme would conserve and enhance the landscape character and natural beauty of the AONB. Policies 12 and 23 of the Local Plan require, amongst other things, that development respects the character of its setting, promotes local distinctiveness, and conserves and enhances the AONB's distinctive natural character.
6. Along with National Parks, AONBs are afforded the highest status of protection when it comes to their landscape and scenic beauty. The National Planning Policy Framework (the Framework) provides that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs. In terms of paragraph 172 of the Framework, given the scale of the proposed development in the context of the size of the village at St Keverne and by reason of the limited contribution overall that the site makes to the landscape and scenic beauty of the AONB, I conclude that the appeal scheme would not represent major development within the AONB.
7. The appeal scheme concerns the provision of fourteen residential units which reflect nearby development in terms of scale, density, design and appearance. However, the proposal would result in some loss of openness in this sensitive location which marks the transition between the developed area of St Keverne and the predominately open countryside south of the site. In this regard, the appeal scheme would represent a limited intrusion of built form into the scenic landscape of the AONB.
8. Whilst it is acknowledged that the site is not highly visible from within the immediate surrounding area, residential development at this site would be visible from Trelyn Road southeast of the site and from the more open countryside south of the site. Paragraph 172 of the Framework requires that great weight is given to conserving and enhancing the landscape and scenic beauty within the AONB in all instances, irrespective of the prominence of the appeal site.
9. Nonetheless, where the site would be visible the proposal would be seen in the context of nearby residential development and particularly in relation to the dwellings at the Penmenner Estate which are located east of the site. In this regard, the nearby development described above in combination with the dwellings which are located north and west of the site, provides important context to the site and reduces the effect that the appeal scheme would have on the AONB. Notwithstanding this context, as described above, the proposal would result in the loss of openness at the periphery of the village and would, in my view, result in very limited harm to the AONB and to the intrinsic beauty of the countryside. Whilst the harm may be described as limited, there would, nonetheless, be some degree of harm to the AONB.
10. In summary of the above, while the appeal scheme would be seen in the context of nearby residential development, the proposal would result in a limited intrusion into the AONB. In this regard the appeal proposal would not enhance the AONB's distinctive character. Consequently, the appeal scheme

¹ Adopted November 2016

would conflict with Policies 12 and 23 of the Local Plan which, amongst other things, seek to ensure that local distinctiveness and the character and appearance of the area is protected and that development conserves and enhances the landscape character and natural beauty of the AONB.

Furthermore, I also find that the proposal would not comply with those parts of Policy 2 of the Local Plan which concern the protection and conservation of the surrounding natural landscape.

11. Additionally, whilst acknowledging the level of harm would be very limited, the proposal would conflict with the aims and objectives of those parts of the Framework which concern the conservation and enhancement of the natural environment. Furthermore, the appeal scheme would fail to accord with those parts of the Framework which concern achieving well designed places, and which require, amongst other things, that development is sympathetic to local character with regards to landscape setting.
12. Given the harm to the AONB, the proposal would not comply with Policy MP9 of the AONBMP, which seeks to ensure that development is compatible with the distinctive character of the location. The AONBMP does not form part of the development plan. However, the identified conflict with Policy MP9 of the AONBMP weighs against the appeal scheme. Whilst the Council's decision notice includes reference to Policy SCW8.04 of the AONBMP, this concerns the encouragement of characteristic inclusion of local materials and vernacular design in new development. Given the conclusions above in relation to design, I find no conflict with Policy SCW8.04 of the AONBMP.
13. As part of the appeal, the Appellant has submitted a unilateral undertaking for consideration which, it is maintained, would secure the necessary delivery of affordable housing, would provide financial contributions in terms of public open space, education and in relation to mitigation for adverse impacts on the Fal and Helford Special Area of Conservation (the SAC).
14. In these respects, Policy 8 of the Local Plan requires that development of the scale of the appeal scheme must contribute towards meeting affordable housing needs. The evidence before me indicates that St Keverne has a moderate affordable housing need, with Policy 8 of the Local Plan providing that in such locations, development should provide 30% affordable housing.
15. Policy 13 of the Local Plan requires new development to achieve the provision of public open space in proportion to the scale of the development and providing for different types of open space based on local need. Policy 28 of the Local Plan confirms that developer contributions will be sought to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development. Policy 22 of the Local Plan seeks to prevent development which would give rise to adverse effects on the SAC.
16. The submitted unilateral undertaking upon which the Appellant has requested the appeal proposal be considered, appears to be incomplete in some required areas. In this respect, my review of the submitted unilateral undertaking found, amongst other matters : that manuscript alterations have been made to the planning obligation which have not been initialled by all of the parties to that document and that in terms of the execution of the document some witnesses had not signed the undertaking or, where witnesses had signed, no printed names were provided.

17. I, therefore, do not appear to have an enforceable mechanism before me to secure affordable housing at the site, nor any mechanism which would provide appropriate contributions in respect of public open space, educational infrastructure or mitigation in respect of the effects of the proposal on the SAC.
18. The provision of affordable homes, including the financial contributions towards offsite affordable housing requirements, would be benefits which would weigh substantially in support of the proposal. In combination with the social and economic benefits arising from the contribution of open market dwellings towards housing supply at this location, the benefits of the scheme would, in my view, outweigh the harm to the AONB identified above. However, as there is no appropriate and enforceable mechanism before me to secure affordable housing or offsite financial contributions, I am not able to consider those benefits against the harm identified above in relation to the main issue. Moreover, in the absence of an appropriate executed mechanism to secure such provisions, the proposal would be contrary to Policies 8, 13, 22 and 28 of the Local Plan.
19. Notwithstanding the above, the appeal scheme would provide economic benefits in terms of employment opportunities during construction and through the future spend of residents within local businesses. Given that there is no suitable mechanism before me to secure affordable housing, the proposal would represent open market dwellings which, nonetheless, is acknowledged would be suitably located with regards to services and facilities.
20. However, in the absence of a suitable planning obligation which secures affordable housing and financial contributions towards the above requirements, I conclude that the benefits of the proposed development would be limited in scale and scope and would not, in my view, outweigh the harm identified above in relation to the impact on the landscape and scenic beauty of the AONB to which I attach great weight in accordance with the provisions of national planning policy.

Other Matters

21. Interested parties raise additional objections to the proposal on the grounds of increased pressure on local services and facilities, highway safety and the living conditions of nearby residents amongst other matters. These are important concerns and I have considered all the evidence and submissions before me. However, given my findings in relation to the main issue above, these are not matters which have been critical to my overall decision.

Conclusions

22. For the reasons given above, the scheme conflicts with the development plan when considered as a whole and there are no material considerations to outweigh the identified harm and subsequent development plan conflict. I therefore conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR