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## Appeal Decision

Site visit made on 18 January 2021

**by John Wilde CEng MICE**

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

**Decision date: 09 February 2021**

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**Appeal Ref: APP/D0840/W/20/3261037**

**Land west of Trevenen Farmhouse, Trevenen Bal, Helston, Cornwall  
TR13 0NE**

- 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 Mr and Mrs Hatton against the decision of Cornwall Council.
  - The application Ref PA20/03714, dated 3 April 2020, was refused by notice dated 29 July 2020.
  - The development proposed is the construction of a single dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a single dwelling at land west of Trevenen Farmhouse, Trevenen Bal, Helston, Cornwall TR13 0NE in accordance with the terms of the application, Ref PA20/03714, dated 3 April 2020, subject to the conditions contained within the attached schedule.

### Main Issues

2. The main issues are:-
  - a) Whether or not the development accords with the spatial strategy of the Cornwall Development Plan, and
  - b) The effect of the development on the character and appearance of the area.

### Reasons

#### *Spatial strategy*

3. The Council's approach to location of new dwellings is contained in policy 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (LP). This makes clear that other than in identified main towns housing should be restricted and only provided under a number of categories. These include rounding off of settlements within or immediately adjoining the settlement of a scale appropriate to its size and role.
4. Rounding off is defined in the justification for the policy and explains that it applies to *land that is substantially enclosed but outside 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 (such as a road)*. The justification for the policy

goes on to make clear that the proposed development should *not extend building into the open countryside*.

5. The appeal site lies within the small settlement of Trevenen. It is bordered to the south by a road, beyond which is a small estate of bungalows. Directly to the east of the site is a paddock and a sand-school, beyond which is Trevenen Farmhouse. There is a solid Cornish Hedgebank to the north of the site which curves round to meet the road at the entrance to the site and forms a clear divide between the appeal site and the open field beyond. I acknowledge that there is a small gap giving access to the field between the appeal site and the dwelling to the west, but nonetheless the appeal site is still defined by a physical feature on all sides. It therefore complies with the definition of rounding off given in policy 3.
6. I have been supplied with a Chief Planning Officer's Advice Note (CPOAN) which supplies further guidance on the question of rounding off. This advises that rounding off development should not visually extend development into the open countryside and should be predominately enclosed by edging features. The CPOAN goes on to inform that suitable sites are likely to be surrounded on at least two sides by existing built development. Whilst the CPOAN is not an adopted document and therefore carries limited weight, I consider that the proposed development complies with the advice in the document.
7. The CPOAN also warns that development that results in the creation of a further site for rounding off is unlikely to be rounding off in itself. In respect of the appeal proposal, whilst I have already noted the small gap to the west, the field is open and merges into the open countryside, such that a further site is most unlikely to be created.
8. In light of the above I consider that the proposed development accords with policy 3 of the LP.

#### *Character and appearance*

9. The proposed dwelling would be single storey and finished in render and stonework under a slate roof. It would be in keeping with other development in the immediate area in terms of its design and materials and would be set behind the hedgebank that fronts the road. There would therefore be no conflict with policies 12 or 23 of the LP. The former of these seeks to ensure, amongst other things, that development is of an appropriate scale, density, layout, height and mass. The latter requires that development proposals sustain local distinctiveness and character.
10. Policy 7 of the LP relates to the development of new homes in the open countryside. As I have found that the proposed development would comply with policy 3 in respect of rounding off, it follows that the proposal would not be in the open countryside.

#### *Conditions*

11. As mining activity has been identified on the site, I have imposed a condition designed to deal with any contamination found at the site. In the interest of the final appearance of the development I have imposed a condition requiring a landscaping scheme to be submitted. To ensure highway safety during the construction process I have also imposed a condition requiring the submission of a construction method statement and for certainty I have imposed a

condition detailing the plans submitted with the application. I have not however imposed a condition relating to finishing materials as these are clearly shown on the submitted drawings.

**Conclusion**

12. For the above reasons, and having taken into account all other matters raised, the proposal accords with the development plan taken as a whole. I therefore conclude that the appeal should be allowed.

*John Wilde*

INSPECTOR

### 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: 1122.000.A Location Plan, 1122.000.B Block Plan, 1122.002 Elevations, 1122.003 Floor Plan, 1122.007 Layout Plan, 20-0018-001 Rev A Topographical Plan.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) wheel washing facilities;
  - v) measures to control the emission of dust and dirt during construction;
  - vi) Construction vehicle details;
  - vii) Vehicular routes and delivery hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall take place (other than that required to be carried out as part of an approved scheme of remediation) until criteria 1 to 5 have been complied with (as necessary). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until criterion 5 has been complied with in relation to that contamination.

#### Criterion 1: Preliminary risk assessment/desk study

A preliminary risk assessment/desk study identifying: (i) All previous uses (ii) Potential contaminants associated with those uses (iii) A conceptual model of the site indicating sources, pathways and receptors (iv) Potentially unacceptable risks arising from contamination at the site. The written report must be submitted in writing to the local planning authority.

#### Criterion 2: Site characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme and a written report of the findings of the investigation and risk assessment is to be submitted to and approved in writing by the local planning authority. The report of the findings must include (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to

- human health

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface water
- ecological systems
- archaeological sites and ancient monuments.

Criterion 3: Submission of remediation scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Criterion 4: Implementation of approved remediation scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation work. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to the local planning authority.

Criterion 5: Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of criterion 2, and where remediation is necessary, a remediation scheme must be prepared in accordance with criterion 3, and submitted in writing to the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted in writing to the local planning authority in accordance with criterion 4.

- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall provide planting plans with written specifications including:
- Details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development
  - Full schedule of plants

- Details of the mix, size, distribution and density of all trees/shrubs/hedges
- Cultivation proposals for the maintenance and management of the soft landscaping
- Boundary treatments (walls, fences, hedges)

The protection measures proposed shall be completed in accordance with the approved scheme before the development hereby permitted commences and shall thereafter be retained until it is completed. Notice shall be given to the local planning authority when the approved scheme has been completed.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Notice shall be given to the local planning authority when the approved scheme has been completed. Any trees or plants that die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted.