

Appeal Decision

Site visit made on 21 March 2016

by Thomas Bristow BA MSc MRTPI

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

Decision date: 14 April 2016

Appeal Ref: APP/D0840/W/15/3136965

Bosilliac, Penwarne Road, Mawnan Smith, Cornwall TR11 5EN

- 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 Alan Coles against the decision of Cornwall Council.
 - The application Ref PA15/01134, dated 5 February 2015, was refused by notice dated 21 April 2015.
 - The development proposed is the construction of a two storey, four bedroom detached dwelling house and detached triple entry garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is against refusal of outline permission with details of access, appearance, landscaping, layout and scale reserved (referred to subsequently as the 'reserved matters'). As such the plans associated with application Ref PA15/01134 are only indicative of the development proposed.
3. For the sake of clarity, Bosilliac House is the name of the dwelling to the south of the appeal site, and Bosilliac Orchard refers collectively to the handful of buildings nearby the appeal site built on a former farm estate.
4. The Council explain in their appeal statement that no development plan exists in respect of this proposal. They also acknowledge that they cannot presently demonstrate a five-year supply of deliverable housing sites in line with paragraph 49 of the *National Planning Policy Framework* (the 'Framework').
5. Paragraph 14 of the Framework explains that where the development plan is absent, silent or out-of-date permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework (including, importantly in this instance, those relating to Areas of Outstanding Natural Beauty) indicate that development should be restricted. I have approached the appeal with this in mind.

Main Issues

6. The main issues are:
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- 1) whether or not the proposal would result in a new isolated home in the countryside contrary to national planning policy, and
- 2) the effect of the proposal on the landscape and scenic beauty of the Cornwall Area of Outstanding Natural Beauty.

Reasons

Location of the proposal

7. The appeal site is between Bosilliac House to the south and holiday cottages to the north, beyond any defined settlement boundary within the open countryside. Bosilliac Orchard, currently a scattered handful of buildings, was originally an extensive farm estate which has subsequently been subdivided and some new buildings established. Aside from being to the east of Penwarne Road the buildings comprising Bosilliac Orchard are of no consistent scale, plot size, orientation, or relationship to one another. As a consequence of this scattered arrangement of buildings and views to the distant countryside in all directions from nearby vantage points, the appeal site and its surroundings are strongly rural in character.
8. Policy 3 '*Role and Function of Places*' of the emerging *Cornwall Local Plan: Strategic Policies* (the 'emerging plan') supports appropriate infill development outside of main towns identified in the emerging plan subject to several criteria, including that a proposal would clearly relate to part of an established settlement and be within its boundaries. Supporting paragraph 1.31 to policy 3 explains that infilling constitutes the filling of a 'small gap in an otherwise continuously built up frontage'.
9. Given the scattered and separated arrangement of buildings, Bosilliac Orchard in my view does not constitute an 'established settlement' as envisaged by policy 3, and moreover there is clearly no continuously built up frontage. As such the proposal does not accord with policy 3, a conflict which carries some weight in this decision as the emerging plan has reached a relatively advanced stage of examination, and as no unresolved objections to policy 3 have been brought to my attention.
10. The nearest services and facilities to the appeal site are in the village of Mawnan Smith approximately half a mile to the south east, including shops and a school. There is a public footpath abutting the north of the appeal site which connects with the hamlet of Bareppa and beach at Maenporth, however there is no footpath to Mawnan Smith. The walk from the appeal site to Mawnan Smith is unappealing as it would be via a winding road without pavement which appeared to be relatively heavily trafficked during my site visit. Although it would be possible to walk between the appeal site to Mawnan Smith, it is therefore highly likely that future occupants of the proposed dwelling would be reliant upon on private vehicles in conflict with the encouragement in the Framework to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
11. As a consequence of its rural location, the dispersed arrangement of buildings comprising Bosilliac Orchard, and on account of being beyond a convenient walk to nearby services and facilities, it is reasonable to consider the proposal

on the basis that it is for an isolated home in the countryside in the context of the Framework. Paragraph 55 of the Framework explains that new isolated homes in the countryside should be avoided unless there are special circumstances, setting out a list of criteria that may constitute such circumstances.

12. None of the circumstances listed in paragraph 55 apply to this proposal, namely that the proposal would not relate to the needs of rural workers, represent the optimal viable use of a heritage asset, re-use redundant buildings, or be of exceptional or innovative design (paragraph 22 of this decision deals in greater detail with the design ambitions of the proposal). There is furthermore no evidence before me of other special circumstances that weigh in favour of the proposal.
13. For the above reasons I conclude that the proposal would result in an isolated home in the countryside contrary to national policy, and therefore conflict with paragraph 55 of the Framework.

Area of Outstanding Natural Beauty

14. The appeal site is within the *South Coast Western* section of the *Cornwall Area of Outstanding Natural Beauty* (the 'AONB'). The *Cornwall and Isles of Scilly Landscape Character Study 2008* describes the *Helford Ria Landscape Character Area* in which the appeal site is located as characterised by undulating pastoral and arable farmland dotted with isolated houses, farmsteads and linear villages.
15. Formerly part of the garden to Bosilliac House, the boundary of the appeal site is demarcated by a picket fence and on the date of my site visit appeared to be a largely untended field that blended in with the surrounding landscape. Although there was a shed and some hardstanding on site, landscaping, planting or maintenance that would be typical of a residential garden was not evident. I note that the appellant explains that certain trees and vegetation formerly on the appeal site were cleared as a consequence of becoming unsafe.
16. The buildings comprising Bosilliac Orchard are set on a rise in the topography such that the land slopes down towards the east. Although there is some natural screening by way of trees, hedges and banks bounding Penwarne Road, there are partial views of the wider landscape from Penwarne Road to the east, including through the appeal site which is currently largely open. Moreover there is a public right of way that adjoins the north of the appeal site and runs its length, from which there are clear views through the appeal site to the landscape beyond.
17. Areas of Outstanding Natural Beauty are designated for the purposes of conserving and enhancing natural beauty, and Section 85(1) of the *Countryside and Rights of Way Act 2000* places a duty upon me to have regard to these purposes in this decision. The *Cornwall AONB Management Plan 2011-2016* adopted in 2011 (the 'AONB plan') sets out that development in the AONB should be of high quality, appropriate in terms of its location, and address landscape sensitivity.
18. The approach in the AONB plan is therefore aligned with paragraph 115 of the *National Planning Policy Framework* (the 'Framework') which sets out that great weight should be given to conserving landscape and scenic beauty in Areas of

Outstanding Natural Beauty, which have the highest status of protection in these respects. Paragraph 109 of the Framework further sets out that planning should protect and enhance valued landscapes, paragraph 58 that decisions should aim to ensure that developments respond to local character, and bullet point 5 of paragraph 17 that planning should recognise the intrinsic character and beauty of the countryside.

19. Owing to the topography of the land, the openness of the appeal site, the public right of way adjoining the northern boundary of the appeal site and the visibility of the proposal from further surrounding public vantage points, the proposal would clearly result in development encroaching into the surrounding landscape to the detriment of its natural character. Although the precise impact of the proposal is uncertain given outline permission is sought without details of scale and landscaping, the proposal would nonetheless inevitably lead to residential development in a location that currently appears to be clearly part of the countryside and contributes to the landscape and scenic beauty of the AONB. On this basis, and in the absence of more methodical evidence in respect of landscape impacts, I therefore disagree with the appellant's view that the proposal would not have a significant impact on the AONB.
20. For these reasons I conclude that the development proposed would fail to conserve the landscape and scenic beauty of the AONB, and therefore it conflicts with relevant elements of the Framework in this respect.

Other Matters

21. Paragraph 8 of the Framework sets out that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Any new home would have some social and economic benefits in supporting jobs during construction and as future occupants would make use of local services and facilities. Such benefits, however, would be small in respect of one new home. Although services and facilities in Mawnan Smith may previously have been more extensive than they are now, there is no robust evidence before me to suggest that they are presently unviable or under threat.
22. I also note that the appellant sets out that the intention is for the proposal to be self-built, achieve a high level of energy efficiency, employ local skills in its construction, and to potentially restore broadleaf habitat around the dwelling. I have no reason to doubt these intentions, which are endorsed in general terms by the Framework, however they do not outweigh the harm that would arise as I have identified above.
23. I have taken account of the various nearby applications and appeals that have been brought to my attention which relate to whether or not proposed dwellings would integrate appropriately with the existing built and natural environment.¹ Although these cases revolve around similar issues to this appeal, in each case the relationship of the appeal site to surrounding properties and the prominence of the proposal in the landscape are different, and in any event each proposal must be determined on its particular merits.
24. Application Ref PA15/09452 has also brought to my attention relating to 46 homes nearby Sampys Hill to the south of the appeal site, however there is no

¹ Applications Ref: PA14/06696, PA13/07453, PA13/01197, PA13/00445, PA13/04880, PA14/03883, PA13/10702 and appeal Ref: APP/D0840/W/14/3001637.

evidence before me to indicate that a decision has been reached by the Council on the appropriateness of this proposal and the relevant planning considerations are not before me.

Conclusion

25. The proposal is for development on an isolated countryside site which currently harmonises with the natural character of the area. Although there would be some small economic and social benefits to the proposal, the AONB status of the area means that this is a case where a specific policy of the Framework (paragraph 115) indicates that development should be restricted, and I have furthermore found that the proposal conflicts with paragraph 55 of the Framework. In these circumstances, in accordance with paragraph 14 of the Framework, that relevant policies for the supply of housing are out of date is not in itself sufficient reason to grant permission. Accordingly the proposal would not represent sustainable development as a whole.
26. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR