
Appeal Decision

Site visit made on 8 September 2020

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

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/D0840/W/20/3251657

Land at Gears Lane, Goldsithney TR20 9LB

- 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 Mr Stan Somers, Mr Harry Somers and Miss M Somers against the decision of Cornwall Council.
 - The application Ref PA19/11162, dated 19 December 2019, was refused by notice dated 8 April 2020.
 - The development proposed is an outline application permission (all matters reserved) for the construction of three self-build dwellings for family members.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the original description of development to reflect that as stated at section E of the appeal form and as provided for on the Council's decision notice, in the interests of accuracy and consistency.
3. The proposal is for outline planning permission with all matters reserved. Whilst not formally part of the proposed development, the details submitted with the application include an illustrative layout for the scheme.

Main Issue

4. The main issue is whether or not the proposed development would be in a suitable location for new dwellings, having regard to the character and appearance of the surrounding area and to the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS).

Reasons

5. The appeal site comprises a parcel of land located on the southern side of Gears Lane which, when leaving the built up form of Goldsithney, becomes an unmade trackway which passes the site, and which connects Goldsithney to the area at Tregurtha Downs. There is residential development to the east of the site, with further sporadic residential development being located west of the site within Gears Lane and which is predominately characterised by the significant gaps which exist between the loose collection of dwellings.
6. By reason of the narrow unmade nature of the lane as it nears and passes the site, and given the presence of hedgerows, scatter of buildings, wooded areas and agricultural land, the site and its immediate surroundings has an

intrinsically rural feel. Whilst I acknowledge that the site is located adjoining the settlement at Goldsithney, the character of the surrounding area changes from urban to rural at the point where Gears Lane becomes an unmade trackway, with the site exhibiting a closer physical and visual relationship with the countryside west of Goldsithney rather than with the built form of the settlement. This position would not be altered by the approval of nearby dwellings which, the evidence indicates, have been permitted under the Council's rural exceptions site policy. Accordingly, I conclude that the appeal site is not located within the settlement for planning purposes.

7. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies (2010-2030)¹ (the Local Plan). It sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing jobs in a proportional manner based on the role and function of each place.
8. Policy 3 of the Local Plan sets out the strategy for the delivery of housing across Cornwall and growth is centred on the named, larger settlements within the county. Goldsithney is not listed as a named settlement within Policy 3 of the Local Plan. The supporting text to this policy provides that settlements that are not named within Policy 3 of the Local Plan can help meet housing requirement by, amongst other things, identification of sites where required through Neighbourhood Plans and windfall development, including infill sites and rounding off of settlements and development of previously developed land (PDL) within or immediately adjoining that settlement. The evidence indicates that there is currently no neighbourhood plan which allocates the site for development.
9. For the reasons given above, I have found that the site is located outside of the physical boundary of Goldsithney. However, as noted above the site does adjoin the settlement and Policy 3 of the Local Plan provides that proposals could be considered in the context of whether it constitutes use of PDL or the rounding off of the settlement, on land immediately adjoining that settlement. In this regard, my attention has been drawn 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, amongst other things, PDL, rounding off of settlements and infill, and as such I have had regard to this advice.
10. From the evidence before me and from observations made on my site visit, it is apparent that the appeal site currently comprises agricultural land and, as such, is excluded from the definition of PDL as provided within the National Planning Policy Framework (the Framework).
11. Within the context of Policy 3 of the Local Plan, rounding off is defined as being development on land that is substantially enclosed and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth. The CPOAN reflects the definitions of rounding off as provided within the Local Plan and further confirms that development resulting in the creation of a further site for rounding off, is unlikely to be rounding off in itself.
12. In this regard, the appeal site is bounded to the north by the unmade trackway and is bordered to the east and west by residential development. As the appeal

¹ Adopted November 2016

- site forms part of a larger agricultural field, there would be no barrier to further growth south of the site. Notwithstanding this lack of any barrier to further growth, the Appellants have put it to me that a new boundary wall would be constructed along the southern boundary of the site.
13. However, it is apparent from the evidence before me that, even if a new barrier to growth existed rather than being the longstanding boundary feature as referred to within the CPOAN, development of the site would have the effect of creating a further site for rounding off to the north of the dwellings at Tregurtha View. Consequently, development of the site would create a further site for rounding off and would visually extend the built form of Goldsithney into the countryside. Accordingly, the proposal could not be considered to be rounding off within the context of the CPOAN or Policy 3 of the Local Plan.
 14. As noted above, Policy 3 of the Local Plan also confirms that infill schemes within settlements can provide a contribution towards housing growth. Whilst I have found that the site is not located within the settlement for the reasons given above, even in the event that the site could be considered to be within the boundaries of Goldsithney, by reason of the significant gap that the appeal site provides in the built environment between the dwellings east of the site and the dwelling known as the Cottage west of the site, the proposal would not represent infill development within the context of Policy 3 of the Local Plan.
 15. The supporting text to Policy 7 of the Local Plan defines open countryside as being the area outside of the physical boundaries of an existing settlement where it has a clear form and shape. For the reasons given above, the appeal site is located outside of the settlement and, accordingly, the provisions of Policy 7 apply to the appeal scheme. The policy supports development proposals within the open countryside where it is shown that special circumstances exist. A number of criteria are listed against which proposals may be assessed. The appeal scheme fails to accord with any of these criteria.
 16. The appeal site comprises a relatively level area of undeveloped land which, given its location adjacent to Gears Lane, would be highly visible to those travelling along the unmade section of trackway. Furthermore, whilst I acknowledge that the site is not highly visible from within the wider surrounding area, the land to the south of the site rises gently uphill towards the B3280 highway and, consequently, there are some limited views of the site from that direction.
 17. As noted above, development of the site within this predominately rural area outside of the settlement would represent an encroachment into the countryside, with the domestic paraphernalia associated with residential occupation that that would entail. The proposal would result in the coalescence of built form of those dwellings within the settlement to those sporadic dwellings located outside of the settlement, and would result in a narrow band of development which would project outwards from the logical boundary of the settlement. While additional planting and landscaping may help assist in screening the proposal from views, such planting will take time to establish itself and, consequently, would not provide sufficient mitigation of the identified harm to the character and appearance of the surrounding area.
 18. For the reasons given above, the appeal proposal would harm the character and appearance of the area. This harm would fail the requirements of paragraphs 127 and 170 of the Framework, that decisions should ensure that

developments are sympathetic to local character and contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. For the same reasons, the appeal scheme would conflict with Policies 12 and 23 of the Local Plan which, amongst other things, requires that development maintains and enhances Cornwall's distinctive natural character and environment.

19. The appeal site is located within the WHS. Policy 24 of the Local Plan provides that development within the WHS will be restricted in accordance with the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2013 – 2018 (the WHSMP). Whilst the WHSMP does not attract the same weight as the Development Plan Policies, it is reflective of the Framework in terms of seeking to conserve such heritage assets and, consequently, the WHSMP is an important material consideration that can be given moderate weight.
20. The WHSMP places the appeal site within the Tregonning and Gwinear Mining Districts with Trewavas Area A3 of the WHS. The WHSMP describes the significance of this area lying in it being a group of rural mining districts which include tin and copper mines, important eighteenth century technological developments together with extensive mineworkers' smallholdings, mining settlements and large estates related to the mining industry.
21. As noted above, the appeal site forms part of a larger agricultural field and, while the division of that field that would result from the appeal development may lead to an enclosure which is more reflective of the historical local field pattern as noted within the main parties submissions, it would do so only at the loss of a similar sized plot of land which itself retains the characteristics and appearance of a mineworkers' smallholding. Furthermore, there would still be an increase in the amount of built form within this area which would be at odds with the dispersed pattern of development within this part of the WHS outside of a settlement.
22. Additionally, the appeal proposal would result in the coalescence of the built form of Goldsithney with the outlying dwelling known as the Cottage and, consequently, would be at odds with the dispersed pattern of development within this area, and would be detrimental to the positive contribution that that undeveloped site provides to both the setting of Goldsithney and the WHS. Consequently, there would be harm to the setting and significance of the WHS, and therefore the proposal would conflict with Policy C7 of the WHSMP, and would be contrary to Policy 24 of the Local Plan.
23. By reason of the appeal site's location and degree of visibility within the surrounding area, the harm to the WHS described above would, in my view, be towards the lower end of 'less than substantial harm' within the meaning of the term in paragraph 196 of the Framework. Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
24. In this regard, the benefits of the scheme arise by reason of the contribution of three units towards housing supply in an area which does provide convenient access to services and facilities within Goldsithney. Furthermore, there would be economic benefits associated with the proposal in terms of employment

opportunities during the construction phase and through the spend of future occupants within local businesses. However, these benefits are limited by the scale and scope of the proposal and these benefits would not outweigh the less than substantial harm to the heritage asset. Therefore, the proposal would not accord with those parts of the Framework which seek to preserve or enhance the historic environment and the significance of heritage assets.

25. It has been put to me by the Appellants that the appeal scheme would accord with the definition of “other development within a settlement” as provided for within the CPOAN, and would also comply with the provisions of Policy 21 of the Local Plan which concerns best use of land. In these respects, whilst I acknowledge that the appeal site has convenient access to services and facilities, the proposal would, for the reasons given above, result in harm to the character and appearance of the surrounding area and would be harmful to the WHS. The proposed development would not be located within a settlement and would be at a location where it is not appropriate to increase building density when considering the effect on the character and appearance of the surrounding area. Consequently, the proposal would fail to accord with the CPOAN and would conflict with Policy 21 of the Local Plan.

Other Matters

26. Interested parties raise additional objections to the proposal on the grounds of biodiversity, drainage and highway safety. These are important matters and I have considered all of the evidence before me. However, given my findings in relation to the main issues above, these are not matters that have been critical to my overall decision.

Conclusions

27. For the above reasons, the appeal scheme would not be suitably located with regards to the Local Plan, would cause harm to the character and appearance of the surrounding area and would cause less than substantial harm to the WHS that would not be outweighed by any public benefits. The proposed development would conflict with the development plan and the Framework when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR