
Appeal Decision

Site visit made on 28 August 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 18th September 2019

Appeal Ref: APP/D0840/W/19/3229163

Land adjacent to Rosehill Farm, Access to Rosehill Farm, Rosehill, Alverton, Penzance TR20 8TF

- 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 & Mrs J Murley against the decision of Cornwall Council.
 - The application Ref PA18/08408, dated 10 September 2018, was refused by notice dated 23 November 2018.
 - The development proposed is construction of new 3 bedroom detached dwelling with detached garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the site would be suitable for the proposed development, with particular regard to its location.

Reasons

3. The appeal site is located outside the urban area of Penzance. Policy 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 adopted 2016 (CLP) establishes that outside the main towns housing will be delivered in various ways, including the rounding off of settlements on sites that are within or immediately adjoining that settlement, of a scale appropriate to its size and role. The Chief Planning Officer's Advice Note: Infill/Rounding Off (CPOAN) provides guidance on whether a collection of buildings constitutes a settlement, how to assess appropriate scale and what is meant by rounding off.
4. The appeal site comprises a paddock that slopes considerably from north to south. Its lower southern boundary fronts a lane, with undeveloped land opposite that falls downhill further, towards a water course. Immediately adjacent to the site to the west stands a modest historic farmstead, with the farmhouse closest to the site and associated buildings beyond. The site is approached from the east where it is separated from the adjacent field by a belt of mature trees.
5. Beyond the northern boundary of the site, at a significantly higher level, is a small cluster of buildings that comprise the large historic dwelling of Rosehill Manor, and a scattering of mainly modern detached dwellings. Although these are fairly close to the site, and as a group of dwellings could be considered to constitute a very modest settlement with reference to paragraph 1.68 of the

CLP and the CPOAN, owing to the local topography and intervening vegetation they are entirely unrelated to the appeal site. From the appeal site and the adjacent lane the dwellings to the north are not apparent. There are also no clear views of outbuildings or other structures that would indicate the presence of a settlement in this direction.

6. There are further dwellings to the southeast of the appeal site, beyond an intervening strip of undeveloped land. Development in this area is set down at a much lower level on land that falls away from the level of the intervening lane, and is almost entirely hidden beyond a mature belt of vegetation. As a result of these factors the only existing built form that holds an identifiable relationship with the appeal site is the adjacent farmstead. This gives the appeal site a rural and largely undeveloped context.
7. As the appeal site appears to be visually unrelated to nearby areas of modest development, the proposal cannot be considered to constitute rounding off in a manner that would complete the developed area of a settlement, or in a manner that would relate to an adjoining settlement. Instead the proposal would have the effect of extending development into the open countryside, which would be harmful to the character and appearance of the area. It would comprise a large new dwelling alongside an historic farmstead that currently stands in the context of an open swathe of undeveloped land to its east and west, between, but unrelated to, existing discreet pockets of development to the north and south. It would be harmful to the character of the existing building owing to its design, which comprises a complex mix of forms and detailing, more suited to a suburban setting, and quite unlike the simple form and appearance of the existing building.
8. The existing belt of trees to the east of the site on the other side of the lane would screen the new building to a certain extent when the site is approached from this direction. This screening effect would be substantially reduced during the winter months when the trees are not in leaf. Furthermore, there would still be clear views of the proposed dwelling beyond the southern end of this tree belt, and it would become much more prominent as one moved further to the west, towards the site.
9. The appellants have highlighted some cases which they believe compare with the appeal proposal. The Council approved an application for a dwelling on land north of Coombe Head in outline form¹. This is a site not far from the appeal site. Although this scheme would appear to have similarities with the proposal before me it differs in so far as the officer report states that the site is situated amongst a small group of dwellings, is previously developed land and would not extend the built form into the surrounding countryside.
10. Reference is also made to an appeal² that considered the principle of rounding off in the context of an application for residential development. The Inspector found that the site related to existing built development on three sides and was therefore satisfied that it would not appear as an extension into the open countryside. Both of these cases are significantly different to the proposal before me in terms of the much clearer relationship they appear to have with existing development. As such they have not caused me to alter my findings on this main issue.

¹ PA17/05778

² APP/D0840/W/18/3200639

11. The site is not far from significant housing allocations to the north. However, there is no evidence before me to suggest that this development is likely to come forward soon. Furthermore, the area that would be closest to the dwellings at Rosehill is designated as open space and undeveloped land would be retained in between. In any case, development in this area would be visually unrelated to the appeal site. I therefore give this matter little weight, and it is not sufficient to cause me to come to a different view on this main issue.
12. In summary, the site is not suitable for the proposed development, contrary to Policies 3, 7, 12 and 23 of the CLP and Paragraph 170 of the National Planning Policy Framework (the Framework), which together seek to ensure that development proposals in the countryside are restricted, and that they are of a high quality design that sustains local distinctiveness and landscape character.
13. In its refusal reason the Council also refers to Paragraphs 79 and 172 of the Framework. The site cannot be considered isolated under the terms of Paragraph 79 as it is immediately adjacent to an existing farmstead. The site does not relate to any of the designations covered by Paragraph 172. These Paragraphs of the Framework have therefore not been determinative.
14. The appellants have suggested that Policy 7 of the CLP is not relevant. They have referred to the Council's view that the proposal would not extend built form into the countryside owing to mature boundary treatments, and referred to its proximity to the built up area of Penzance and Newlyn. For the reasons set out above I have found that the proposal would extend built form into the countryside, in a manner that would be unrelated to existing settlements. The Policy has therefore been determinative.

Other Matters

15. The site is reasonably close to two large listed buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
16. Castle Horneck is to the southeast of the site. At my visit to the site I saw that it is on the other side of the valley, separated from the site by other development and trees. There are no intervening views between the sites or discernible interrelationship, and the appeal site does not appear to relate to the way the asset is experienced.
17. Rosehill Manor is closer to the appeal site, to the northeast. However, although close, as I found in my consideration of the main issue, the appeal site and this listed building appear to have no interrelationship. The local topography and presence of intervening vegetation means that the two cannot be easily viewed together, and based on the limited information before me and my findings on site the appeal site would not appear to relate to the way the asset is experienced. I am therefore satisfied that the proposal would not harm the significance of either listed building.
18. In support of the proposal the appellants suggest that the proposed dwelling would be no further from services in Penzance than many existing dwellings on

its urban fringe, and that it would be well connected to the local road network. Whilst this may be the case, these matters are not sufficient to outweigh my findings on the main issue.

Conclusion

19. For the reasons above, the appeal should be dismissed.

Andrew Tucker

INSPECTOR