
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

Appeal Ref: APP/D0840/W/20/3251843

Meneghy, Road From Merricott Farm To Wheal Rose, Chilsworthy PL18 9PB

- 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 D Forbes-Hamilton against the decision of Cornwall Council.
 - The application Ref PA20/00042, dated 2 January 2020, was refused by notice dated 2 April 2020.
 - The development proposed is erection of 3 bed-dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the site is suitable for the development, having regard to the settlement policies of the development plan, and the rural character and appearance of the area, including the Tamar Valley Area of Outstanding Natural Beauty (the AONB), and the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS).

Reasons

3. The main settlement policies of the development plan are Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (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.
4. The appeal site is not identified for development by a Neighbourhood Plan, and the proposal is not put forward as an exception site. The dwelling would not fill a small gap in an otherwise continuous built frontage, so would not be infill development. The appellant does not argue that the site is PDL. Therefore, the proposal would only comply with Policy 3 of the Local Plan, if it constituted rounding off of a settlement. In this regard, it is not disputed by the Council that Chilsworthy comprises a settlement.
5. 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. Additional guidance 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 rounding off provides a symmetry or completion to a settlement boundary, and is not intended to facilitate continued incremental growth. Furthermore, it advises that proposals must be adjacent to existing development, and that suitable sites are likely to be surrounded on at least two sides by existing built development.

6. 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 noted the guidance it contains, I have principally based my consideration on the policy and supporting text of the Local Plan.
7. Chilsworthy is, primarily, a linear settlement, with development lining both sides of Little Meadow, which is the main road through the village. There is also a fairly tight cluster of development close to the junction of Little Meadow with the road that leads out of the village, towards the appeal site. The dwellings at Moor View, September Cottage and Highfields mark the western extent of this cluster. The high trees and hedges along the western boundaries of these properties form a distinct edge to the settlement. Meneghy, and its associated structures, lie to the west of this hedge, so are visually separated from the settlement, and appear as an isolated group of buildings in an otherwise rural setting.
8. The appeal site lies to the north of Meneghy, and is part of a field that slopes down to the roadside boundary hedge. It lies to the west of the line of trees and hedges that provide a visual demarcation of the settlement edge, so it is outside the urban form of the settlement. Although the site is bounded by hedges to the north and east, there are no physical features that define its southern and western edges, as these boundaries are formed by an arbitrary line through the open field. The site is not, therefore substantially enclosed.
9. There is a driveway to the west, serving Meneghy, which bisects the field. However, it is narrow and in a slight cutting, so it is not a strong visual feature. It is bounded by post and rail fencing on either side, which allows views through to the open land beyond, so it would not serve as a barrier to further growth. In any event, the appeal site does not extend as far as the driveway, so its western edge is not marked by any existing physical feature that would constrain further growth.
10. The proposed dwelling would be readily visible through the access, when approaching the site from the west. From this viewpoint it would be seen in the context of the open countryside to the north and west, with the high hedge to the east screening the settlement beyond. It would therefore appear as an isolated house in the countryside, rather than as a part of the settlement. When leaving the village from the east, the high conifer hedge to the west of Highfields marks the end of the domesticated part of the settlement, and the transition to open countryside. Beyond this transition point, the dwelling would be visible through the roadside boundary hedge, where, currently, there is no development on either side of the road. It would, therefore, noticeably extend the built form of the settlement into the open countryside.

11. I am mindful that there is a loose cluster of dwellings further along the road, to the west. However, these buildings are separated from the appeal site by approximately 200 metres of undeveloped agricultural land on both sides of the road. They are not visible from the appeal site, and do not form part of the built form of Chilsworthy. Consequently, they do not alter my conclusion that the development would result in the visual extension of development into the countryside.
12. In support of the appeal, it is argued that there is existing housing on two sides of the appeal site, in line with the CPOAN guidance on rounding off. However, the dwellings to the east are a significant distance away, and are separated by a high boundary hedge, such that there is little visual connection between the two. The dwelling to the south, Meneghy, is an isolated dwelling that is also separated from the built form of the village. The presence of these buildings does not therefore affect my findings that the site lies outside the built form of the settlement, is not substantially enclosed, or defined by a physical feature that acts as a barrier to further growth, and that the development would visually extend building into the open countryside. Consequently, I conclude that the proposal would not constitute rounding off.
13. 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 already concluded that the appeal site lies outside the urban form of Chilsworthy, so no support for the appeal can be drawn from the CPOAN in this respect. Furthermore, Policy 21 also requires account to be taken of the character of the surrounding area.
14. The appeal site lies within the AONB. Paragraph 172 of the National Planning Policy Framework (the Framework) says great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Policy 23 of the Local Plan is consistent with this guidance.
15. The design of the proposed dwelling would help to minimise its impact on the landscape, as it would utilise vernacular materials, and the bulk would be broken down into separate elements, resembling a group of converted rural buildings built into the slope of the land. The boundary screening to the north and east would also restrict the landscape impact of the development to a localised area, so the effect on the wider AONB would be limited. Nevertheless, the dwelling and its driveway and garden, would result in the visual extension of development into the open countryside, resulting in harm to the landscape in the immediate locality. Consequently, there would be conflict with Policy 23 of the Local Plan, which says that proposals must conserve and enhance the landscape character and natural beauty of the AONB.
16. The appeal site also lies within the WHS, which comprises ten areas across Cornwall and West Devon that were heavily influenced by copper and tin mining in the period 1700 to 1914. Paragraph 184 of the Framework says that World Heritage Sites are heritage assets of the highest significance, which are internationally recognised to be of Outstanding Universal Value (OUV). The

Statement of OUV states that the remains of mines, engine houses, smallholdings, transport infrastructure, and industries allied to mining, along with new towns and villages, reflect an extended period of industrial expansion and prolific innovation. It adds that the ten areas form a unified, coherent cultural landscape and share a common identity. Policy 24 of the Local Plan says that proposals that would result in harm to the authenticity and integrity of the OUV should be wholly exceptional.

17. The Heritage Impact Assessment (HIA) submitted with the application concludes that there is no evidence that the site contained features related to OUV at any time in its history. The WHS Officer advocated that further research should have been carried out, perhaps involving examination of the census record, to see if the appeal site was linked to a mineworker. However, I am mindful of the advice in paragraph 189 of the Framework, that the level of detail required in an HIA should be no more than is sufficient to understand the potential impact of the proposal on the significance of the asset.
18. In this case, I saw that the appeal site does not display a relict mining character, and no mining artefacts are visible from the site. Whilst the development would involve residential development in the countryside within the WHS, the visual impact of the development would be localised, and would not be visible from any locality that has a clear association with the mining history of the WHS. Therefore, I conclude that there would be no harm to the authenticity and integrity of the OUV of the WHS.
19. To conclude on the main issue, the development would not comply with the principle settlement policies of the Local Plan, as it would not constitute rounding off of a settlement. The proposal would, therefore, constitute a new house in the countryside, without any special justifying circumstances. The visual extension of residential development into the open countryside would be harmful to the rural character of the location, and would fail to conserve and enhance the landscape character and natural beauty of the AONB. The development would therefore be contrary to Policies 2, 3, 7 and 23 of the Local Plan which, in combination, set out the spatial strategy for the delivery of housing; restrict residential development in the open countryside; and conserve and enhance the landscape character and natural beauty of the AONB.

Other Matters

20. 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 dwelling, and the activities of future occupants. The scale of these benefits would, however, be modest, given the small scale of the development. They would not, therefore, outweigh the harm I have found to the character and appearance of the landscape character and natural beauty of the AONB.

Conclusion

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

Nick Davies
INSPECTOR