
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: 09 October 2019

Appeal Ref: APP/D0840/W/19/3231830

Land South of Ashlack, New Road, Higher Downs, St Hilary TR20 9EA

- 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 & Mrs N & J Polglase against the decision of Cornwall Council.
 - The application Ref PA18/10422, dated 2 November 2018, was refused by notice dated 28 December 2018.
 - The development proposed is erection of dwelling and associated works.
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Decision

1. The appeal is allowed, and outline planning permission is granted for the erection of dwelling and associated works at Land South of Ashlack, New Road, Higher Downs, St Hilary TR20 9EA, in accordance with the terms of the application, Ref PA18/10422, dated 2 November 2018, subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline form, with all matters reserved. I have considered the appeal on this basis.
3. The address has been queried with reference to whether the site is on New Road. I note this was not queried by the Council and am satisfied that the site is sufficiently related to New Road at its western end that the address serves to adequately describe the location of the site.

Main Issue

4. Whether the site would be suitable for the proposed development, with particular regard to its location, and its effect on the character and appearance of the area, including the Tregonning and Gwinear Mining Districts of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS).

Reasons

5. The appeal site is a narrow strip of land that is immediately adjacent to the curtilage of two dwellings to the north. One of these, Ashlack, is a broad single storey bungalow that is close to the site boundary and prominent to view from the site. To the west the site abuts a road junction. To the south the site faces out onto a small track, with a developed area of land beyond which has a commercial use. To the east are two buildings that appear to have an agricultural use.

6. 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 appeal site relates to a small settlement that is largely focussed on the road junctions of Relubbus Lane and New Road. The settlement has a modest scale, and relates to the dispersed settlement pattern in the area with buildings grouped at road junctions, as set out in the Landscape Character Area Description CA06. Some development is linear in nature, however in the area to the north of the appeal site there is a reasonable grouping of dwellings. The settlement has a clear form and shape, with an edge that can be clearly identified. I am therefore satisfied that the area should not be considered open countryside and, with reference to paragraph 1.68 of the CLP is much more than just a low-density straggle of dwellings.
7. Policy 3 of the CLP establishes that development can be delivered in small settlements such as this if it takes the form of the rounding off of a settlement 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 further guidance on what the Council means by rounding off.
8. The proposal is for a single dwelling, and in this respect would appear to be of an appropriate scale to the existing settlement. Although currently undeveloped the site has a developed context. The Council refer to the cottage to the southwest, The Elms, as being an outlier to the settlement. I am not satisfied that this is the case. Beyond the lanes that bound The Elms on three sides it has the immediate developed context of the commercial site to the east and dwellings to the north and northwest. On this basis the development of the appeal site would not physically extend the settlement into the countryside or result in the incremental urbanisation of the area. It would have a close relationship to the existing dwellings to the north, and the narrow form of the site would relate clearly to the closest existing dwelling, Ashlack, particularly as it has a long elevation that is close and runs parallel to the length of the appeal site. It would have the effect of rounding off the group of dwellings immediately to the north of the site, which are bound by the field to the east, New Road to the west and, following the construction of the proposed dwelling, the track to the south.
9. The vegetation at the western end of the site contributes to the character of the area. Although this forms part of the site this is an outline application with all matters reserved. There is therefore no suggestion that vegetation at this end of the site need be reduced or removed. The rest of the site is only easily viewed from the adjacent track. From this perspective Ashlack to the north is already a dominant feature. The mature hedge boundaries to the site could be retained to ensure that the development is visually contained, and that its boundaries would not have a suburban appearance that could be considered to urbanise the rural setting of the settlement. I am satisfied that the erection of a dwelling on this area of land, on the basis that its appearance, scale, landscaping and layout would be considered fully at the reserved matter stage, need not harm the character or appearance of the area.
10. The WHS officer offers in principle support to the development of the site, subject to developing a design that is appropriately scaled and based on a proper understanding of the site in the context of the WHS. I note the map evidence submitted, which shows historical development on the site as a

former miner's smallholding. I give this significant weight in terms of whether the proposal should be considered acceptable in principle in the context of the WHS. In terms of gathering further information in the form of a full heritage analysis of the site, such matters could be prepared as part of the design development of any forthcoming reserved matters application. Taking these matters into account and my visit to the site I am satisfied that the development of the site need not have an adverse impact on the Outstanding Universal Value of the WHS.

11. In summary, the site would be suitable for the proposed development, in accordance with Policies 2, 3, 23 and 24 of the CLP and paragraphs 8, 127 and 170 of the National Planning Policy Framework, which together seek to ensure that development proposals are well located, sustain local distinctiveness, character, and the significance of heritage assets.
12. The Council referred to Policy 7 of the CLP in its reason for refusal. However, as set out above, I am satisfied that the proposal would not amount to a new home in the open countryside. This Policy has not therefore been determinative.

Other Matters

13. I note that the Perranuthnoe Neighbourhood Plan is being prepared. It is however at an early stage of development, and therefore attracts little weight.
14. Concerns have been raised regarding the potential for the proposed dwelling to have an adverse effect on the living conditions of the occupiers of existing dwellings to the north of the site. No details of the siting of the proposed dwelling or its design are before me. However, although the appeal site is not deep it is wide, giving various potential locations for the proposed dwelling. Furthermore, particularly taking into account the advice of the WHS officer, any future dwelling at the site would be likely to occupy a modest footprint. Only one dwelling is proposed. I am satisfied that if a reserved matters application is forthcoming it should be possible to develop a design that need not cause undue harm to the living conditions of existing occupiers in terms of having an overbearing effect, causing overlooking or a loss of light.
15. A third party has referred to the presence of birds at the site, however information submitted is limited and based on this and my visit to the site I have no reason to believe that the site would be less attractive to wild birds once developed. Hedges and other vegetation at the site can be retained as part of a forthcoming reserved matters scheme to maintain any existing habitats, and such matters can be conditioned if necessary.
16. It is difficult to comment on the effect of the proposal on highway safety as access is a matter to be considered at a future stage. However, at my visit to the site I saw that the existing access to the site is from the track to the south. Where this meets the road it appears to provide a safe means of access. On this basis I am of the view that it should be possible to develop a design that would not have an adverse impact on highway safety.

Conditions

17. I have had regard to the planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance.

18. I have imposed a condition to specify the matters that are reserved and not included within this outline permission, and an approved plan condition for reasons of certainty. I have imposed a condition relating to a traffic management plan and programme of works to ensure that the development does not have an adverse impact on the functionality of the road network. I have also imposed a condition to ensure that drainage at the site is managed in a way that avoids flooding and takes into account the principles of sustainable drainage. Both of these conditions are pre-commencement as they need to take effect before any work commences on site to ensure that activity on site is properly managed and to take into account current ground conditions.

Conclusion

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

Andrew Tucker

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout and scale, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) An application for approval of reserved matters must be made no later than the expiration of 3 years from the date of this decision and the development hereby approved shall commence no later than 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan 1 (Site Plan) and Plan 2 (Block Plan).
- 4) No development shall take place until a construction traffic management plan and programme of works has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - (i) construction vehicle details (number, size and type);
 - (ii) vehicular routes and delivery hours;
 - (iii) the parking of vehicles of site operatives and visitors
 - (iv) loading and unloading of plant and materials
 - (v) storage of plant and materials used in constructing of the development;
 - (vi) wheel washing facilities and
 - (vii) measures to control the emission of dust and dirt during construction.
- 5) No development shall commence until details of the implementation, maintenance and management of the sustainable urban drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - (i) a timetable for its implementation, and
 - (ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.