
Appeal Decision

Site visit made on 24 September 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 October 2019

Appeal Ref: APP/D0840/W/19/3231971

Land West of Gwavas Lake Farm, Gwavas Lane, Newlyn TR18 5LH

- 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 P Bullock against the decision of Cornwall Council.
 - The application Ref PA19/02173, dated 11 March 2019, was refused by notice dated 7 May 2019.
 - The development proposed is the construction of self build sustainable dwelling, attached car port, landscaping, access and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) Whether the site would be suitable for the proposed development, with particular regard to its location, and
 - b) The effect on the character and appearance of the area.

Reasons

Location

3. The appeal site is located to the south of the developed area of Newlyn. It is an undeveloped plot of sloping land that, prior to the felling of trees, formed a small block of woodland alongside Gwavas Lane. It is accessed from the lane by a small field gate, which is alongside a mature hedge that separates the site from the lane. A block of trees remains at the southern end of the site. On the opposite side of the lane and beyond the trees to the south are areas of open agricultural land.
4. The Council is of the view that the site is in open countryside. Paragraph 2.33 of the Cornwall Local Plan Strategic Policies 2010-2030 adopted 2016 (CLP) establishes that open countryside is defined as the area outside of the physical boundaries of existing settlements, where they have a clear form and shape. The developed area of Newlyn is well defined to the north of the site, with significant built form extending up hill from the Quay, including the sizeable Gwavas Estate. The northern end of Gwavas Lane sits within this developed context, however when heading south one quickly moves into an area that has a much more rural feel. Beyond the Gwavas Estate the road narrows to that of a modest country lane, with mature traditional hedges, which gives the

impression of leaving the developed area of Newlyn and moving into an open countryside location. Although there are a small number of dwellings in the context of the site these are informally arranged and appear to be largely agricultural in origin. They extend out from the suburban area of Newlyn in a loose linear form with open fields and undeveloped land to either side and cannot be considered an integral part of the developed area. I am therefore of the view that the site and its immediate context is outside the physical boundaries of Newlyn.

5. Policy 3 of the CLP establishes that development should be focused on the Council's main settlements. I have found the appeal site to be outside of the physical boundary of one of the main settlements listed in this Policy. However, with further reference to Policy 3 the proposal could be considered in the context of whether it constitutes the rounding off of the settlement, on land within or immediately adjoining that settlement. The Chief Planning Officer's Advice Note: Infill/Rounding Off (CPOAN) provides further guidance on what the Council means by rounding off.
6. The development would be reasonably close to the existing dwelling to the north. However, this dwelling faces away from the road with a high stone wall that forms a strong edge to separate it from the countryside beyond. To the east of the appeal site existing development is set down at a lower level and is not prominent to view from either the site or the adjacent lane to the west. To the south and west the site borders open countryside. I have established that this small group of buildings is beyond the physical boundaries of Newlyn. With reference to paragraph 1.68 of the CLP, the building group does not have a form, shape and clearly definable boundary to the extent that it could be considered a settlement. Instead it constitutes a low-density straggle of dwellings. In this context, and with reference to the CPOAN, rounding off cannot apply.
7. Even if I were to conclude that the adjacent straggle of dwellings was an integral part of the developed area of Newlyn, I am not satisfied that the site is so well contained and sufficiently unlike the areas of adjacent countryside that it should be considered to primarily relate to nearby dwellings. Beyond the stone wall at Gwavas Farm House the lane becomes much more rural with hedges to either side and no obvious developed context. The site rises in conjunction with the rising level of the lane and aligns with the natural topography of the adjacent fields. I accept that it is not possible to look out to the countryside to the south from the site because of the tree belt, and likewise the site is not visible from the lane or footpaths when viewed from the south. However, this natural feature and the lack of inter-visibility, does not lessen its clear association with the expansive areas of open countryside to the south and west. Whilst mature boundaries to the site would act as a barrier to further growth, the proposal would result in the incremental spread of development, in a manner that would encroach into the open countryside and cause harm.
8. The proposal does not comply with any of the special circumstances set out in Policy 7 of the CLP. Although not yet adopted by the Council, the Cornwall Site Allocations Development Plan Document 2019 (DPD) is at an advanced stage in the plan making process and attracts significant weight. Policy 1 of this document relates to windfall development; however, the proposal would physically extend development into the open countryside and cannot therefore be considered to accord with this emerging Policy.

9. In summary, the site would not be suitable for the proposed development due to its countryside location, contrary to Policies 1, 3 and 7 of the CLP, Policy 1 of the emerging DPD and the National Planning Policy Framework (the Framework), which seek to ensure that development proposals can be considered sustainable development by ensuring that they are well related to existing development and do not extend development into the open countryside.

Character and appearance

10. The appellant suggests that the proposed dwelling would be set down into the slope of the site and that it has been designed to relate to the Cornish vernacular. However, the submitted drawings do not demonstrate how the proposed dwelling would respond to the sloping topography of the site. Indeed, the elevation drawings imply that the site is flat. Furthermore, the Design & Access Statement fails to set out the design rationale for the proposal, and I am not convinced that wide window openings with a horizontal emphasis, timber cladding and deep eaves and verges are locally distinctive details.
11. I accept that the site boundaries would not be changed and that the proposed dwelling would not be visible from the south owing to the tree belt. However, from the lane adjacent to the site, and in particular in the vicinity of the access, the proposed dwelling would be prominent to view, where it would be seen largely in isolation. It would occupy a significant footprint, which is not properly represented on the block plan, and would be fronted by an expansive parking area to the extent that parked cars, hard surfacing and associated paraphernalia would be highly visible. The current field gate access is modest, whereas the enlarged access would open up the site, and would result in a suburban arrangement with two accesses side by side, eroding the rural appearance of the existing access track. Even if planting is left to mature along the site boundaries, the widened access and its position relative to the lane would mean that views into the site would still be easy. For these reasons the proposal would result in the significant urbanisation of the site, which would be harmful to its character, which strongly relates to the open areas of adjacent countryside.
12. In summary, the proposal would have an adverse effect on the character and appearance of the area, contrary to Policies 1, 2, 12 and 23 of the CLP and the Framework, which seek to ensure that development proposals are designed to a high quality, that promotes local distinctiveness, demonstrates a clear understanding of site context and maintains local character.

Conclusion

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

Andrew Tucker

INSPECTOR