
Appeal Decision

Site visit made on 24 January 2018

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 16 February 2018

Appeal Ref: APP/D0840/W/17/3181928

Land east of Boslowen, Rockhead Street, Delabole, Cornwall PL33 9BU

- 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 Intelligent Property against the decision of Cornwall Council.
 - The application Ref PA17/02872, dated 23 March 2017, was refused by notice dated 30 June 2017.
 - The development proposed is the erection of four detached two-storey 4-bedroom dwellings.
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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 area.

Reasons

3. The site is a field and its access next to Boslowen, a two-storey house, of about 0.2 hectare at the northern edge of the village. The site slopes down towards the south east and is located behind Boslowen and its immediate residential neighbours on Rockhead Road, the main B3314 running through Delabole.
4. Delabole is essentially an extended linear village strung out along this road, encompassing Pengelly, Medrose and Rockhead containing a church, primary school, doctor, garage, shop and pub all of which are within a short walk of the site along a paved footway.
5. There are several pockets of development in the village that extend off the main road including the nearby twentieth century development at Parc Penn Karn and Medrose/Rendle Streets/Water Lane to the south west. But these streets back onto fields like the site does and there is open agricultural land between the site and these developments, which define the village's built form in the landscape. Built development at Pengelly is historic and visually too far away to comprise any sort of precedent or justification for the appeal development.
6. The site and the fields around it to the south and east are exposed, benefit from open vistas to the south east and the proposed development would be viewed from this direction including from the public footpath at its eastern boundary as a clear spur of built development sticking out into the open

- countryside. This is also to some extent the case with the above existing development but that is not an argument for adding to such high impact built development in this open Cornish landscape.
7. There are hedge boundaries to the adjoining fields to the south and east of the site but the eastern hedge is not particularly thick or high, and neither hedge would satisfactorily screen the proposed houses in views from outside the site. They would not therefore mitigate the impact of the proposed development, which would be prominent in the local landscape.
 8. There has been development of additional dwellings at Rockhead Farm to the north but it is unclear whether these occupy converted or new buildings and, in any case, those dwellings do not extend nearly so far eastwards down the slope as this proposal envisages. I conclude for all these reasons that the proposed dwellings would constitute a spur of prominent development that would physically and visually extend the built form of the settlement into the open countryside in an unsympathetic way, erode the setting of the village and significantly harm the character and appearance of the area.
 9. Policy 3 of the Cornwall Local Plan Strategic Policies DPD 2010-2030 (LP) allows for some development in smaller settlements like Delabole by 'rounding off' or infilling small gaps within an otherwise continuous built frontage. But the appeal development does not meet the definition of these terms in the Policy or in the supporting text at paragraphs 1.65 to 1.68 of the LP.
 10. In particular the site cannot reasonably be described as "*land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth (such as a road)*" (paragraph 1.68). It is only enclosed by hedges, which is the case for many fields including those on the edge of villages; I consider that the enclosure required by this definition is enclosure by built development on two or three sides. The site is only enclosed by built development on its western side. The hedges to the south and east would also not, in my judgement, act as an effective barrier to similar development in the adjoining fields for the above reasons. The proposed development would not therefore comply with Policy 3.
 11. LP Policies 2, 12 and 23 together require development to respect and enhance quality of place, achieve high quality design and respect the character of both designated and non-designated landscapes. For the above reasons the proposed development would not do so and would conflict with these policies. The proposal fails to meet any of the exceptions to development in the countryside set out in LP Policy 7. For all these reasons it would be in conflict with paragraph 17, and Sections 6, 7 and 11 of the National Planning Policy Framework; in particular it would erode the intrinsic character and beauty of the countryside in the locality. It would therefore not be sustainable development and consequently fail to comply with LP Policy 1, which requires development to be sustainable.
 12. The appellant attaches significant weight to the permission for a previous affordable-led housing scheme for five bungalows on the site (LPA Ref PA13/09332). But that scheme was only allowed on the basis that it delivered a policy compliant exception site for which there was a clearly established local need for the three affordable dwellings, which is not the case here. That permission has also expired and so it cannot possibly constitute a 'fall-back'.

13. The appellant also maintains that it is entitled to rely on the Council's pre-application advice, which it paid for. That is not the case. As the advice makes clear in its final paragraph it was given without prejudice to the determination of a formal planning application. The officer report also makes clear that the advice was given in 2016 when the Council could not demonstrate a five year supply of deliverable housing sites, which it says it can now demonstrate and which I note the appellant does not challenge.
14. For the reasons given above I conclude that the appeal should be dismissed.

Nick Fagan

INSPECTOR