
Appeal Decision

Site visit made on 28 January 2021

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22th March 2021

Appeal Ref: APP/D0840/W/20/3263054

Land West of Grove Cottage, Red Lane, Rosudgeon TR20 9PU

- 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 & Mrs S Smith against the decision of Cornwall Council.
 - The application Ref.PA20/03479, dated 23 April 2020, was refused by notice dated 23 September 2020.
 - The development proposed is 2 dwellings and alterations to existing access.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is whether the appeal site is an appropriate location for new housing in the light of the approach of the development plan and linked to that, the effect of the proposal on the character and appearance of the area, and the Outstanding Universal Value (OUV) of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) it lies within.

Reasons

3. The development plan for the area includes the Cornwall Local Plan (LP), adopted in November 2016. In locations such as that at issue, LP Policy 3 is permissive of new housing where the proposal (i) relates to a site identified in a Neighbourhood Plan; (ii) consists of the rounding off of a settlement and development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role; (iii) is an infill scheme that fills a small gap in an otherwise continuous built frontage and does not physically extend the settlement into the open countryside; and (iv) provides for a rural exception site under LP Policy 9.
4. The site is not identified for housing in a Neighbourhood Plan and there is no suggestion that the scheme is to be dealt with as a rural exception site. As such, the principle of the development rests on whether the proposal can properly be described as rounding off, or infill, as provided for in LP Policy 3.
5. The appeal site lies on a corner where Red Lane turns east to join Packet Lane. There are three dwellings to the east of the appeal site and others to the west, on the opposite side of Red Lane. However, the settlement pattern in the vicinity of the appeal site is distinctly and pleasingly loose-knit and the undeveloped nature of the appeal site, and the open land to the south, contributes significantly to that quality.

6. Paragraph 1.68 of the LP sets out that 'rounding off' applies to 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. As set out, the appeal site is located within a loose-knit collection of dwellings. It is not on the edge of the settlement and neither does it have a boundary with surrounding open countryside. As such, the proposal cannot reasonably be described as rounding off a settlement.
7. In terms of infill, LP paragraph 1.65 applies the familiar definition as 'the filling of a small gap in an otherwise continuously built-up frontage'. Given that the land to the south of the appeal site, the continuation of the Red Lane frontage, is open and undeveloped, the proposal does not meet that definition.
8. As a result, the proposal fails to comply with Policy 3 and the appeal site is not an appropriate one for housing, in the context of the development plan.
9. Moreover, LP paragraph 1.66 explains that many frontages are not continuously built-up and have large gaps. It goes on to note these gaps can add to the character of an area, and that the contribution larger gaps make to settlements should not be significantly diminished. With those points in mind, it seems to me the addition of two dwellings on the appeal site, as proposed, would serve to consolidate development along this part of Red Lane, and thereby detract from its pleasing loose-knit character.
10. Moreover, the provision of safe vehicular access to the site would require the use of an existing opening some way south of the appeal site, and the removal of a significant section of Cornish Hedge, and reinstatement in a more linear fashion, to provide adequate visibility splays. This too would detract from the prevailing loose-knit, semi-rural character of the area.
11. On top of that, the appeal site is part of what was a mineworkers' smallholding. As a visible remnant of activities associated with mining, it makes a small but nevertheless tangible contribution to the significance, and OUV, of the WHS. The development of the appeal site in the manner proposed would extinguish that contribution to the detriment of the significance and OUV of the WHS.
12. Bringing all those points together, the proposal not only falls contrary to LP Policy 3 but also LP Policy 23 that seeks to sustain local distinctiveness and character, and LP Policy 24 that protects the historic environment.
13. Some appeal decisions have been cited in support of the proposal. Those of most relevance relate to two sites on Red Lane, to the south of the appeal site. However, I would note that the first (APP/D0840/W/15/3141049) was determined under a different policy regime, and the second (APP/D0840/W/18/3193928) was, in short, found to be infill as a result of the commencement of the development approved by the first, thereby complying with LP Policy 3. On that basis, neither provide good reasons for me to depart from the particular findings set out above.
14. For all those reasons, I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR