
Appeal Decision

Site visit made on 4 May 2021

by Helen Heward BSc (Hons) MRTPI

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

Decision date: 20 May 2021

Appeal Ref: APP/D0480/W/20/3249136

**Land west of Kenley Vale, Higher Condurrow, Camborne, Cornwall
TR14 9AL**

- 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 and Mrs K and S Moir against the decision of Cornwall Council.
 - The application Ref PA19/07609, dated 20 August 2019, was refused by notice dated 10 January 2020.
 - The development proposed is to build 3 bungalows.
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Decision

1. The appeal is allowed and planning permission is granted for 3 bungalows on land west of Kenley Vale, Higher Condurrow, Camborne in accordance with the terms of the application, Ref PA19/07609 dated 20 August 2019, subject to the conditions as set out in the schedule at the end of this decision.

Main Issue

2. Whether or not the proposal would constitute suitable infill or rounding off of Higher Condurrow.

Reasons

3. The appeal site is beyond the established settlement limits defined in the adopted Cornwall Local Plan, 2010-2030. Policy 3 for housing growth provides, amongst other things, for housing development in the form of infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside.
4. Open countryside is defined in the Local Plan at paragraph 2.33 as '*...the area outside of the physical boundaries of existing settlements (where they have a clear form and shape.*' The Chief Planning Officer's Advice Note on Infill and Rounding Off, published in December 2017 provides additional guidance although it clearly states that it is not to be used as a reason for refusal.
5. Nonetheless, it provides helpful informative advice, including that there is no absolute definition for settlement, but the smaller villages and hamlets should have a form and shape and clearly definable boundaries, not just a low-density straggle of development. Some linear settlements can meet the test of a clear form and shape suitable for infill. Well-defined groups of dwellings with a collective name will normally be considered settlements. The layout and density of the development should be in character with and similar to others in the continuous frontage

6. Policy 1 in the Cornwall Site Allocations Development Plan Document 2019 also provides for infill development that does not physically extend into the open countryside or diminish a large gap that is important to the setting of the settlement. The explanatory text adds that appropriate [infill] proposals would fill a gap in an otherwise continuous frontage, which will normally be a road frontage. Development must not diminish a large gap that is considered important to the setting of the settlement. Large gaps between the urban edge of a settlement and other isolated dwellings are not appropriate locations for infill development.
7. The appeal site is within the small settlement of Higher Condurrow which, from its junction with Fore Street, runs broadly east-northeast, out of Beacon. Higher Condurrow is predominantly formed of ribbons of mainly residential development extending out along this road. On my site visit I found it to have a clear shape and form.
8. The site is located on the south side of Condurrow Road in a locality with residential development on both sides of the road. Development on the south side of the road is linear but there appeared to be some in depth development on the north side. Overall the locality has the character and appearance of a small settlement. Two bungalows east of the appeal site are opposite dwellings on the north side and part of, not isolated from, the settlement. The enclave has a clear form and shape and whilst generally linear in form does not appear as just a low-density straggle of development. The site is within the settlement.
9. Although various measurements have been submitted I found that the appeal site appeared as a relatively small gap within this built up context. Small gaps to either side of the appeal site would not amount to it being surrounded on at least two sides by existing built development. Rather, they appear similar to other access tracks between existing frontage dwellings that occur elsewhere within the settlement. It is not uncommon for infill plots to have an open boundary to the rear when they occur within a ribbon of development.
10. The Local Plan indicates that infill development in smaller villages and hamlets should be allowed for one or two housing units and large gaps are not considered appropriate locations for housing development. However the definitions do not specify a limit of two dwellings. There is nothing to define the width of a small or large gap and nothing to say that development of a gap such as this for three dwellings would be contrary to policy in principle.
11. The proposal is for three chalet style dwellings positioned relatively close to the road frontage. On my visit I observed rows of dwellings positioned both quite close to the road and to each other. Some dwellings on the south side of the road appear to be set within plots of broadly similar width and depth to the appeal proposals. Plots in the settlement did not generally appear noticeably more spacious. I noted a mixture and variety of two-storey dwellings, bungalows and chalet properties, observed several detached dwellings that appear to sit close to the side boundaries of their plots and found several changes in scale and mass between existing dwellings in the locality, including recent development on the Old Blacksmiths Yard.
12. The scale and mass of the proposed dwellings would be similar to others in this enclave of development, albeit greater than the immediate neighbouring dwellings to the east and west. Small gaps to both sides of the appeal site would ensure a satisfactory relationship between existing and proposed

dwellings. An access track to the field behind set between two of the proposed dwellings would afford another break. In these ways the built form of the proposed dwellings would not appear to span the entire gap. I am not persuaded that the proposal would result in an adverse increased building density in the settlement.

13. There are garden boundary walls and gates, and at the time of my visit I observed much on-street and curtilage parking. From my observations of the extent of parking in the road and front garden areas I am not persuaded that associated access/visibility splays, parking and other domestic paraphernalia would have harmful urbanising effects.
14. Notwithstanding some Cornish hedges, a paddock and some trees, the locality did not look or feel rural or semi-rural. There is little evidence before me about the historical value of a section of wall or of the importance of trees on the appeal site, but their removal would be a loss. However, the dwellings would have small front gardens and I observed some similar gardens in the locality. In time domestic garden planting would soften the frontage of the development and it would appear in keeping with the locality.
15. Land to the rear of the proposed dwellings relates more to the open countryside beyond and does not form part of the proposals. The existing gaps to either side and the proposed access gap on the appeal site would enable glimpses through to land to the rear. They would appear similar to other access tracks between existing frontage dwellings that occur elsewhere within the settlement.
16. The locality is not covered by any formal landscape designation. From roads to the southeast and south fields slope up towards the area of development within which the appeal site sits. The fields in the foreground and middle distance are important to the rural setting of the hamlet, but the part of the appeal site where the dwellings are proposed is almost indistinguishable in these views. The appeal site does not form part of a large gap important to the setting of the settlement. The proposal would not visually extend development into the countryside or otherwise diminish rural character. There would not be any material harm to the undesignated landscape setting of the small settlement of Higher Condurrow.
17. I did not see any other similar small gaps within the locality for which the scheme would set a precedent, in any event all planning proposals must be considered on their own merits.
18. I conclude that the appeal site is within the physical extent of Higher Condurrow and forms a small gap in an otherwise built up frontage in a small settlement. The appeal dwellings would be of a scale and nature that would be appropriate to the character and appearance of Higher Condurrow and would not result in harmful urban encroachment into a semi-rural locality. I also found that the appeal proposal would not harm the undesignated landscape setting of the small settlement of Higher Condurrow.
19. Overall I conclude that the appeal proposal would constitute suitable 'infill' and suitably integrate with the environment. As I have found that the proposal would represent an acceptable form of infilling, I do not consider it necessary to address whether or not it would amount to 'rounding off'

20. I find no conflict with provisions of Policy 3 of Cornwall Local Plan Strategic Policies 2010 – 2030 and Policy 1 in the Cornwall Site Allocations Development Plan Document 2019.
21. Nor do I find any conflict with Policies 7, 12, 21 and 23 in the Cornwall Local Plan Strategic Policies 2010 – 2030 which amongst other things provide for housing in the countryside, seek to promote local distinctiveness and sustain local landscape character.
22. The proposal would not conflict with advice at paragraph 127 of the National Planning Policy Framework (Framework) which, amongst other things, requires developments to function well and add to the overall quality of the area; and be sympathetic to local character and history, including surrounding built environment and landscape setting; and establish or maintain a strong sense of place. Nor would it conflict with advice at paragraph 170 that development should contribute to and enhance the natural and local environment and recognise the intrinsic character and beauty of the countryside. I noted the inclusion of the Landscape Character Area description from the Cornwall and Isles of Scilly Landscape Character Study, but there was little evidence to say that the landscape of the appeal site and environs is a valued landscape in relation to advice at paragraph 170 a).

World Heritage Site

23. The appeal site is within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). Great weight should be attached to the conservation of heritage assets. This area is designated for its landscape character.
24. The Council inform me that all aspects of Cornish mining life and heritage are present in the landscape of this locality including mines, settlements, and smallholdings. These attributes form a significant part of the appreciation of this area of the WHS. The appeal site once formed part of the Higher Condurrow mine, there are no visible mining remains of the site and appreciation of the site in the context of other mining attributes has been substantially reduced by more modern development.
25. The Grade II Listed Wolf's Shaft Engine House is located some 125m to the north west amongst residential development on the edge of the settlement. Given the distance, limited intervisibility with the appeal site and its setting in proximity to existing development, the development of the appeal site will not result in any overriding harm to the setting of this heritage asset and wider outstanding universal value of the WHS.
26. The Council considers that the overall quality of the WHS would not be harmed by the proposal, and I find no reason to disagree.

Planning Conditions

27. If I am minded to allow the appeal then it would be reasonable and necessary to attach a number of planning conditions. Paragraphs 55 of the Framework and 21a-003-20190723 of the Planning Practice Guidance website (PPG) state that conditions should only be imposed where they are: 1) Necessary; 2) Relevant to planning; 3) Relevant to the development to be permitted; 4) Enforceable; 5) Precise; and 6) Reasonable in all other respects.
28. The Council put forward a list and the Appellant confirms their agreement to them. Condition 1 is a requirement of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory

Purchase Act 2004). Condition 2 specifies the plans relating to the development approved. Conditions 3 and 4 relate to assessments necessary due to the mining history of the locality. Conditions 5 and 6 would secure landscaping and material details in the interests of visual amenity. Condition 7 would ensure that adequate parking and turning facilities are provided and maintained in the interests of highway safety.

29. The appellant had sight of the Council's proposed conditions and gave agreement in writing to them, including pre-commencement conditions. I am satisfied that each of the conditions meets the 'six tests'.

Other matters

30. The site does not have the benefit of planning permission, is not identified through a neighbourhood plan and is not a rural exception site scheme. The site is not previously developed land and there is little evidence before me regarding its use as a garden.
31. The site is within reasonable proximity to the larger settlement of Beacon and main town of Camborne and not in an inaccessible location.
32. A resident local to the appeal site objects and at appeal raises concerns that new growth from felled trees which is a resource for nature would be lost but there is little evidence from a suitably qualified expert on biodiversity and nature conservation. They also draw attention to another piece of land where permission was refused but I have considered the appeal before me on its own merits.
33. I have also noted objections lodged with the Council at the application stage. Covenants and gain are private matters and not relevant to this planning appeal. There is little evidence to substantiate pedestrian safety concerns and the Highway Authority has not objected. There is also little evidence about drainage capacity problems.

Conclusion

34. For the reasons given, and having regard to all other matters raised, the appeal should be allowed, and permission granted subject to the planning conditions in the attached schedule.

Helen Heward

Planning Inspector

SCHEDULE OF PLANNING CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with drawings:

Site/location Plan DS 290719-5, Block Plan DS 290719-4,
Proposed DS 290719 1-1, Proposed DS290719 1-2,
Proposed DS290719 1-3, Proposed DS290719 1-4,
Proposed DS290719 1-5, Proposed DS290719 2-1,
Proposed DS290719 2-2, Proposed DS290719 2-3,
Proposed DS290719 2-4, Proposed DS290719 2-5,
Proposed DS290719 3-1, Proposed DS290719 3-2,
Proposed DS290719 3-3, Proposed DS290719 3-4,
And Proposed DS290719 3-5
- 3 Prior to the commencement of development an assessment of the site to identify any ground instability and details of the location, condition and means of capping any mine shafts within the site shall be submitted to and approved in writing by the local planning authority. If instability is identified a scheme for on-site investigations, an assessment to identify the extent of any unstable ground and the measures to be taken to avoid risk to buildings and people when the site is developed, shall also be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and completed before the development hereby permitted is first occupied.
- 4 No development shall commence until a scheme to deal with any soil contamination has been submitted to and approved in writing by the local planning authority. The scheme shall include on site investigations and an assessment to identify the extent of contamination and the measures to be taken to avoid risk when the site is developed. The approved scheme shall be fully implemented and completed before the development hereby permitted is first occupied.
- 5 Prior to the commencement of development a scheme of landscaping including planting plans with written specifications shall be submitted to the local planning authority. The landscaping scheme shall include:

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

a schedule of plants including details of the mix, size, distribution, and density of all trees/shrubs/hedges

proposals for the maintenance and management of the soft landscaping

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 which within a period of five years from the completion of the development 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.

- 6 No development shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 7 Before any of the development hereby permitted is brought into use, parking and turning areas shall be laid out and constructed in accordance with approved drawing no. DS 290719-4 and the said areas shall not thereafter be obstructed or used for any other purpose.