



Appeal Decision

Site Visit made on 22 September 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2021

Appeal Ref: APP/D0840/W/21/3277212

Land South Of Anneth Cor-Yn, Trelash, Warbstow, Launceston PL15 8RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Ricky, Deborah and Kevin Cobbledick, Dawe and Cobbledick against the decision of Cornwall Council.
 - The application Ref PA21/02278, dated 26 February 2021, was refused by notice dated 16 April 2021.
 - The development proposed is application for permission in principle for up to five new dwellings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellants against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle (PIP) is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

6. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) permits the rounding off of settlements and development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its

size and role. The appellants do not contend that the appeal site is 'previously developed land'.

7. Rounding off is further explained at supporting paragraph 1.68 of the LP as applying to land which 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 (such as a road). It should not visually extend building into the open countryside'.
8. For further assistance, the Council have produced a 'Chief Planning Officer's Advice Note' (CPOAN) dated December 2017 in respect of infill/rounding off. The document is not adopted policy. However, it does provide useful guidance for decision making purposes and both parties have relied upon it in support of their case.
9. The CPOAN sets out the need to identify initially whether the proposal physically relates to a recognisable settlement. I do not consider that reference to Trelash in postal addresses or interested parties use of the word 'settlement' is determinative as to whether the appeal site forms part of the settlement. Instead, I have considered how the appeal site is experienced and whether, as a result, it forms part of a settlement.
10. The appeal site is relatively flat and rectangular in shape. It is located on one side of a rural lane behind an established roadside hedge. On the opposite side of the lane and set well back behind a grass verge and established trees, is a linear development of six detached properties in generous plots. A single dwelling known as 'Krossways' lies immediately to the south of the appeal site.
11. These dwellings, together with another three located at the road junction to the south, make up a collection of ten dwellings which the appellants refer to as 'Lane End'. Paragraph 1.68 of the LP suggests that in order for a village or hamlet to be a settlement in the context of Policy 3, it should have 'form, shape and clearly definable boundaries, not just a low-density straggle of development'.
12. The houses at Lane End appear as three distinct entities. Firstly, there is the linear development of six houses on one side of the road. Second, there is just a single dwelling to the south of the appeal site. Finally, there are three houses to the southern side of the road junction. This results in a collection of houses which I found to have no cohesion with one another nor forming a grouping which has a clear form and shape. As a result, I find that Lane End is not a settlement within the context of Policy 3.
13. The appellants argue that the appeal site is within the settlement of Trelash. Even if I did conclude that Trelash was a settlement, I find that neither the grouping of dwellings at Lane End nor the appeal site itself have any physical relationship with Trelash to the north of the appeal site, as there are intervening open fields between which clearly signify a distinct break between the two separate areas of housing. As such that I cannot reasonably conclude that the appeal site lies within the urban form of a settlement for the purposes of Policy 3.
14. Policy 3 goes further in setting out what constitutes 'rounding off', applying this to 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 (such as a road). Even if I had concluded that the site lies within a settlement, the appeal site is not enclosed to the north or east by anything other than a hedge. Whilst these hedges may have been in-situ for many years I do not consider that they can be seen as acting as a physical barrier to future growth in the same way that a substantial and permanent feature such as a road or river would.

15. The provision of dwellings on the appeal site would inevitably require alterations to the roadside hedge in order to provide a suitable access and visibility splays. The appeal site is located on the outside of a slight bend in the road such that on approach, the hedge along the site frontage has considerable prominence in the street scene whilst the dwellings opposite cannot be seen. This gives the area a verdant, rural feel. The development of the appeal site with dwellings would detract from the qualities I have set out above. I find that the proposal would visually extend building into the open countryside and harm the character and appearance of the area.
16. Taken together, I have found that the appeal proposal does not constitute the rounding off of a settlement such that it fails to comply with Policy 3 of the LP which permits residential development outside the main towns through proposals such as rounding off. I therefore find that the appeal site is not a suitable location for new residential development.
17. Policy 7 of the LP permits the erection of dwellings in the open countryside but none of the special circumstances listed apply to this appeal proposal.
18. Policy 21 of the LP permits sustainably located proposals which increase building density where appropriate, taking into account the character of the surrounding area and access to services and facilities to ensure an efficient use of land. Given that I have concluded above that the proposal would have a harmful effect on the character and appearance of the area, I also find that the proposal would be contrary to Policy 21 of the LP.
19. I have been invited by the appellant to consider, in the event that I find 5 dwellings would be unacceptable, whether a lesser number would be appropriate. However, given what I have concluded about the existing character and appearance of the area and how the development of the appeal site would erode the verdant rural feel which gives the area its specific character, I do not find that reducing the number of dwellings on the site would lead to an acceptable form of development nor overcome the conflict with Policy 3 which I have identified.
20. I have considered the benefits of the proposal including the accessibility of the location, the contribution that new dwellings would make to the supply of housing in Cornwall, the economic benefits and social benefits, including to community facilities that the development would provide. These are recognised benefits of rural housing in the National Planning Policy Framework. However, I find that these benefits do not outweigh the harm which would arise from the development in terms of the adverse effect on the character and appearance of the area.
21. As a result, I have concluded that the proposal would result in significant harm to the character and appearance of the area and does not comply with Policy 3 of the LP, such that the appeal should not succeed.

Conclusion

22. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR