



Appeal Decision

Site visit made on 16 July 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Appeal Ref: APP/D0840/W/19/3226511

Dasina Heights, B3280 Between Relubbus Lane And Fore Street, St Hilary TR20 9DL

- 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 Ms Groves against the decision of Cornwall Council.
 - The application Ref PA18/09363, dated 04 October 2018, was refused by notice dated 18 December 2018.
 - The development proposed is the construction of a self-build dwelling for family member.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was submitted in outline with all matters reserved and I made my assessment on that basis.

Main Issue

3. The main issue is whether or not the site is a suitable location for housing having regard to local and national planning policy.

Reasons

4. The appeal site is the side garden of the detached dwelling Dasina Heights, which occupies a rural location bounding the B3280 near to its junction with Chynoweth Lane. Access is from a rural lane to the north. To the east, beyond Dasina Heights itself, is the neighbouring property Rosemere Cottage. The site is otherwise surrounded by trees and fields, which are beyond its hedgerow boundaries to the west and north, and its roadside hedgerow and wall and the B3280 to the south.
5. Policy 3 of the Cornwall Local Strategic Policies 2010-2030 (adopted 2016) (CLP) is permissive of new development that is within or immediately adjoining an existing settlement where it would be either infilling or rounding off the settlement. Although there is no prescriptive definition of what constitutes a settlement, the supporting text to Policy 3 indicates that it should have a form, shape and clearly definable boundaries, not just a low-density straggle of dwellings.
6. The historic settlement of St Hilary is located beyond open land to the north west of Dasina Heights. It has a definable form, comprising close-knit buildings set around the church. To the east of Dasina Heights, along Relubbus Lane, is another definable grouping of houses. In my view, these two separate

collections of buildings could be considered to form part of modern-day St Hilary. However, they are both some distance from the appeal site. Although there is a very small number of dwellings adjacent to St Hilary Primary School, which is close by to the north, Dasina Heights and Rosemere Cottage are set away from them, closer to the B3280, across a highway junction.

7. On this basis, I find that the site is not within or immediately adjoining St Hilary and is instead, for planning purposes, within the open countryside. It follows that, notwithstanding the physical attributes of the site, the scheme would not round off or infill the settlement. Whilst I acknowledge that the Parish Council recommended approval of the planning application, its reasons for doing so are not given. Its response does not therefore convey any specific local opinion that the site is within or immediately adjoining St Hilary.
8. Consequently, the scheme would not accord with Policy 3. It falls instead for consideration under Policy 7, which relates to residential development in the countryside. Much like Paragraph 79 of the National Planning Policy Framework (the Framework) it provides a list of exceptional circumstances which may allow support. None of the circumstances listed would be met by the proposal.
9. As the site is residential garden outside of a built-up area, it comprises previously developed land (PDL). Policy 21 of the CLP offers potential support to schemes which make efficient use of appropriate PDL. This is in instances where a suitable increase in building density can be achieved, taking into account the character of the area and the level of access to services and facilities.
10. The site is within walking distance of St Hilary Church, St Hilary Primary School, and the bus stops nearby on both sides of the B3280. Bus services from here connect to nearby settlements and the larger urban areas further afield, such as Penzance. Given these circumstances, I am satisfied that occupants of the dwelling would have adequate access to services and facilities without undue dependence on private transport.
11. The B3280 passes through several small settlements which are dispersed across the countryside. The open and luxuriant areas along this road play an important role in retaining the overall rural setting of the area and providing a clear visual separation between these built environments. With limited exception, the length of the B3280 around the appeal site is rural and bounded by hedges and trees which separate the highway from the surrounding field network.
12. The appellant's evidence makes no substantive indication of the potential scale or design of the dwelling and regards impacts arising from such as not relevant at this stage. However, although the application was made in outline with all matters reserved, establishing the principle of development necessitates an evaluation of the proposal, including its potential response to its surroundings. This appeal is the substantive submission and the onus lies with the appellant to demonstrate that an acceptable scheme can be achieved in principle.
13. The dwelling could be screened to an extent through the retention of boundary treatments. However, both Dasina Heights and Rosemere Cottage are visible above their respective boundaries. It therefore seems likely to me that a dwelling, regardless of its ultimate design, would also have some degree of physical presence along the B3280. Given such, it would harmfully encroach upon the prevailing character of the area, in conflict with Policy 21 of the CLP.

14. I therefore conclude that the site is not a suitable location for housing having regard to local and national planning policy. The proposal would conflict with Policies 3, 7, 21 and 23 of the CLP insofar as they require development to be appropriately located where it would round off or infill a settlement and respect the visual qualities of the area. I also find conflict with the cited sections of the Framework.
15. The appellant has made reference to Cornwall Council's 'Chief Planning Officer's Advice Note on Infill and Rounding Off' (CPOAN). The CPOAN does not form part of the development plan and has had limited weight in my assessment. Nonetheless, the document reinforces the wording within the supporting text to Policy 3, and I find nothing within the CPOAN to suggest that the site should be considered to be within or immediately adjoining to St Hilary.

Other Matters

16. The St Hilary Conservation Area (CA) adjoins Dasina Heights to the north. However, due to the extensive planting on the north boundary there would be very limited, if any, intervisibility between the proposed dwelling and the adjacent part of the CA. The scheme would not therefore harm the significance of the heritage asset derived from its setting. The site is also within the Cornwall and West Devon Mining World Heritage Site (WHS). There is no dispute between the parties that the site offers no direct contribution to, nor would the scheme affect, the Outstanding Universal Value of the WHS. I have no reason to disagree with this conclusion.
17. The description of development refers to the dwelling as being for a 'family member'. How this would be delivered or secured is not expanded upon within the appellant's evidence. Although the Council has suggested use of a planning condition, I also note that the appellant has referred to the construction of an 'unfettered' property at the appeal site. However, as I am dismissing this appeal for other reasons, I have not explored this matter further.
18. My attention has been drawn to the outcome of a pre-application enquiry at the site. However, I note that the advice was provided on a without prejudice basis and was given prior to the adoption of the CLP. It has consequently carried very limited weight in this appeal.

Planning Balance and Conclusion

19. Housing can enhance the vitality of rural communities and the scheme would contribute a degree of social benefit by providing a single home in a location with adequate access to services. However, due to the small scale of the proposal, its benefits would be minimal in this regard. They would not outweigh the harm I have identified, or alter my findings that the scheme would conflict with the development plan when read as a whole.
20. For the reasons outlined above, and taking all matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR