



Appeal Decision

Site visit made on 22 August 2017

by J Wilde C Eng MICE

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

Decision date: 04 September 2017

Appeal Ref: APP/D0840/W/17/3173493

Land lying to the north west of Red Lane, Red Lane, Rosudgeon, Cornwall TR20 9PU

- 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 Mr Ian Jarvis (Porthminster Beach View Ltd) against the decision of Cornwall Council.
 - The application Ref PA16/10459, dated 7 November 2016, was refused by notice dated 10 February 2017.
 - The development proposed is the construction of five new detached 1.5-2 storey dwellings with garages.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application has been made in outline, with details of access to be considered at this stage. Layout, scale, appearance and landscaping have been reserved for later determination.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. Red Lane is within an area of small dispersed settlements that lack a central focal point, with Perran Downs situated to the north-west and Rosudgeon to the south.
5. The appeal site is an area of agricultural land lying to the west of Red Lane. There is sporadic development along the lane including properties opposite the appeal site and to the north. Nonetheless, the relatively narrow width of the road, the absence of footways or continuous street lighting and the presence of trees, hedgerows and large gaps between dwellings gives the lane a relatively rural aspect.
6. I have been provided with a Landscape Character Assessment (LCA) prepared for the appellant by Golay Planning. This concludes that the site has a moderate character sensitivity to change, an overall landscape sensitivity of

- moderate and a moderate-high capacity to absorb the proposed development without causing significant adverse impact while conserving the value of the wider designated landscape.
7. This latter conclusion is however predicated on the assumption that following the development perceptual aspects such as a good level of peace and quiet, natural sounds and the natural verdant setting would be largely unchanged. I cannot agree with this assessment. The proposed development would effectively fill the large gap between Red Lane House to the south and Nampara to the north with urbanised built form and the associated domestic trappings, movements and noise. In doing so it would also detrimentally alter the settlement pattern of the area, irrespective of any mitigating effect from boundary treatments and landscaping.
 8. To my mind this can only be defined as having an adverse effect on both the character and appearance of the area. The fact that the proposed dwellings could be seen within the context of other dwellings in Red Lane does not in my view render the proposed development acceptable. I accept that to an extent the settlement pattern has gradually been changed over time due to several schemes having been allowed along Red Lane. However, to my mind, the proposed development would accelerate this change to an unacceptable level, effectively proving to be the tipping point that would irrevocably change the character of the immediate area.
 9. There would therefore be conflict with policy 2 of the Cornwall Local Plan (LP) which seeks, amongst other things, to ensure that development is of high quality, demonstrates a physical and aesthetic understanding of its location and considers its impact upon the character of settlements.
 10. My attention has also been drawn to policies 3 and 7 of the LP. Policy 3 is entitled *Role and function of places* and seeks to distribute future development according to a hierarchy. This policy makes clear that other than in identified main towns housing will be delivered either through sites identified within a Neighbourhood Plan, by the rounding off of settlements, infill schemes or rural exception sites under policy 9.
 11. The Only one of these criteria that the proposed development could possibly comply with would be that of an infill scheme. However, the policy makes clear that the criterion is *for infill schemes that fill a small gap in an otherwise continuous built frontage*. This is not the case with the proposed development. Furthermore, the justification for the policy indicates that infilling should be in smaller villages and hamlets which *have a form and shape and clearly definable boundaries*. Once again this is not the case with the proposed development.
 12. The supporting text for the policy also makes clear that many frontages have large gaps that can in themselves add to the character of the area, and that proposals should not diminish the importance that these gaps can make to settlements. To my mind the larger gaps in Red Lane do add significantly to its character. Conflict therefore exists with policy 3.
 13. Policy 7 of the LP deals with housing in the countryside and details five sets of special circumstances where new homes will be permitted. The proposed development does not comply with any of these special circumstances and therefore conflict with policy 7 also exists.

14. My attention has been drawn to a series of previous applications in the area that have been approved by the Council or, in two cases, allowed at appeal.
15. Of those approved by the Council five took into account policy H-6 of the previous Penwith Local Plan. This policy specifically listed Rosudgeon as one of the villages within which new housing may be permitted in principle, subject to a number of caveats. Appeal APP/D0840/W/15/3141049 also took into account this policy. Appeal APP/D0840/W/16/3156575 was for houses alongside the A394, which although only a relatively short distance away, has a far less rural feel than the current appeal site. I do not consider therefore that any of these previous decisions comprise compelling precedents for allowing the present appeal, which has been determined in accordance with the relatively newly adopted LP.

Other matters

16. The appeal site is situated within the World Heritage Site (WHS) for Tregonning and Gwinear Mining Districts. Paragraph 132 of the Framework makes clear that great weight should be given to the conservation of designated heritage assets, and to their setting. In their consultation on the proposed development, the Mining World Heritage Site Office have indicated that the site could have been one of a series of small fields indicative of a smallholding landscape. Mineworker's smallholdings are one of the seven key attributes that express the Outstanding Universal Value (OUV) of the WHS.
17. Whilst the Design and Access Statement that accompanied the application has a section on Heritage, this does not mention or investigate the potential for the site to represent one of the key attributes of the WHS, or indeed assess the potential impact of the proposed development upon the OUV of the WHS. It follows that even if I had not found against the proposed development on the main issue, in light of the lack of information pertaining to the effect upon the WHS, it would have been inappropriate of me to allow the appeal.

Planning balance

18. I have considered the proposed development against the relatively newly adopted LP. I have found that the development would have a significant detrimental impact on, particularly, the character of the area and that there would be conflict with the LP in respect of its spatial strategy. These matters carry significant weight. Against this has to be balanced the provision of five houses and the associated economic and social benefits in what is a relatively sustainable location. I also note the appellant's comments that the proposed development would enhance the vitality of the rural community.

Whilst noting the appellant's comments regarding boosting housing supply, I have been given no reason to conclude that the Council do not have a five year supply of housing land. It follows that the tilted balance brought into play by the fourth bullet point of paragraph 14 of the National Planning Policy Framework does not come into play.

Conclusion

Overall, I conclude that the harm identified clearly outweighs the benefits and therefore, having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR