

Appeal Decision

Site visit made on 18 September 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/D0840/W/19/3225512

Land south east of Westholme, Access to Trethevy, Trethevy, Cornwall PL34 0BG

- 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 Messrs R and T Cathrae against the decision of Cornwall Council.
 - The application, Ref. PA18/09106, dated 27 September 2018, was refused by notice dated 5 February 2019.
 - The development proposed is the construction of two 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 rural character and appearance of the locality and in particular on the landscape which forms part of an Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site is agricultural land in the form of a field of a substantial size and rectangular shape on the northern edge of Trethevy, a settlement of essentially linear form along the B3263 midway between Tintagel and Boscastle. The site is set back from the road and has its northwest boundary adjoining Westholm, a detached dwelling with an extensive curtilage. The southwest boundary partially abuts Westley House, a second detached dwelling on a smaller plot. The other two boundaries (northeast and southeast) are essentially to agricultural land that forms open countryside with no buildings.
 4. The appellants' case in favour of the two dwellings is that with two sides of the site abutting existing dwellings forming the northern extremity of Trethevy, the development would be a 'rounding off' of the settlement as permitted in principle under Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 adopted in 2016 ('the Local Plan'). Given that the term 'rounding off' is open to interpretation depending on the circumstances of the site and the nature and form of the settlement in its context, this lies at the heart of the appeal, albeit with any impact on the landscape character of the AONB also a significant material consideration.
 5. In this context, the grounds of appeal ('the GOA') challenges the Council on its wording in the Notice of Refusal that *'Due to the site's position in the*
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countryside beyond the established settlement limits of Trethevy, it is not well related to its physical form and its development for housing would not constitute suitable 'infill' or 'rounding off' of the settlement in this location'. This is a reasonable point because, as the appellants explain, firstly there is no Neighbourhood Plan in place and Trethevy has no defined settlement boundary. Secondly, under the terms of Policy 3 the proposal can still constitute 'rounding off' whether or not the site lies within or outside the limits of a settlement, and accordingly being within them is not a prerequisite to 'rounding off'.

6. With this in mind, the focus of any appraisal can, and indeed should, take its lead from supporting paragraph 1.68 for Policy 3. This explains that *'rounding off applies to development on land that is substantially enclosed but outside the urban form of the 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). It should not visually extend building into the open countryside'.*
7. A more detailed frame of reference is the Cornwall Council's Chief Planning Officer's 'Advice Note: Infill/Rounding Off' published in December 2017 ('the Advice Note'). This is intended to bring consistency of approach to the interpretation of Policy 3 and whilst it has no formal status, I consider it reasonable and helpful to refer to the Advice Note, as indeed do both the Council's appeal statement and the GOA.
8. Applying the wording of paragraph 1.68 in respect of 'rounding off' and firstly as regards the term 'substantially enclosed', I accept the appellants' view that 'substantially' means 'for the most part' or in the words of the Advice Note 'predominantly' rather than completely. Although the northwest boundary of the appeal site adjoins Westholme for its full length, most of this is the garden rather than the dwelling itself. In the case of the site's southwest boundary, only just over half of this is set against Westley House and its rear garden, with the remainder being part of the adjoining field. As regards the northeast boundary this is the 'historic hedge' as described by the appellants, whilst the southeast boundary was an open field until a new Cornish Hedge was constructed under permitted development as a condition of the land's purchase.
9. Whilst I accept that it is not technically necessary for all sides to be enclosed to meet the policy, at my visit I also formed the view that when the adjoining land uses and physical features are taken together, any reasonable perception of the appeal site in visual terms would not be one of the land being 'substantially' or 'predominantly' enclosed. Indeed, the opposite is the case, as I consider that the proposed change of use from an agricultural field to residential dwellings and gardens would, in the words of paragraph 1.68, *'visually extend building into the open countryside'.*
10. Furthermore, the historic hedge and the new Cornish Hedge in particular are manifestly not edges *'clearly defined by a physical feature that also acts as a barrier to further growth (such as a road)'.* Neither of these boundaries are in my view 'edging features' as referred to in the Advice Note as confirmatory evidence that the rounding off site is 'predominantly enclosed'.
11. In addition, the site noticeably extends into the open countryside further south eastwards than the rear boundaries of Westley House and its neighbour High Winds. To my mind this would invite further subsequent 'rounding off' not only

on land in the appellant's ownership to the rear of these two properties but also over the next field to the south to join up with the 'Dunsford' site with its permission for two dwellings (and its neighbour on its western flank), as referenced on the aerial photograph in Appendix 5 of the GOA. This increased potential for additional development would appear to bring the appeal scheme in conflict with the Advice Note's comment that *'Rounding off provides a symmetry or completion to a settlement boundary, it is not intended to facilitate continued incremental growth'*.

12. I also consider that I can give little credence to the suggestion that the coincidence of the appeal site's northeast boundary also being the limit of the Tintagel Neighbourhood Area strengthens the case for development. It may well be that any future settlement boundary for Trethevy, after due process under a future Neighbourhood Plan, does follow one of the appellants' three suggestions in Appendix 10 of the GOA. Be that as it may, in my view it does not strengthen the case for an 'ad hoc' incremental extension in a proposal that fails to meet the criteria of Policy 3 for 'rounding off'.
13. In summary on this aspect of the main issue I concur with the Council's view that the agricultural land that adjoins the north east part of Trethevy results in the appeal site having a stronger affinity with the open countryside than the built up and more urban area to the south west. The appeal scheme would therefore comprise encroachment rather than rounding off and be contrary to Local Plan Policy 3.
14. Turning to the appeal scheme's impact on the AONB landscape, bearing in mind that Policy 3 does not preclude the rounding off of settlements within the AONB, it does not necessarily follow that the change from countryside to residential development equates with unacceptable harm. However, in this case Trethevy and its adjoining countryside is in an elevated and prominent position on a hillside and clearly visible in short and long distance views from the B3263.
15. The appeal site is of a substantial size, as are the proposed dwellings. I acknowledge that the design and external materials are intended to ensure that the development blends with the landscape setting. However, as a pair of buildings with a horizontal emphasis and effectively side by side, set well back into the site and occupying the majority of its width, they would be read together as a prominent and effectively continuous wall of development in marked contrast to their setting of an open agricultural landscape.
16. Neither their design nor siting would facilitate a perception of visual integration with the existing nearby dwellings and the settlement as a whole and I agree with the AONB Unit's comment that they would be seen as an unwelcome and conspicuous spread of development away from the B3263 eastwards and uphill into the open agricultural landscape of the AONB.
17. Overall, I conclude that the proposal would have an unacceptably harmful impact on the rural character and appearance of the locality and the AONB landscape. A range of policies is included in the Notice of Refusal but for the purposes of my Decision I consider in particular that Local Plan Policies 2, 3 & 23; Saved Policy ENV1 of the North Cornwall Local Plan Part 1 & Part 2 1999 and Section 15: 'Conserving and Enhancing the Natural Environment' of the

National Planning Policy Framework 2019 provide a more than adequate planning policy base for my conclusions.

18. I have taken account of all the other matters raised including the economic and social benefits of two additional dwellings. I have also noted the references to other appeals that both the Council and the appellants consider support their arguments. In this instance however, I consider that none of them bear an especially close comparison with the appeal scheme and I was able to reach my Decision on the site-specific circumstances and the proposal's individual merits.
19. For the reasons explained, the appeal is dismissed.

Martin Andrews

INSPECTOR