

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: 25 October 2019

Appeal Ref: APP/D0840/W/19/3225000

Land adjacent to Hillside Farm, Wheal Rose, Scorrier, Redruth TR16 5DF

- 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 I N Frost against the decision of Cornwall Council.
 - The application, Ref. PA18/07506, dated 4 August 2018, was refused by notice dated 23 October 2018.
 - The development proposed is the erection of two dwellings.
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Application for Costs

1. An application for costs has been made by Mr I N Frost against Cornwall Council. This is the subject of a separate Decision.

Decision

2. The appeal is allowed and outline planning permission is granted for the erection of two dwellings on Land adjacent to Hillside Farm, Wheal Rose, Scorrier, Redruth in accordance with the terms of the application, Ref. PA18/07506, dated 4 August 2018, subject to the conditions in the attached Schedule.

Preliminary Matters

3. The site address on the application and appeal forms refer to 'Land Adjacent to Hillside Farm', whereas the Council's Notice of Refusal says Land adjacent to Hillcrest House'. These properties are either side of the site and I have followed the PINS convention of using the wording on the application form in the Decision unless it is incorrect or inappropriate.
4. The application is in outline form with all matters reserved for subsequent consideration. However, a sketch plan entitled 'Indicative Block Plan' on an OS base shows the site approximately equally divided with the outline of a detached dwelling in each half and a shared access to the through road ('Westway') in Wheal Rose. I have taken account of the indication of the development siting and layout in reaching my Decision.

Main Issues

5. The main issues are (i) the principle of the residential development of the appeal site including the effect on the development pattern of Wheal Rose and its character and appearance in this countryside location, and (ii) the effect on the setting of the nearby Grade II listed Wheal Rose Engine House.
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Reasons

6. On the first issue, the Council's appeal statement says that Wheal House is '*a dispersed settlement on either side of the road*', with '*groupings of buildings but no distinct form*'. In addition, development on the north east side of Westway (which includes the appeal site) is '*particularly dispersed*'. From my visit to the appeal site and its surroundings I consider this description to be partially accurate but incomplete. This is because despite substantial clusters of development the settlement has an essentially linear character, albeit more loose knit in its northern area, which includes the appeal site.
7. In this context, because the Council has accepted that Wheal Rose is dispersed and extends to both sides of the road, I find that the appeal site can be properly regarded as being part of the settlement. Whilst I acknowledge that the site does have a more rural than urban character, this has to be seen in context. With existing and long established dwellings to either side and the more urban area opposite, between Green Lane and the Lansdowne Park entrance, the proposed dwellings would form part of a recognisably coherent cluster. A number of recent housing approvals on the other side of Westway, as documented in the appellant's evidence, will in due course further consolidate this spatial pattern.
8. Policy 3 of the Cornwall Local Plan: Strategic Policies 2010-2030 adopted in 2016 ('the Local Plan') sets out a hierarchy for new development up to 2030 and it is section 3 of the hierarchy ('Policy 3.3') that appears to be particularly relevant in this case. This identifies a number of examples where housing development may be acceptable, and there is no dispute between the parties that the categories of 'previously developed land' and 'rural exception sites' do not apply to this appeal.
9. The remaining examples are sites designated under Neighbourhood Development Plans; the rounding off of settlements, and infill schemes. As regards the St Agnes Neighbourhood Development Plan ('the NDP'), I understand that this has still to be adopted. However, insofar as the emerging plan merits weight in this appeal the proposed new settlement boundary for Wheal Rose excludes the appeal site, albeit it is adjacent to it other than the width of the road. I refer to this further in paragraph 16 below.
10. In respect of infill schemes and the rounding off of settlements, any interpretation of Policy 3.3 is assisted by the wording within the policy itself; the supporting paragraphs in the Local Plan for the policy, and the Chief Planning Officer's Advice Note on Infill and Rounding Off published in December 2017 ('the Advice Note'). In relation to infill, Policy 3.3 refers to such schemes filling in '*a small gap in an otherwise continuous built frontage*' and in my view the gap between Hillside Farm and Hillcrest House is not 'small'. Nor do I consider that this frontage to Westway can reasonably be described as having an appearance of being 'continuously built'.
11. The other requirement of this part of the policy is for '*infill development not to physically extend the settlement into the open countryside*'. However, as the appeal scheme fails on the first criterion, this is more usefully considered as part of the appraisal of 'rounding off', which in the Advice Note similarly precludes 'visually' extending 'development' into the open countryside.

12. As regards the concept of rounding off, because the nearest part of Hillside Farm is set well back from Westway, the site is not 'substantially enclosed' in visual terms as required in paragraph 1.68 of the Local Plan. On the other hand, despite this set back there is housing development to both sides and the rear boundary is a Cornish hedge that aligns with the existing rear (northern) boundary of Hillcrest House. In these respects I consider that the appeal scheme would comply with the Advice Note and that with its frontage to Westway the site's development would not only form part of the cluster opposite as referred to above but also be consistent with the linear characteristics of the settlement.
13. In my view, when the existing cluster (soon to be augmented by the implementation of the existing outstanding housing permissions) is taken into account, the Council's appraisal in this case places too great an emphasis on Westway as a barrier between what is on the one hand considered acceptable and on the other hand unacceptable development. Furthermore, although the land adjoining Garlands (referred to as Site 3 in the Grounds of Appeal) is further to the south east, it is also has a position on the same side of the road as the appeal site and is thereby within an area that is 'particularly dispersed'.
14. As the appellant points out, the October 2017 permission for two dwellings adjoining Garlands is fairly recent and the officers' report recommending permission says that it can be regarded as a being a 'rounding off' for the purposes of Policy 3.3. Although each site must be determined on its individual merits, I share the appellant's view that the appeal site has a closer physical relationship with a group of existing and approved dwellings than the land adjoining Garlands. And having regard to the rear boundary being on the same alignment as that of Hillcrest, the scheme would neither physically nor visually extend development into the open countryside.
15. In the event that the Council and other objectors remain unconvinced by this argument, the Advice Note includes the following comments under the heading 'Other Development within a Settlement'. *'The development of land which does not entirely fit the definition of infilling (part of a continual frontage) or rounding off, but would be within the form and shape of that settlement, whether a main town or other settlement, will be acceptable where there is no significant harm arising to social, environmental or economic considerations. Development in this respect would accord with Policy 21c) which encourages proposals to increase building density where appropriate, taking into account the character of the surrounding area and access to services and facilities to ensure an efficient use of land'.* It is my view that as a fall-back argument there is a strong case for the appeal site to qualify as being eligible for a permission under this flexible approach.
16. As regards the sustainability of the site's location, the Council considers that future occupiers of the proposed dwellings would be able to undertake day-to-day activities without over-reliance on private cars, a factor which is conceded to weigh in favour of the proposal. In addition, the fact that the site adjoins rather than lies within the NDP boundary does not preclude development under Local Plan Policy 3.3; nor in my view does it undermine the NDP's overall objectives for Wheal Rose. I have taken account of the Parish Council's objection to the proposal but consider that the development is justified for the reasons I have explained.

17. In summary on the first issue, I find that the proposed development of two dwellings on this frontage site, with existing housing to each side and opposite, provides a sufficient degree of symmetry to the settlement pattern to be reasonable regarded as 'rounding off' under Policy 3.3 as informed by the Advice Note. Nor would it be seen as a visual extension of development into the open countryside or, subject to my comments on the second issue, have an adverse effect on its character and appearance. The site additionally has a sustainable location as regards its relationship to existing facilities and services in Wheal Rose.
18. Turning more briefly to issue (ii), the effect on the setting of the nearby Grade II listed Wheal Rose Engine House, I have noted the comments of 'Historic Environment Planning West' to the effect that incremental residential development is adversely affecting the setting of the Engine House through the loss of the traditional mining landscape.
19. However, whilst I have sympathy with this point, the fact is that a number of both older and more recent permissions in close proximity to this heritage asset have already established a firmly residential context, and in fairness I cannot see any justification why the appeal site should be treated differently. Furthermore, the appearance of the Engine House is so distinctive in the local landscape and imposing on its surroundings that it draws the eye to an extent where its setting is arguably somewhat less significant than in the case of the settings of many other heritage assets.
20. The caveat to this is that both the setting of the Engine House and the character and appearance of the countryside (part of the first issue) could potentially be harmed by details pursuant to the outline permission which are unsympathetic to the appeal site and its surroundings. However, as all matters are reserved the appeal application gives scope for appropriate details to be submitted and approved in respect of the design of the dwellings, their external materials and landscaping (in particular the front boundary treatment) to ensure that the development maintains an appropriately traditional and rural vernacular for Wheal Rose. Subject to this proviso I consider that neither the character and appearance of the countryside nor the setting and significance of the Engine House as a heritage asset would be harmed.

Conclusion and Conditions

21. On balance, and having had regard to all other matters raised, I conclude on both main issues that the appeal scheme is acceptable and that there would be no harmful conflict with Local Plan Policies 2, 3, 7, 12 & 24 and paragraph 11 & Sections 12: 'Achieving Well-Designed Places' and 16: 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework 2019. I shall therefore allow the appeal.
22. In addition to the standard outline conditions I agree that because of the historic mining activity in the immediate area a precautionary condition in respect of land contamination is necessary. However, I also concur with the appellant that the suggested condition requiring details of external materials is superfluous, as this is covered by the reserved matters condition.
23. The site context does not justify a condition requiring a Construction Method Statement, although the appellant or any developer should be aware of their

responsibilities under other legislation as regards road safety hazards arising from mud on the road or from the obstruction of the highway by vehicles during the construction period.

Martin Andrews

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) Application for approval of reserved matters shall 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) Before the development hereby permitted is commenced, a scheme to deal with any identified soil contamination shall be submitted to and approved in writing by the local planning authority. The scheme shall include on-site investigations and an assessment to identify the extent if any of contamination and the measures to be taken to avoid risk when the site is developed. The approved scheme shall be fully implemented and completed before the development hereby permitted is first occupied.