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## Appeal Decision

Site visit made on 25 August 2020

**by Nick Davies BSc(Hons) BTP MRTPI**

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

**Decision date: 21 September 2020**

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**Appeal Ref: APP/D0840/W/20/3253448**

**Land W Of The Jays, Road From Kennards House To Trebursye Farm, Tregadillett, Launceston PL15 7EU**

- 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 Mrs G Tucker against the decision of Cornwall Council.
  - The application Ref PA19/11207, dated 16 December 2019, was refused by notice dated 17 February 2020.
  - The development proposed is erection of up-to nine dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The proposal has been made in outline, with all matters apart from access reserved for future consideration. A drawing has been submitted showing the proposed access. This drawing also shows a site layout for nine dwellings. As layout is a reserved matter, I have considered this element of the drawing solely on the basis that it has been submitted for illustrative purposes.

### Background and Main Issue

3. The application was refused by the Council for two reasons. The second reason related to a failure to demonstrate that adequate visibility splays could be provided, to allow safe vehicular access to the site. As part of the appeal, the appellant provided the results of speed surveys, which demonstrate that adequate visibility splays can be provided. The Council has confirmed that this reason for refusal has been addressed.
4. Therefore, the main issue is whether the site is suitable for the proposed development, having regard to the settlement policies of the development plan, and the character and appearance of the area.

### Reasons

5. Tregadillett lies approximately 2 kilometres to the west of Launceston. Most of the buildings lie to the north of the main village road, East Park, but there is also frontage development to the south. It is a compact village, with a very clearly defined urban form, surrounded by open countryside. The appeal site is on the south side of East Park, and is part of a large field that borders the south-eastern edge of the village. Beyond the field, to the east, there are two bungalows, which lie approximately 120 metres from the nearest houses in the

village. The proposal is to develop the site for residential purposes, with an access directly off East Park.

6. The main settlement policies of the development plan are Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan). The strategy set out in Policy 2 seeks to maintain the dispersed development pattern of Cornwall, and provide housing based on the role and function of each place. Policy 3 defines how development will be accommodated, based on this hierarchy of role and function. Outside specific main towns, housing growth is to be delivered through the identification of sites through Neighbourhood Plans; rounding off of settlements; development of previously developed land (PDL) within or immediately adjoining settlements; infill schemes; and rural exception sites.
7. The appeal site is not identified for development by a Neighbourhood Plan, and it is not PDL. Furthermore, the appellant's case makes it clear that the proposal should not be considered as an exception site.
8. The Policy 3 definition of infill development refers to schemes that would fill a small gap in an otherwise continuous built frontage. The supporting text clarifies that a small gap is one that could accommodate one or two houses. Paragraph 1.67 says that *"large gaps often exist between the urban edge of a settlement and other isolated dwellings beyond the edge of the settlement; they are not appropriate locations for infill development, and the development of these gaps would not therefore be considered as infill under the policies of this Local Plan"*. The appeal site could accommodate significantly more than two dwellings, so the proposal would not constitute infill.
9. Consequently, the proposal would only comply with Policy 3 of the Local Plan, if it constituted rounding off. The supporting text to the Local Plan defines rounding off as 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. Furthermore, it should not visually extend building into the open countryside.
10. The appeal site is part of a large, open field, and there is no existing physical demarcation of its southern boundary. Whilst the northern edge of the site abuts the road, the boundary treatment here is a low stone bank with very sparse planting. As a result, the entire field is open to view. The boundary fences to the dwellings at either end of the site are insubstantial, and so far apart that they do not perform any significant enclosing effect. Therefore, rather than being substantially enclosed, the site has an open character, and its southern edge is an arbitrary line across the field, rather than any physical feature that would act as a barrier to growth.
11. In view of the openness of the site, the houses would be readily visible from East Park when entering and leaving the village. Viewed from the west, the appeal site is seen as part of the open countryside beyond the very distinct urban edge of the village, which is formed by the eastern boundaries of the new houses to the south of East Park, and the bungalow opposite. Whilst the bungalows to the east of the site are just visible from here, they are distant, and surrounded by undeveloped land, so they appear as isolated buildings within the countryside, rather than part of the village. There is, therefore, a very marked transition from the urban form of the village into the open countryside beyond. The development would be a significant linear projection,

beyond this distinct built edge, and would, therefore, visually extend building into the countryside.

12. Additional guidance on rounding off is contained in the Chief Planning Officer's Advice Note (the CPOAN) titled Infill/Rounding Off, which both parties have referred to. This note advises that suitable sites are likely to be surrounded on at least two sides by existing built development. In this case, there are buildings on two sides of the site, but those to the east are isolated dwellings in the countryside, and are so far away from the houses to the west that they do not result in the site having any real sense of enclosure.
13. In any event, the CPOAN says that it provides guidance only, and it should not be used as a substitute for the policies of the adopted Local Plan. So, although I have had regard to it, the policy and supporting text of the Local Plan leads me to the conclusion that the development would not be rounding off, because the site is not substantially enclosed, has no physical barrier to development on its southern edge, and would result in the visual extension of building into the countryside.
14. In coming to this view, I have considered the previous decisions that have been drawn to my attention by the appellant. In the appeal decisions at Mount<sup>1</sup>, the first Inspector concluded that *"substantial hedgerows mean that the site is very well enclosed and, crucially, for the reasons given in respect of the first main issue, would not visually extend building into the open countryside"*. By contrast, I have found that the appeal site has an open character, and that the development would visually extend development into the countryside. Consequently, the two sites are not comparable. The proposal approved by the Council at St Buryan also differed significantly, in terms of the shape of the site, and the character of surrounding land uses. Neither decision, therefore, provides a compelling precedent for concluding that the present proposal constitutes rounding off.
15. The appellant contends that, even if the proposal is not found to fall within the definition of rounding off, the CPOAN still supports development that would accord with Policy 21(c) of the Local Plan, which seeks to increase building density where appropriate. However, this part of the CPOAN is headed "Other development within a settlement", and refers to development that does not entirely fit the definition of infilling or rounding off, but would be within the form and shape of the settlement. I have found that the development would represent a linear extension of the village, rather than being within its form and shape. Consequently, no support for the appeal is derived from the CPOAN in this respect. Furthermore, Policy 21 also requires account to be taken of the character of the surrounding area.
16. The area surrounding the built form of the village is undeveloped agricultural land. Although it does not have any specific landscape designation it is, nevertheless, attractive countryside. Paragraph 170 of the National Planning Policy Framework says planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Policy 23 of the Local Plan is consistent with this aim.
17. There is a very clear distinction between the urban form of Tregadillett and its undeveloped agricultural surroundings. This rural setting plays an important

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<sup>1</sup> APP/D0840/W/18/3194168 & APP/D0840/W/19/3242301

role in the character of the settlement, particularly when approaching from the east. The openness of the appeal site allows views through the site to the countryside and hills beyond. The A30 is in a cutting at this point, so does not interrupt these views. This vista provides an attractive approach to the village. Dwellings on the site would interrupt these views of the landscape, and intrude into the countryside beyond the clearly defined edge of the settlement. This would be harmful to the character and appearance of the landscape setting of the village.

18. I am mindful that there is an extension to the compact built form of the village, to the southwest, at Trekeastle Park. I do not have any evidence of the history of this development, but it appears to be a long-established park home site that developed under a different planning policy regime. Its presence does not, therefore, justify the harm to the rural setting of the village that would ensue from the appeal scheme.
19. I therefore conclude on the main issue, that the proposal would not accord with the settlement policies of the Local Plan, because it would not amount to rounding off. Furthermore, the development would harm the landscape setting of the village. Consequently, the proposal would be contrary to Policies 2, 3 and 23 of the Local Plan, which set out the spatial strategy for the delivery of housing, and seek to ensure that development respects landscape character.

### **Other Matters**

20. The Council's reason for refusal refers to a failure to offer a minimum of 50% on-site affordable housing provision. This would be a requirement of a rural exception site under Policy 9 of the Local Plan. The appellant has made it clear, however, that the proposal is not put forward as an exception site. Nevertheless, had I concluded that the development was rounding off, Policy 8 would have required a financial contribution to off-site affordable housing. The Council's evidence indicates that the necessary contribution would be £102,000. The appellant has not provided a completed obligation to provide this contribution, or any viability evidence to demonstrate that it would render the scheme unviable. However, in the light of my conclusion on the main issue, this is not a matter that I need to consider further.
21. There is no dispute between the parties that the Council can demonstrate a five-year supply of deliverable housing sites. Nevertheless, the housing requirement in the Local Plan is a minimum figure. Social and economic benefits would still arise through the construction of the houses, and the activities of future occupants. The scale of these benefits would, however, be modest, given the relatively small scale of the development. They would not, therefore, outweigh the harm I have found to the character and appearance of the landscape setting of the village.

### **Conclusion**

22. For the reasons given above, I conclude that the appeal should be dismissed.

*Nick Davies*

INSPECTOR