



## Appeal Decision

Site visit made on 21 August 2018

by **A Spencer-Peet BSc.(Hons) PGradDip.Law PGDip.LP**

an Inspector appointed by the Secretary of State

Decision date: 5<sup>th</sup> October 2018

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**Appeal Ref: APP/D0840/W/18/3202180**

**Crannog House, Barkers Hill, St Stephens PL12 4QB**

- 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 Mr S Murphy against the decision of Cornwall Council.
  - The application Ref PA17/10580, dated 7 November 2017, was refused by notice dated 14 March 2018.
  - The development proposed is the construction of two new three bedroom dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The revised National Planning Policy Framework ('the NPPF') was published in July 2018, and replaces the first National Planning Policy Framework published in March 2012. This has not had a material impact on the main parties' cases in relation to the main issue and requirement to determine the proposal in accordance with the development plan. The main parties have not identified any specific changes to the NPPF which affect, or alter, the submissions put to me in this appeal. References to the NPPF in this decision therefore reflect the revised NPPF as published in July 2018.

### Main Issues

3. The main issues are;
  - whether the proposed development would preserve or enhance the character or appearance of the Forder and Antony Passage Conservation Area, and
  - whether the proposed dwellings would be a sustainable form of development having regard to the National Planning Policy Framework (NPPF).

### Reasons

#### *Character and Appearance*

4. The appeal site is situated on a narrow hedge lined single track lane which connects Saltash to the village of Forder. The proposal seeks to develop land which forms part of the extensive garden to Crannog House, running parallel to the lane on open land and adjoining the boundary to Apple Tree Cottage. The high hedges and wooded slopes of the lane, separates the appeal site from the urban residential area of Saltash, giving the immediate area an intrinsically rural character.

5. To the southwest of the appeal site is the heart of Forder village, which provides access to the wider countryside and to boating activities associated with Forder Lake and the estuary beyond. Furthermore, the appeal site is located within the Forder and Antony Passage Conservation Area, with the significance of the area being defined by the natural beauty of the landscape and in the context of Forder's historic buildings and assets such as Trematon Castle.
6. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character and appearance of the conservation area in reaching this decision.
7. The lane which adjoins the appeal site provides separation between the urban residential area of Saltash, and the countryside beyond. This gives the visitor a distinct impression of leaving the built up area and of entering into the Forder and Antony Passage Conservation Area. Heritage assets, such as conservation areas, are irreplaceable and any harm or loss should require clear and convincing justification. From what I have seen, development at the appeal site would erode this sense of separation, with the result that the proposed dwellings would form an uninterrupted ribbon development which would permanently join and intertwine the settlements of Saltash and Forder.
8. Although set back from the road, and despite the proposed use of sympathetic materials such as the russet earthy tones of brickwork, the block-like design and height of the proposed dwellings would not be consistent with the pattern of development in this area, and would be visually intrusive to those using the highway. Furthermore, the removal of a section of hedge would result in a significant change to the appearance of the lane. As a result, this would have an undesirable urbanising effect on the immediate area which would diminish the quality of the surrounding environment and its setting within the Conservation Area.
9. Given that the appeal site is positioned on the outer edge of the conservation area and adjacent to an urban district, I find that the introduction of the proposed dwellings to this setting would cause less than substantial harm to the significance of the conservation area as a whole. Nonetheless, any harm to heritage assets must be considered to carry significant weight. Therefore, on the basis of the evidence before me, I find the proposal to be in conflict with Policies 12, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030. Amongst other matters, these policies seek to ensure that development preserves or enhances the natural features and historic character of the area and promotes local distinctiveness through design.

#### *Sustainable Form of Development*

10. Within the reason for refusal, the Council relies on Policy 7 of the Cornwall Local Plan Strategic Policies 2010 - 2030 which seeks to restrict unsustainable new development in areas defined as open countryside. There is disagreement between the parties as to whether the appeal site should be defined in the context of a new development within the countryside. In my view, given the separation of the appeal site from the urban residential area and the village of Forder, I consider the site to be sufficiently outside the physical boundaries of the existing settlements to be correctly defined as being in the open

countryside. Furthermore, by virtue of the distinct separation between Forder and Saltash, and that the appeal site is not substantially enclosed, I also find that the proposal cannot be defined as infill or rounding off of a particular settlement.

11. As such, I note that the Appellant has referred to the judgement in the case of Dartford Borough Council -v- Secretary of State for Communities and Local Government [2016] EWHC 635. This case confirms that a private residential garden which is not located in a built up area will be considered as previously developed land in the context of the NPPF. Accordingly I find that Policy 7 of the Cornwall Local Plan Strategic Policies 2010 - 2030 is more restrictive than the NPPF with regard to developments within the countryside. Consequently, as the proposal to develop the garden of Crannog House fits within the definition of previously developed land, this may give rise to a presumption in favour of sustainable development. I am however, also aware that the presumption is rebuttable if the overall weight of other material considerations indicates that the development is not sustainable.
12. The NPPF provides that the concept of sustainable development comprises three dimensions - being the economic, social and environmental elements of the proposal. When judged against these core planning principles, the proposal would perform well in that it would be located close enough to an urban area where access to facilities and services can be easily achieved. However, the sustainability of the proposed development cannot be judged against this criterion alone, and must be assessed in light of all the mutually dependent dimensions of sustainable development.
13. In terms of its component dimensions, there would be a limited social benefit in providing two additional housing units towards local housing supply. Short term economic advantages would also arise from employment engaged in the construction of the proposed dwellings, with further longer term benefits being provided in relation to Council Tax contributions. However the adverse effect of the proposal on the wider social and environmental aspects, and the unsympathetic design of the proposed dwellings, must also be considered when determining the overall sustainability of a development site.
14. In this regard, I find that the design of the proposed dwellings, the removal of a section of hedge and the harm to the character and appearance of the area identified above, including the designated heritage asset, would result in the proposal being in conflict with the overall objectives of the NPPF. Consequently, I find that the environmental dimension of sustainable development, and those parts of the social dimension which concern design, would not be achieved.
15. As a result, when assessed against the policies in the Framework taken as a whole, and in the absence of any other over-arching public benefits being identified or implied by the Appellant, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. Therefore I conclude that the proposal would not be a sustainable form of development.

**Conclusion**

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Andrew Spencer-Peet*

INSPECTOR