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## Appeal Decision

Site visit made on 7 January 2020

**by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)**

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

**Decision date: 21 January 2020**

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**Appeal Ref: APP/D0840/W/19/3238827**

**Land Northwest of the Countryman, Nance, Trink, Cornwall TR26 3JQ**

- 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 & Mrs H Massey against the decision of Cornwall Council.
  - The application Ref PA19/00814, dated 7 January 2019, was refused by notice dated 16 April 2019.
  - The development proposed is for a proposed self build retirement bungalow. Alteration to existing access.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have amended the original description of development to reflect that provided within the Council's decision notice in the interests of accuracy and consistency.
3. The revised National Planning Policy Framework (the Framework) was published in February 2019 and, as such, references to the Framework in this decision therefore reflect the revised Framework as published in February 2019.

### Main Issue

4. The main issue is whether or not the proposed development would be in a suitable location for a new dwelling, having particular regard to the location of the appeal site within the Cornwall Area of Outstanding Natural Beauty (the AONB).

### Reasons

5. The appeal site comprises land located northwest of the Countryman Hotel. To the west and northwest the site is surrounded by agricultural fields on rising land. Running adjacent to the appeal site on its eastern and north-eastern boundary is a Class C road which rises steeply uphill from southeast to northwest. The proposed development would be accessed from the adjacent highway. Abutting the southwestern boundary of the appeal site is a small outbuilding which at the time of my site visit was partially covered in vegetation such that it had started to blend into the surrounding land.
6. The site is located within the West Penwith section of the AONB and is situated approximately 2 kilometres southwest of Carbis Bay and approximately 3 kilometres south of St Ives. Amongst other landscape characteristics, the

Cornwall and Isles of Scilly Landscape Character Study<sup>1</sup> (the LCS) characterises the surrounding area as rugged boulder-strewn moorland of lowland heathland, bracken and scrub on the upland areas with an open landscape with few trees except linear broadleaved woodland in small river valleys, shallow depressions and around farmsteads.

7. The LCS further describes the area as having a historically important, small scale, field pattern with sinuous boundaries, much of it of prehistoric origin, with dispersed small granite farmsteads and small nucleated hamlets/villages. Whilst modest in size, due to its prominence on account of the surrounding undulating topography, the appeal site nevertheless reflects and reinforces these landscape characteristics and would be, in my view, considered to be part of the open countryside given the intrinsically rural nature of the surrounding area.
8. It has been put to me by the Appellant that the appeal site forms part of Nance and that Nance would constitute a settlement. In this regard, I have been referred to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (The CPOAN) which, whilst being informal guidance, provides clarity on the approach to be adopted in relation to what would constitute a settlement, as well as guidance in relation to previously developed land, infill and rounding off of settlements, and as such I have had regard to this advice.
9. The CPOAN provides that a settlement is a place where people collectively live in permanent buildings and confirms that smaller villages and hamlets should have a form and shape with clearly definable boundaries, with further confirmation that there are no expectations of services and facilities.
10. Nance does not comprise a named settlement within Policy 3 of Cornwall Local Plan Strategic Policies 2010-2030<sup>2</sup> (the Local Plan). The supporting text to this policy provides that areas that are not named within Policy 3 of the Local Plan can help meet housing requirement by, amongst other things, small scale rounding off and building on previously developed land within or adjoining settlements. The supporting text to this policy further defines 'rounding off' as 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 (such as a road), and should not visually extend building into the countryside.
11. In my view, based on the definitions and guidance contained within Policy 3 of the Local Plan and in relation to the CPOAN, the buildings present in the surrounding area do not display the attributes, role or function of a settlement that is suitable for housing growth.
12. Whilst I acknowledge that the CPOAN provides that "some linear settlements can meet the test of a clear form and shape", Nance does not have a recognisable centre, its character resembles that of a straggle of very low density buildings located close to the Class C road described above and which passes the eastern and north-eastern boundaries of the site. It is typical of many very small groups of buildings that are scattered across the Cornish countryside and which gives the county much of its character and appeal. If the buildings which are located nearest to the appeal site, were to fall within the

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<sup>1</sup> Published 2008

<sup>2</sup> Adopted November 2016

- remit of Policy 3 of the Local Plan with regards to settlements, then the character of the Cornish countryside could be at risk of undue pressure for residential development and unacceptable change.
13. Even in the event that Nance was to be considered as a settlement for the purposes of Policy 3 of the Local Plan, the appeal site could not reasonably be described as land that is substantially enclosed but outside the urban form of the settlement. The Appellant maintains that the appeal site is part of the garden that once served the Countryman Hotel, as evidenced by the presence of a timber summerhouse in the north western section of the appeal site. If the Countryman Hotel is part of the settlement, as is maintained by the Appellant, then so must be the garden space.
  14. If the appeal site was considered to be located outside of, but adjacent to a settlement, then the proposal would, in my view, extend the built form out into the countryside. The proposed development would therefore encroach into the countryside and, consequently, the appeal scheme would not accord with the definition of rounding off as provided under Policy 3 of the Local Plan or within the guidance contained within the CPOAN.
  15. Exceptions in relation to new developments in the open countryside are provided for under Policy 7 of the Local Plan. This policy supports development proposals within the open countryside where it shown that special circumstances, such as where there is re-use of a redundant building, where accommodation is required for rural workers, or where the proposal is for affordable housing, apply. Here the proposed scheme would not give rise to any such special circumstances.
  16. It has been put to me by the Appellant, that the site comprises previously developed land (PDL). In respect of the use of PDL, Policy 3 of the Local Plan is supportive of proposals which make use of such land where the land is within or immediately adjoining a settlement of a scale appropriate to its size and role. For the reasons given above, in this regard I find that Nance would not constitute a settlement and, consequently, the support provided to the potential use of PDL would not apply in this appeal. Conversely, in the event that Nance was considered to be a settlement for planning purposes, the proposed use of PDL would accord with the particular provision with Policy 3 of the Local Plan.
  17. However, Policy 3 of the Local Plan provides that further consideration is required where the site is located within the AONB, confirming that development will be supported where it can be demonstrated that it would conserve and enhance the landscape character and natural beauty of the AONB. The effect of the proposal on the AONB is a matter to which I shall now turn.
  18. In accordance with paragraph 172 of the Framework, great weight must be given to the conservation and enhancement of the AONB's landscape and scenic beauty. This is reflected in Policy 23 of the Local Plan and Policy MD9 of the Cornwall AONB Management Plan 2016-2021 (the MP). Whilst I acknowledge that the site is somewhat screened from views within the wider surrounding area due to the elevated nature of the land to the west of the site and by reason of the vegetation which can be found at the boundaries of the site, development at the appeal site would still be visible to those travelling along the adjacent highway.

19. As described above, in my view the appeal site is located outside of any settlement and within the countryside for planning purposes. In this regard, the proposal would represent an encroachment into the countryside which would be detrimental to the landscape and scenic beauty of the AONB. Accordingly, the scheme would not respect and work with the natural environment and would, therefore, conflict with the aims and objectives of Policies 12 and 23 of the Local Plan and Policy MD9 of the MP, and would not accord with the provisions of paragraph 170 of the Framework. Whilst I acknowledge that the harm to the AONB as a whole would be somewhat limited due to screening present at the site, the proposal would result in a degree of harm to which, in light of the provisions of paragraph 172 of the Framework, I attach significant weight in the determination of this appeal.
20. In summary of the above, I conclude that the appeal site is located outside of any settlement and within the countryside. The appeal scheme would not conserve or enhance the landscape and scenic beauty of the AONB. The proposal would therefore conflict with Policies 2, 3, 7, 12 and 23 of the Local Plan, Policy MD9 of the MP and paragraphs 127 and 170 of the Framework which, together and amongst other things, seek to ensure that the Cornish countryside's distinctive natural character and the landscape and scenic beauty of the AONB, is protected, conserved and enhanced. Furthermore, the proposal would not accord with Policy 1 of the Local Plan which generally requires planning applications to accord with the policies in the Local Plan.
21. It has been further put to me by the Council, that the appeal scheme would conflict with paragraph 79 of the Framework which concerns isolated houses in the countryside. In this regard, the appeal site is located adjacent to a hotel and therefore cannot be properly described as being far away from other people or places. Consequently, the provisions of paragraph 79 of the Framework do not apply in relation to this appeal proposal.
22. Against the conflict with the policies of the Local Plan and paragraphs of the Framework as described above, I have attached limited weight to the potential benefits of the appeal scheme in relation to the use of previously developed land, the contribution of an additional dwelling towards local supply and the economic benefits arising from employment during the construction phase. The weight attached to these benefits is limited by the scale of the proposal. I therefore consider that the identified harm and conflict with the policies of the Local Plan and the abovementioned paragraphs of the Framework, outweighs the benefits that would arise from the scheme.
23. Paragraph 78 of the Framework identifies that where there are groups of smaller settlements, development in one village may support services in a village nearby. For the above reasons, I have found that Nance would not constitute a settlement and, consequently, the provisions of this paragraph of the Framework would not apply. However, even in the event that Nance was considered to be a settlement, the contribution to the vitality of surrounding villages would be very limited from one dwelling and would not therefore outweigh the harm identified above.
24. The appeal scheme would not provide housing in the right place and would not protect the environment in respect of the harm to the distinctive qualities of the Cornish countryside and to the landscape and scenic beauty of the AONB. In consideration of whether the appeal proposal would be consistent with the

social, economic and environmental dimensions of sustainable development, as set out in paragraph 8 of the Framework, I have found that the proposed development would cause harm to the landscape and scenic beauty of the AONB, placing it in conflict with the environmental objective of paragraph 8 of the Framework. The proposal would therefore not comprise sustainable development within the context of the Framework.

### **Conclusions**

25. For the reasons given above, the scheme conflicts with the development plan and the Framework when considered as a whole and there are no material considerations to outweigh the identified harm. I therefore conclude that the appeal should be dismissed.

*A Spencer-Peet*

INSPECTOR