



Appeal Decision

Site visit made on 17 June 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2020

Appeal Ref: APP/D0840/W/19/3243222

Land North West of Highview, Higher Larrick, Trebulet, Launceston, Cornwall PL15 9QH

- 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 Mrs M Canarn against the decision of Cornwall Council.
 - The application Ref PA19/03794, dated 29 April 2019, was refused by notice dated 20 June 2019.
 - The development proposed is the formation of a vehicular access, the erection of a detached dwelling, a detached single storey garage and the installation of a septic tank.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a vehicular access, the erection of a detached dwelling, a detached single storey garage and the installation of a septic tank at Land North West of Highview, Higher Larrick, Trebulet, Launceston, Cornwall PL15 9QH in accordance with the terms of the application Ref PA19/03794, dated 29 April 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. On 11 March 2020, after the lodging of the appeal, the Lezant Parish Neighbourhood Development Plan 2019-2030 (LPNDP) was made and became part of the development plan. The parties were given the opportunity to comment on the change in status of this document during the appeal process.
3. I have taken the site address from the appeal form as it most accurately describes its location.

Main Issue

4. The main issue is the suitability of the site for a dwelling, having regard to local and national policy for the location of housing.

Reasons

5. The appeal site comprises grassland at the north western edge of the hamlet of Higher Larrick, on the east valley side of the nearby River Inny. Vegetation and trees bound the site to the north and north west. A hedgerow separates the site from the public highway which runs aside its curved east and north east boundary, beyond which is the bungalow 'The Hawthornes' on higher land. A fence divides the site from the mobile home 'Highview' and its grounds to the south. Highview has two outline planning permissions to be replaced with a

- dwelling¹. The area is within the Inny Valley and Lawhitton Area of Great Landscape Value (the AGLV).
6. Policy Housing 1 of the LPNDP establishes settlement boundaries within the plan area, including at Higher Larrick. It does not allocate housing sites but plans for around 10-15 new dwellings to be delivered either at exception sites, through the reuse of brownfield land and redundant farm buildings or in accordance with Policy 3 of the Cornwall Local Plan: Strategic Policies Document 2010–2030 (adopted 2016) (CLP). The housing must be of an appropriate scale, density, character and appearance, reflecting Lezant Parish.
 7. Policy 3 of the CLP supports limited growth adjacent to or within appropriate settlements, subject to schemes meeting one of a set of criteria. There is no dispute between the main parties that Higher Larrick is a settlement under the terms of Policy 3, and I share this view, as it forms part of a network of variably serviced settlements within the wider area. The appeal site is adjacent to the settlement boundary and therefore adjoins the hamlet. As such, by my reading, the scheme attracts potential support under Policy Housing 1 and Policy 3 if it is shown to meet the detailed requirements of these policies.
 8. Where individual sites have not been identified through Neighbourhood Plans, Policy 3 requires for proposals to lead to the 'rounding off' of a settlement, use Previously Developed Land (PDL) within or adjoining a settlement, or infill a small gap in an otherwise continuous built frontage. Given the site's location, it could not be considered as an infill plot. As it is separate from the curtilage of Highview, it does not conform to the definition of PDL within the National Planning Policy Framework (the Framework)².
 9. The supporting text to Policy 3 explains that the term 'rounding off' applies to the development of 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 acts as a barrier to further growth. Schemes should not visually extend development into the open countryside. The site is outside of the urban form of Higher Larrick. It is substantially enclosed by Highview, the roadside hedgerow and the greenery to the south, east and north respectively. The land becomes notably steep as it slopes westward towards the River Inny and this topography serves as a physical barrier to future growth in my view.
 10. This slope draws the site's aspect towards the rural valley landscape. However, in other respects the site is visually well contained. It relates well to Highview, as it logically would to any replacement and as it would to The Hawthornes if viewed across the valley. Hedgerows are a common domestic boundary throughout Higher Larrick, and this feature does not therefore disassociate the site from the settlement. The site is also inside the signage which demarks the entrance to Higher Larrick. As such, the site is not visually experienced as part of the open countryside but relates most closely to the settlement.
 11. The dwelling would have a low profile and its finish materials would take reference from the surrounding built form. Given its position, the scheme would not facilitate further growth, adding instead a degree of completeness to Higher Larrick. I therefore find that the scheme would constitute 'rounding off' and, it follows, would have an acceptable impact upon the AGLV.

¹ Refs PA16/08350 and PA19/00262

² Taking into account Appeal Refs 3205679 and 3229912

12. The Council has directed me to appeal decisions which examine the relationship between Neighbourhood Development Plans (NDPs) and Policy 3 of the CLP³. However, to my mind, the LPNDP differs to these other NDPs in that Policy Housing 1 commits to Policy 3 in its approach to the delivery of housing. These other appeal decisions are consequently of limited weight in my assessment.
13. I therefore conclude that the site is suitable for a dwelling, having regard to local and national policy for the supply of housing. The proposal would accord with Policy Housing 1 of the LPNDP, Policies 1, 3, 21 and 23 of the CLP, Policy ENV1 of the North Cornwall District Local Plan (adopted 1999) and the Framework. As the site does not fall within the open countryside, and the proposal would round off the settlement, I do not consider Policy 7 of the CLP applicable to this case⁴. I also find no significant conflict with the guidance set out within the Chief Planning Officer's Advice Note: Infill/Rounding Off.

Other Matters

14. Paragraph 109 of the Framework states that proposals should only be prevented on highway network grounds if the residual cumulative impacts would be severe. Whilst the limitations of the highway connections to Higher Larrick are clear to see, the degree of additional vehicular activity would be modest. It would not lead to a severe residual cumulative impact, even when taking into account other recent developments. With regard to highway safety, the sharing of the carriageway by pedestrians and vehicles is an established situation here and would not, in my opinion, be significantly changed by an additional household, nor would activity at nearby road junctions.
15. Whilst, there is no clear evidence that wildlife at nearby Larrick Common would be affected by the scheme, biodiversity gains could be provided through new landscaping pursuant to a condition. There is no substantive evidence that the use of a septic tank would compromise boreholes which serve the hamlet. Whilst I note that Higher Larrick has faced construction activity for several years, the relatively modest and ultimately temporary disruption that would be caused by the scheme does not amount to a reason to dismiss this appeal.

Conditions

16. In addition to the standard time condition, a condition is needed to define the approved plans in the interest of certainty. In the interests of biodiversity and visual amenity, it is necessary for landscaping details to be agreed and completed, including boundary treatments. However, I see no reason why this could not be provided within a single condition nor why it is essential for the details to be agreed prior to the commencement of development.

Conclusion

17. For the reasons outlined above and taking all matters raised into account, I conclude that the appeal should be allowed, subject to conditions.

Matthew Jones

INSPECTOR

³ Appeal Refs 3228515, 3184330 and 3183930

⁴ I note that in Appeal Ref 3229128, it was found that the site did not constitute 'rounding off'

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1496 1 A, 1496 2 A, 1496 3.
- 3) Prior to development above slab level, there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained, and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.