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## Appeal Decision

Site visit made on 15<sup>th</sup> April 2019

**by Martin S. Lee, MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> October 2019**

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**Appeal Ref: APP/D0840/W/19/3219929**

**Land South West of Dormy House (OS Field 5865) Halgoss, Tehidy, Cornwall, TR14 0HT**

- 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 and Miss S T & A J Barrand against the decision of Cornwall Council.
  - The application Ref PA18/09524, dated 10 October 2018, was refused by notice dated 5 December 2018.
  - The proposal is for outline planning permission with some matters reserved: Construction of two dwellings and, if required, formation of new access
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### Decision

1. The appeal is dismissed.

### Application for Costs

2. A formal application for costs has been made by the appellants against Cornwall Council. This application is the subject separate Decision.

### Main Issues

3. The main issues are whether the proposed development would be acceptable having regard to:
  - local and national planning policies on the location of housing; and,
  - the effect of the proposed development on the character and appearance of the area.

### Reasons

#### *Location of Housing*

4. The appeal site lies in an area known as Halgloss on the north-western side section of an unnamed public highway running between Illogan and South Tehidy, with an irregular scatter of properties of varying forms to either side of the road, which at its southern end joins with Mount Whistle Road. The site comprises a large parcel of roadside agricultural land separated from a larger portion of the same field by a recent belt of planting (required under a separate planning permission PA18/03895) which forms a weak rear boundary.
5. The spatial strategy for the area is set out in Policy 2 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP). In relation to housing, it seeks to manage

- the location and scale of new development. This approach is expanded in Policy 3, which confirms that housing development will be accommodated in accordance with a hierarchy, with part 1, delivered through a Site Allocations Development Plan Document or Neighbourhood Plan for the identified main towns; part 2 through specific eco-communities; and part 3, in areas outside the main towns, through Neighbourhood Plans, rounding-off of settlements, previously developed land, infill or rural exception sites.
6. Halgloss is not considered to represent a hamlet on the basis it only represents a scatter of seven properties. It contains no local services or facilities. Halgloss has no well-defined form or shape. In visual, functional and physical terms, the appeal site does not form part of any hamlet and lies outside any defined settlement boundary and forms part of the open countryside that surrounds South Tehidy.
  7. Within this context, the appeal site is not allocated for development, it is not within an identified main town and does not form part of one of the eco-community proposals. In relation to part 3 of Policy 3, the Illogan Neighbourhood Development Plan (NDP) was 'made' part of the Development Plan on 31<sup>st</sup> May 2019 and the NDP does not allocate the site for housing and neither is the proposal being promoted as a rural exception site (in line with Policy 9). It also does not fall within the definition of previously developed land, as set out in Annex 2 of the Framework, namely "Land which is or was occupied by a permanent structure, including the curtilage of the developed land."
  8. This then raises the issue of whether the proposed development represents infill and/or rounding-off in accord with part 3 of Policy 3. Infill is defined as development that fills a gap in an otherwise continuous frontage, which will normally be a road frontage. Whilst Dorny House adjoins the appeal site to the north-east on the road frontage, there is no development on this frontage beyond the site to the south-west, and nothing in the remainder of the larger field to the north-west. In the light of this and bearing in mind also the overall size of the site, it does not represent a small gap in an otherwise continuous development frontage. The proposed development does not, therefore, fall within the accepted definition of infill.
  9. In terms of rounding-off, the Council have produced a Chief Planning Officer's Advice Note on Infill/Rounding-off (December 2017) (CPO Note). Whilst the latter is not a statutory document, its purpose is to provide a consistent approach to interpreting part 3 of Policy 3 of the CLP. It is, therefore, an important consideration in this appeal and provides helpful guidance on what the Council regard as rounding-off.
  10. Based on the above, the proposed development would not represent rounding-off. This finding is based on the fact that the appeal site is not substantially enclosed by existing built development; it does not include a clearly defined surrounding physical edges or features that would act as a firm barrier to future growth; it would not provide for the symmetry or completion of a settlement boundary; it would visually extend roadside, built development in the countryside; and it would not represent a logical extension to an existing settlement or hamlet.
  11. In relation to PA18/03895 recently granting planning permission for one new dwelling to the south-west, I do not agree that it transforms the site into an infill plot. The appellant has also drawn attention to other decisions including an

appeal for a more substantial number of dwellings which I do not consider have sufficient similarity to the current proposal to affect my decision in respect of this appeal, particularly bearing in mind that each proposal falls to be considered on its own, individual merits. I have no other information before me that would lead me to reach a different view, I have no evidence before me that the proposal is for affordable housing or that there is a current shortfall of housing provision in the area.

12. In relation to Policy 7 of the CLP, this sets out the special circumstances whereby new dwellings will be permitted in the open countryside. The latter is defined in paragraph 2.33 of the CLP, as those areas outside the physical boundaries of existing settlements, which, as I found above, would include the appeal site. However, none of the exceptions in this policy apply to the appeal proposal. Whilst I consider the site is not "isolated" in the context of paragraph 79 of the Framework, there is no reference in Policy 7 or its supporting text to "isolated". Even so, the broad aims of this policy remain consistent with those of the Framework, in seeking to restrict inappropriate development within the countryside.
13. Policies 1a and 1b of the NDP support development within defined settlement boundaries and affordable housing on exception sites. The proposal would also fail to accord with either of these policies for the reasons above.

#### *Character and Appearance*

14. The site does not, as I have stated above, form a small gap in an otherwise developed frontage which would be capable of accepting infilling as part of a consistent urban grain of development. The site forms a wide expansive agricultural field between existing residential curtilages, one absorbed in woodland and the other forming one of a small number of dwellings separated from the nearest settlement by surrounding agricultural fields.
15. The introduction of new roadside development of two dwellings would be a highly visible physical change to the character of the site within the prevailing agricultural landscape, notwithstanding the boundary planting to be retained and the potential for additional supplementary planting. Artificial lighting associated with the residential occupation of new dwellings on the site would further accentuate such impact in the darker hours between daylight. The proposal would not represent an enhancement remedying harm caused by previous development.
16. Accordingly, I find that the proposed development would detract from the current character of the Cornish countryside and that as a consequence, the appeal proposal would be contrary to Policies 2 and 23 of the CLP and the corresponding policies of the Framework.

#### **Other Matters**

17. The appellant has advanced arguments in relation to the sustainability of the location, lack of adverse landscape impact and consistency in decisions made on other sites by the Council and on Appeal. The appellant also raised the prospect of conflict between the NDP and Development Plan which have since been resolved with the NDP being formally 'made' part of that Plan. Neither these arguments, nor the social and economic benefits of providing two new homes in this location are not considered sufficient to outweigh the harm identified above.

## **Conclusion**

18. For the reasons give above, having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

*Martin S. Lee*

INSPECTOR