
Appeal Decision

Site visit made on 21 October 2019

by L McKay MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 29th November 2019.

Appeal Ref: APP/D0840/W/19/3234252

Land NW Trungle Byre, Paul TR19 6UG

- 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 G Rodda & Mrs A Stacey against the decision of Cornwall Council.
 - The application Ref PA19/03790, dated 2 May 2019, was refused by notice dated 10 July 2019.
 - The development proposed is described on the application form as 'Residential development - up to 3 dwellings (amendment to Application No. PA18/06389)'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Outline planning permission was granted by the Council in April 2019 for up to 3 dwellings on the appeal site (Ref PA18/06389). The Council decided that although the proposal did not comply with the policies of the Cornwall Local Plan Strategic Policies 2010-2030 (LP), other material considerations outweighed the conflict. It granted permission subject to conditions requiring demolition of the adjacent barn, which has planning permission for conversion to 3 dwellings¹, and limiting the permission to a maximum of 3 dwellings. In granting permission, the Council identified benefits to the setting of the village and from effectively 'transferring' the 3 dwellings from the barn to the appeal site to limit the overall number of dwellings permitted.
3. The description above is taken from the application form. Although it refers to the appeal scheme being an amendment of the previous permission, in the appeal documents the appellants do not identify any changes to the development proposed. They refer to seeking planning permission without complying with conditions 3 and 4 of the previous permission. Notwithstanding this, the proposal was made as a new application for planning permission in outline with all matters reserved. The Council determined the planning application on that basis, and I have dealt with the appeal accordingly.

¹ Council Ref PA19/01001: Permission granted by virtue of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Main Issue

4. The main issue is whether the site represents an appropriate location for housing having regard to the development plan and the character and appearance of the area.

Reasons

5. The appeal site immediately adjoins the village of Paul, a small settlement which contains some facilities and services including a church, community hall, public house and a bus service. Because it is outside of the defined boundary of any settlement, in planning policy terms the site is in the countryside.
6. Policy 3 of the LP allows for 'rounding off' of settlements with development of a scale appropriate to its size and role. Paragraph 1.68 of the supporting text describes rounding off as: *"This applies to development on land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth. It should not visually extend building into the open countryside."* Further guidance on interpretation of the policy is provided in a Chief Planning Officer's Advice Note on Infill/Rounding off (2017) (Advice Note).
7. The parties have referred me to a 2014 appeal decision relating to the site² and decisions from 2001 and 2006 relating to the neighbouring barn³. The Inspector in 2014 found that relatively tight knit residential development on two sides of the appeal site formed a strong and defensible edge to Paul. He also found that the barn on the third side did not offer the visual containment of the appeal site required to ensure that the appeal proposal would be perceived as part of the village. Although the consideration in that appeal was for a single dwelling under a different policy, I agree with that previous Inspector's description and analysis of the physical location and surrounding features of the site.
8. The appeal site is physically separated from the neighbouring residential developments by substantial hedges and by Trungle Lane. Although housing on Trungle Lane extends past the site, from public vantage points it is not seen in conjunction with the site due to the intervening hedge. These hedges provide a strong edge to the settlement and a clear visual and physical separation between Paul and the site.
9. The hedges between the site and neighbouring fields are less dense however, and have several large gaps providing access between the fields. Therefore, while they provide a degree of enclosure, they do not create a strong physical or visual separation from the adjacent farmland.
10. The adjacent barn is a typical rural building situated in a large field. As described by previous Inspectors in 2001 and 2006, its location is separated from nearby dwellings by strong hedgerow and boundary vegetation and it lies in an edge of village location. From my site inspection I saw that the barn relates visually and functionally to the surrounding farmland. It therefore does not extend the built form of the village.

² APP/D0840/A/14/2213097

³ APP/L0825/A/01/1061026 and APP/L0825/A/01/1061019, APP/L0825/A/04/1171480

11. Consequently, while the appeal site has built development on 3 sides, physically and visually it is seen as part of the neighbouring farmland. It does not therefore have the appearance of being within the physical boundaries of the settlement.
12. The proposed development of the site would not therefore provide symmetry or completion to the boundary of Paul. It would instead appear as an extension of residential development into the countryside. Furthermore, the breaks in the hedges between the site and neighbouring fields mean that they would not act as a physical barrier to further growth. As such, the proposal would not comprise 'rounding off' of the settlement as described in the LP and the Advice Note.
13. The appeal site lies within the West Penwith South (Land's End to Newlyn) Landscape Character Area (LCA)⁴. The site and adjoining long, linear field are typical of the dominant field pattern in this LCA, where there are small fields on lower ground and somewhat larger fields on higher ground. Weakening of the typical field pattern is identified as a specific pressure on this LCA and the adjoining large, open field appears to be a local example of this. The demand for rural housing is also identified as a pressure. The landscape character is therefore sensitive to further change. The proposal would result in the loss of the smaller field and as such would contribute to the weakening of the field pattern. It would lead to residential development encroaching into the agricultural landscape, which would harm its rural character and further erode the landscape character of the area.
14. The site does not therefore represent an appropriate location for housing having regard to the development plan and the character and appearance of the area. It would conflict with policies 2, 3 and 23 of the LP which, amongst other things, set out the hierarchy for development and seek to protect, conserve and enhance the landscape. Furthermore, it would conflict with paragraph 170 of the National Planning Policy Framework which requires development to contribute to and enhance the natural environment including by recognising the intrinsic character and beauty of the countryside.
15. The appellants seek permission for the appeal scheme without similar conditions to those imposed on the previous planning permission, requiring the removal of the barn and limit on the number of dwellings. The latter condition sought to confirm the revised scale of that scheme after amendment.
16. In its current condition, the barn has an innocuous appearance and does not detract from the setting of the village, the Paul Conservation Area or the Grade I listed St. Pol de Leon church. Its demolition would therefore have a neutral impact on the character and appearance of the area.
17. If the barn were to be converted to housing however, it would result in encroachment of residential development into the countryside, including car parking, gardens and domestic paraphernalia. If both the barn conversion permission and appeal proposal were to be implemented, together they would have a significant adverse cumulative impact on the character and appearance of the area. In those circumstances, demolition of the barn would reduce the potential overall harm. This is the approach that the Council took, and it would be the outcome should the appellants choose to implement their existing

⁴ As described in the Cornwall and Isles of Scilly Landscape Character Study 2008.

outline permission. The loss of the barn would not however enhance the area or reduce the impact of the appeal scheme on the character and appearance of the area. On balance therefore, I find that securing demolition of the barn by condition would not make the appeal proposal acceptable and in any event, the appellants are clear that they were seeking planning permission without such a requirement.

Other matters

18. The appellants refer to Policy 21 of the LP, which is not included in the Council's reason for refusal. That policy seeks to encourage proposals that use previously developed land and to increase building density where appropriate, taking into account the character of the area and access to services and facilities. The appellants suggest that this allows for housing where there are no adverse impacts on the character of the area. The wording indicates however that in respect of this policy, character is considered only in relation to assessing whether building density is appropriate, not as a separate test. The density of the proposal would be appropriate to the character of the surrounding area and it would make efficient use of land. As such there is no apparent conflict with policy 21 of the LP. However, even if the appellants are correct that there would not be a conflict with the policy, this does not outweigh the conflict with the other policies as set out above.
19. I have had regard to the location of the appeal site close to the Conservation Area and the Grade I listed church. There is no suggestion from either party that the appeal proposal would harm the significance of these designated heritage assets. From the evidence before me and from what I saw at my site inspection, I have no reason to disagree.
20. There is no evidence before me that satisfactory access and parking could not be provided, or that traffic, flooding or ecological impacts could not be managed. These are of neutral consequence however, and do not make the proposed development as a whole acceptable.

Conclusion

21. For the reasons given above, and taking into account all matters raised, I find that the proposal would conflict with the development plan when read as a whole. There are no other considerations that outweigh the conflict. I therefore conclude that the appeal should be dismissed.

L McKay

INSPECTOR