



Appeal Decision

Site visit made on 1 September 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/D0840/W/20/3249851

Land south of Pentreath Lane, The Lizard TR12 7NX

- 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 Tregothnan Estate against the decision of Cornwall Council.
 - The application Ref PA19/06240, dated 1 July 2019, was refused by notice dated 18 October 2019.
 - The development proposed is two dwellings and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- the effect of the development on the character and appearance of the area, having particular regard to the location within the Cornwall Area of Outstanding Natural Beauty (AONB), and
- whether the development plan would support the proposed residential development in this location.

Reasons

Character and appearance

3. The Lizard village and the surrounding countryside fall within the South Coast Western section of the AONB. The Cornwall and Isles of Scilly Landscape Character Study (the LCS) identifies the site within landscape character area CA07 South Lizard Peninsula. The LCS explains that the key landscape characteristics of the Lizard Peninsula includes a gently undulating open upland plateau with low central ridge, falling away to the east and west, more steeply near the coast. Other key elements to the landscape include an open and often treeless landscape with mainly pastoral fields bounded by Cornish hedges with wind pruned hedgerow trees and scrubby margins. The countryside surrounding the village displays many of these identified characteristics.
4. When leaving the centre of the village along Pentreath Lane, the appeal site forms part of one of the first gaps between buildings. There are some outbuildings within the strip of garden associated with Enoch Vean and structures associated with the small holding. However, these structures are generally low and/or further down the slope such that there is a general feeling

of spaciousness above the hedge which contributes to the character of this part of Pentreath Lane.

5. From the submitted information, and the snap shot in time at my site visit, this part of Pentreath Lane appears popular with walkers. For those walking along the road from the village, the views through parts of the site to the open countryside and the sea beyond play a valuable role in helping to visually connect the village with the surrounding countryside. Beyond Pentreath House, the views are less restricted by structures and become more panoramic. Nevertheless, the views through part of the appeal site make a positive contribution to the character of the road and provide a feeling of a transition from the built form of the village to the open countryside beyond.
6. The scheme would introduce two reasonably substantial dwellings to the site. They would be set behind the strip of garden to Enoch Vean and down the slope. However, their height and width, and the depth of part of the dwelling on Plot 1, would add a substantial building bulk of two stories across much of the site. The buildings would be conspicuous from the road. While some views through the site to open countryside would remain, the overall impact would be to unduly reduce the feeling of spaciousness that the site contributes to the area and erode the visual connection with the countryside beyond. A more linear and dense form of built development would be created reasonably near the road side, undermining the transition to the open countryside along Pentreath Lane. In this way the character and appearance of this part of Pentreath Lane, within the AONB, would be harmed.
7. At my site visit, I walked extensively around the area and along key sections of the rights of way network which had been drawn to my attention. In particular, the site is apparent from a section of the right of way in the vicinity of Viewpoint 3¹. From this location the majority of the built form of the village is not widely apparent and parts of the camp and caravanning site further down the valley are largely obscured. From this section of the right of way, the site is seen across the valley in the context of the dwellings on either side and those further up the slope on the other side of Pentreath Lane. The pattern of the existing buildings appears as a tapering off of development at the edge of the built form and the spaces around the buildings and gaps between them are important elements that soften the transition from village to countryside. The generally open, undeveloped form of the appeal site makes a positive contribution in this respect.
8. From these views, the proposed dwellings would be seen to have similar ridge heights as the neighbouring buildings on either side and the dwellings across the road would be higher. Nevertheless, the introduction of the two fairly substantial, two storey properties, which would extend over much of the width of the site, would be readily apparent. The more informal relationship of buildings and spaces would be eroded with a more intensive form of development that would add a harder more built form to this edge of the village. In this way, the positive contribution that the site makes to the edge of this part of The Lizard village, when seen from the open countryside, would be eroded and this would be harmful to the character and appearance of the area.

¹ As shown on the Annotated viewpoints and associated map produced by Principal Landscape Architect Ivor Matthews at Laurence Associates

9. Accordingly, the scheme would harm the character and appearance of the area, both within a section of Pentreath Lane and from parts of the open countryside. It follows that the proposal would not conserve and enhance the landscape and scenic beauty of the AONB, which is a matter that the National Planning Policy Framework (the Framework) requires is attributed great weight.
10. I have carefully considered all the submissions in support of the scheme, including the annotated viewpoints and associated map, visibility and urban character maps, photographs and montages. I acknowledge that the design and materials may be, in themselves, in keeping with the built form in the wider area and that a comprehensive landscaping scheme could help to mitigate some of the effects of the proposal. However, I am not satisfied for the reasons explained that the proposal would be appropriate to this site and its particular characteristics and relationship to the surroundings for the reasons explained. Accordingly, the scheme would not meet with the Framework policy requirement that development should be sympathetic to local character and maintain a strong sense of place.
11. The approval for a dwelling in Sennen² has been brought to my attention. Being within the AONB does not exclude the erection of a dwelling if the policies of the development plan are met. However, it seems to me that the impact of a proposal on the landscape and scenic beauty of an area is a matter of judgement based on the circumstances of each case. Consequently, I attribute this other decision limited weight in terms of judging the particular impacts of the present scheme.
12. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the area and not conserve and enhance the landscape and scenic beauty of the AONB. Accordingly, the scheme would conflict with Policies 1, 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) and the Framework which seek, notably, that proposals should consider the impact on the beauty and diversity of landscape and the character and setting of settlements.

Development Plan

13. Policy 3 of the Local Plan sets out criteria, amongst other things, for the consideration of housing and employment proposals for areas outside the main towns. In particular, Criterion 3 sets tests to determine whether a housing proposal would be acceptable as a matter of principle.
14. In this case, the appeal is advanced on the basis that the development would meet both the criteria for rounding off of settlements within or immediately adjoining that settlement of a scale appropriate to its size and role, and infill schemes that fill a small gap in an otherwise continuous frontage and do not physically extend the settlement into the open countryside.
15. I have taken into account the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (the CPO Note) which although not part of the development plan provides guidance on the implementation of the Local Plan policies in this respect.
16. There is a dispute between the parties as to whether the site forms part of the settlement or falls to be considered as countryside. I examined this matter in

² PA18/06787 – Land south west of Gwella Mayon Green, Sennen, TR19 7AW – approved 13 September 2018

detail at my site visit and I have carefully considered the submissions on this issue from all parties, including from local residents and the Parish Council.

17. When leaving the centre of the village and walking along Pentreath Lane, in the vicinity of Enoch Vean and the appeal site, Pentreath House (with The Studio) is a fairly prominent building within the street scene which lies immediately beyond the appeal site. Additionally, there are dwellings on part of the other side of the road, such as Parc Todden and Rocklands, which provide some sense of built enclosure and, in the mid-distance and contributing to the overall built identity from this position within Pentreath Road, is the very end of the row of dwellings past Croft Pascoe. This combination of buildings, in reasonable proximity together, leads to a feeling that the character of this part of the road adjoining the appeal site, while forming a transition to the countryside, is to a large extent influenced by the position and form of the adjoining buildings.
18. The appeal site lies behind the strip of garden land that serves Enoch Vean which has some domestic like outbuildings. There are also the enclosures and general paraphernalia on the appeal site itself. These matters, together with the low wall and clipped hedge that fronts the road, all contributes a somewhat suburban feel. This leads to the impression that, on the ground, the main part of the appeal site that lies broadly between the dwellings and their garden areas has a sense that it is more related to the road area and the surrounding buildings than the open countryside.
19. Taking all these matters into account, the majority of the site has a greater affinity with the built form of the village than the surrounding countryside and, therefore, it is my judgement that the site falls to be considered as part of the settlement.
20. The CPO Note advises that in terms of rounding off it should provide a symmetry or completion to a settlement and should be predominantly enclosed by edging features. It says that suitable sites are likely to be surrounded on at least two sides by existing built development. Looking at the details in this case the rear of the plots would extend as far as the rear boundary of Pentreath House and therefore provide a logical boundary that would not extend into open countryside. The site would be bounded by dwellings on either side and the garden and road to the frontage, with other dwellings in the vicinity. In these circumstances, the development of the site would round off the settlement in this area, not produce another rounding off opportunity and meet with the requirements of Policy 3 of the Local Plan in this respect.
21. For completeness, with regard to whether the scheme would fulfil the requirements of infill development, I have taken into account the references to the dismissed appeal in 1987 which proposed a dwelling on the site. However, that decision was some decades ago. I have based my judgement on this issue giving most weight to the present situation on the ground, the presently adopted development plan policies and the supporting CPO Note. Consequently, the previous appeal decision, to my mind, carries limited weight.
22. In terms of the street scene, I consider that the proposal would infill the space between Enoch Vean and Pentreath House and visually provide a continuous frontage, notwithstanding that the dwellings would be set back behind the existing strip of garden land. Having regard to the layout and density of the surrounding plots, and the mix of spaces between dwellings, this gap can be considered a small space in these circumstances and not a large gap. I note

that paragraph 1.66 of the Local Plan gives an example of a large gap of being bigger than one or two dwellings between buildings or groups of buildings. In this case, two dwellings are proposed and I am satisfied that the proposal would meet the policy requirements of an infill scheme.

23. The proposal falls within the village and meets with the requirements of rounding off and infill development. However, Policy 3 of the Local Plan also sets a further requirement, under criterion 4. This requires that within the AONB, development will be supported where it is in accordance with the other policies of the Local Plan and can demonstrate that it conserves and enhances the landscape and natural beauty of the AONB. As I have found that the AONB would be harmed and the proposal would not comply with other policies of the Local Plan it follows that there would not be compliance with Policy 3 of the Local Plan.
24. Policy 1 of the Cornwall Site Allocations Development Plan Document (the Allocations DPD) sets out a similar approach to rounding off and infill development as Policy 3 of the Local Plan, but without the reference to the impact on the AONB. In these circumstances, Policy 1 of the Allocations DPD is complied with, but this does not outweigh the conflict with Policy 3 of the Local Plan.
25. For the reasons explained above, because of the adverse impact on the AONB and the non-compliance with other policies of the Local Plan, I conclude that the scheme would not comply with Policy 3 of the Local Plan. As a consequence, the proposed residential development would not be supported by the development plan in respect to the location for housing development.

Other Matters

26. The scheme would provide some local benefits to the area in the form of a small boost to housing supply on a windfall site. The site would be in a location with good access to the services and facilities of the village, and the ability for future residents to access the local bus service, if required. There would be economic and social benefits during the construction phase and in subsequent occupation. There would be the opportunity for the landscaping scheme to improve the biodiversity of the site. However, as only 2 units of accommodation are proposed, and in a plan area where the Council is able to demonstrate a 5 year housing land supply, the cumulative benefits afford limited weight. The benefits would not outweigh the harm I have identified above.

Conclusion

27. For the reasons given above, the scheme does not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR