



Appeal Decision

Site visit made on 14 March 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2022

Appeal Ref: APP/D0840/W/21/3282486

Land South East of Red Lane, 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 permission in principle.
 - The appeal is made by Mr David Laity against the decision of Cornwall Council.
 - The application Ref PA21/04490, dated 23 April 2021, was refused by notice dated 13 July 2021.
 - The development proposed is construction of up to 5 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance 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.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. 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.
4. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, permission has been sought for a minimum of four, and a maximum of five dwellings. A proposed block plan has been submitted showing how five dwellings could be located on the site. However, it is labelled as indicative, and I have treated it as such, because the application only relates to the principle of the proposed development.
5. The Council's reasons for refusal refer to paragraphs 8, 127, 184, 189, 192 and 196 of the National Planning Policy Framework 2019. After the decision, on 20 July 2021, the Government published its revised National Planning Policy Framework (the Framework). In the revised version the paragraphs are renumbered, but otherwise remain substantially unaltered. The appeal timetable has allowed both parties the opportunity to make comments relating to the updated Framework.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issue

6. 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

7. The main settlement policies of the development plan are Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan). The strategy set out in Policy 2 seeks to maintain the dispersed development pattern of Cornwall, and to provide housing based on the role and function of each place. Policy 3 defines how development will be accommodated, based on this hierarchy, with growth focussed on identified main towns. Rosudgeon is not one of the main towns listed in Policy 3.
8. Outside the main towns, Policy 3 says housing growth is to be delivered through the identification of sites through Neighbourhood Plans; rounding off of settlements; development of previously developed land within or immediately adjoining settlements; infill schemes; or rural exception sites. The site is not identified for development by a Neighbourhood Development Plan, is not put forward as a rural exception site, and is not previously developed land. Furthermore, the appellant does not argue that the proposal would constitute an infill scheme. Consequently, with regards to development plan policy, the suitability of the site for housing is dependent on the scheme comprising a rounding off of the settlement of a scale appropriate to its size and role.
9. Paragraph 1.68 of the Local Plan defines rounding off as “*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 (such as a road). It should not visually extend building into the open countryside*”.
10. Additional guidance on rounding off is contained in the Chief Planning Officer’s Advice Note (the CPOAN) titled Infill/Rounding Off, which both parties have referred to. This note advises that proposals for rounding off must be adjacent to existing development, and be contained within long standing and enclosing boundary features, for example a road, Cornish Hedge, or stream. It also says that suitable sites are likely to be surrounded on at least two sides by existing development, and that proposals should provide a symmetry or completion to a settlement boundary. The CPOAN clarifies that Policy 3 is not intended to facilitate continued incremental growth. Consequently, development resulting in the creation of a further site for rounding off is unlikely to be rounding off in itself.
11. The site is a rough grass field that has a long frontage with Red Lane on its western boundary. There is a continuous line of detached dwellings on the opposite side of the road, and the southern edge of the field abuts the rear boundaries of houses that front the A394. The site is, therefore, adjacent to existing development. Although not yet at a stage where it carries significant weight in my decision, the draft Perranuthnoe Parish Neighbourhood Development Plan 2020-2030 proposes a settlement boundary that excludes the appeal site, but runs along its south, west, and north boundaries. The site is, therefore, closely related, physically, to the built-up part of Rosudgeon.

12. The hedgebanks along the western and northern boundaries are low, with significant gaps, so that the site is readily visible from Red Lane. To the north of the site, the nearest dwelling, Ivy Cottage, is separated from the site by a track with a hedge on both sides, and is also set back beyond a long garden. Consequently, it does not have a significant presence from the appeal site. Although the dwellings to the south are more readily apparent, the site is extensive, so there is no sense that it is enclosed by the buildings to the north and south. The boundary treatment along the very long eastern edge of the site amounts to little more than a low bramble-covered bank, which is ineffective in visually segregating it from the open land beyond. Consequently, despite the presence of development on three sides, the site cannot be described as substantially enclosed.
13. The site is a constituent part of a larger area of undeveloped land that extends eastwards away from Red Lane. The hedgebank with intermittent trees along the western boundary of the site provides a clear visual distinction between the developed side of Red Lane and the open land to the west. The lack of any meaningful boundary treatment on the eastern boundary means there is nothing to distinguish it, visually, from the wider expanse of land beyond. Consequently, despite its proximity to residential development within Rosudgeon, the appeal site forms part of a large area of countryside that extends right up to the Red Lane frontage, rather than being within the settlement itself.
14. Viewed from Red Lane, to the southwest of the site, the rear boundaries of the houses fronting the A394 mark an abrupt change from the built part of the settlement to the countryside beyond. Similarly, there is a marked visual contrast between the development on the west side of Red Lane and the open countryside opposite. From this viewpoint the lack of a robust boundary feature to the east means that the appeal site is not readily distinguished from the larger area of countryside beyond. As a result, residential development on the site would visually extend building into the open countryside.
15. I am mindful that the CPOAN advises that suitable sites for rounding off are likely to be surrounded on at least two sides by existing built development. However, that is only one of the factors that must be considered in assessing whether a proposal constitutes rounding off. Furthermore, the CPOAN says that it provides guidance only, and it should not be used as a substitute for the policies of the adopted Local Plan. So, although I have had regard to it, the policy and supporting text of the Local Plan leads me to the conclusion that the development would not be rounding off, because the site is not substantially enclosed, has no physical barrier to development on its eastern edge, and it would result in the visual extension of building into the countryside.
16. I am aware that two nearby sites have recently been developed, with five houses being permitted in each case. However, both sites front the A394, are more substantially enclosed by existing development, and did not involve visual incursion into open countryside. The circumstances are not, therefore, analogous to the case before me. I have also considered the appeal decisions that have been drawn to my attention relating to sites further north along Red Lane. However, none of these are directly comparable, as one predates the current Local Plan, and the others did not relate to proposals for rounding off, where the visual extension of building into the open countryside was at issue.

17. The site lies within the Cornish Mining World Heritage Site (the WHS) and paragraph 199 of the Framework requires that great weight should be given to the conservation of this heritage asset. A Heritage Impact Assessment (HIA) accompanied the appeal, which demonstrated that there are no significant above ground mining artefacts in the locality. However, the WHS Office has commented that the site appears to be the remnant of a possible mineworker's smallholding. Such smallholdings are identified as one of seven attributes through which the Outstanding Universal Value (OUV) of the WHS is expressed. As the HIA does not consider whether the site may have constituted a miner's smallholding, I can not rule out the possibility that the development would overwrite a historical feature that is integral to the OUV of the WHS, resulting in harm to the significance of the heritage asset.
18. The harm would be localised, so would be less than substantial for the purposes of paragraph 199 of the Framework. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the development.
19. The development would provide four or five dwellings, in a relatively accessible location, which would contribute to the Framework's objective of significantly boosting the supply of homes. Paragraph 69 recognises the important contribution that small and medium sized sites can make to meeting the housing requirement of an area. There would also be economic and social benefits through the creation of employment during construction, and through the ongoing spend of future residents, and their support for local services in the area. However, the limited scale of the development means that these benefits only carry moderate weight. As the Framework requires that great weight should be given to the heritage asset's conservation, I conclude that the benefits would not outweigh the harm that would be caused to the significance of the WHS.
20. I therefore conclude that the site is not suitable for residential development. The proposal would be contrary to the settlement policies of the Local Plan and would be harmful to the significance of the WHS. It would, therefore, be contrary to Policies 2, 3, 7 and 24 of the Local Plan, which set out the spatial strategy for the delivery of housing, limit residential development in the countryside, and protect the historic environment.

Conclusion

21. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR