



Appeal Decision

Site visit made on 4 May 2022

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2022

Appeal Ref: APP/D0840/W/21/3286406

Land east of Cherry Meadow, Mousehole Lane, Paul TR19 6TY

- 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 & Mrs Maiden against the decision of Cornwall Council.
 - The application Ref PA21/07476, dated 21 July 2021, was refused by notice dated 19 October 2021.
 - The development proposed is an application for outline planning permission with all matters reserved for the construction of a residential dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been submitted in outline with all matters reserved for future consideration. An indicative site plan has been submitted which shows a potential point of vehicular access, layout and footprint for the development. I have had regard to this information as to what the appellant has in mind, at this stage, for the scheme.

Main Issues

3. The main issues are:
 - whether or not the development plan would support the proposed development in this location, and
 - the effect of the proposal on the character and appearance of the area, having particular regard to the location within the Cornwall Area of Outstanding Natural Beauty.

Reasons

Whether or not the development plan would support the proposed development in this location

4. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) sets out the locational strategy for the delivery of housing across the plan area based on the role and function of each place. Most development is to be directed to the main towns. Outside these areas, in summary, housing is to be delivered through rounding off of settlements and development of previously developed land within or immediately adjoining that settlement, infill schemes which fill a small gap in an otherwise continuous built frontage and do not extend the settlement into open countryside, rural exception sites, and the identification of sites through neighbourhood plans.

5. In this case, the site has not been proposed as a rural exception site nor identified in a neighbourhood plan. There is no clear evidence that the site should be considered as previously developed land and the case is not made that the development would constitute in-filling.
6. The development is advanced on the basis that the new dwelling would constitute rounding off. Policy 3 of the Local Plan requires that rounding off is within or immediately adjoining a settlement and the scheme is of a scale appropriate to its size and role.
7. In this respect, the Chief Planning Officer's Advice Note: Infill/Rounding Off (December 2017) (the Advice Note) provides additional advice on the interpretation of Policy 3 of the Local Plan, including the approach to consider whether a scheme would meet the requirements of rounding off. I attribute the Advice Note substantial weight.
8. The Advice Note seeks the decision maker to first identify if the proposal physically relates to a recognisable settlement. In this case, the appeal site is a sloping section of land that lies to the broadly east of Mousehole Lane, a road that connects Paul with Mousehole. The site is separated from Paul by open fields and therefore does not fall within or adjoining that settlement.
9. In terms of the relationship to Mousehole, this is a larger settlement, and the buildings are mainly located on the mid to lower sections of the land which slope towards the sea. However, part of the built form continues up the valley in a broadly ribbon form of development alongside Mousehole Lane. At my site visit I walked from Mousehole up the road to the appeal site. On the broadly western side of Mousehole Lane the built form extends just beyond Parc an Gate where the character of the road changes to a more wooded appearance and with this wooded land set up on a bank above the road. This more wooded character extends up towards Cherry Meadow.
10. I also walked a section of the right of way that leads behind Cherry Meadow. From parts of the right of way it is possible to appreciate the transition from the more concentrated built form of Mousehole to the more wooded and sparsely developed appearance along this part of the slope. I consider that, on this side of the road, the more wooded area is beyond the settlement.
11. On the other side of the road, and when coming up the slope of Mousehole Lane, the vehicular entrance to the BT premises marks a transition from the built up part of the settlement to the more open land beyond. Beyond the access is a small section of woodland and then the open grassed field used by Mousehole School. This land has an undeveloped appearance and a more rural character. This rural character is also conveyed within Mousehole Lane itself where, beyond the access point to the BT premises, the verdant boundary planting and general visual absence of surrounding built development provides the sense that the settlement has been left. I consider that, on this side of the road, beyond the access to the BT premises, the land lies beyond the settlement and forms part of the countryside between Paul and Mousehole.
12. The appeal site is located further up Mousehole Lane beyond the end of the school field. It is a fairly overgrown, sloping area of land with well-established treed and hedged boundaries. It has a rural character with visually more affinity with the countryside and verdant surroundings than the built form of any settlement. With the character change in surroundings when coming up

Mousehole Lane that I have described, such that the boundary of the settlement is further down the slope on both sides of the road, there is a reasonable separation of the appeal site from the settlement area. The location of Cherry Meadow on the other side of the road and the plans and other commentary set out in support of the proposal do not lead me to a different conclusion, especially following my site visit and after viewing the situation on the ground.

13. In these circumstances, the residential proposal on the site for a dwelling would not be development that was within or immediately adjoining a settlement. It would not provide a symmetry or completion of the settlement but visually extend development further into open countryside. The introduction of built development in this location would erode part of the expansive, fairly undeveloped area between the two settlements. As a consequence, the scheme would not meet with the requirements for rounding off as set out in Policy 3 of the Local Plan and the Advice Note.
14. The Advice Note also includes a heading "other development within a settlement". The appeal development would not be within the form or shape of a settlement and, for the reasons set out later, the scheme would, in all likelihood, lead to significant harm arising from environmental considerations. For these reasons, the proposal would not be able to benefit from this provision set out in the Advice Note.
15. As the site would be located outside a settlement in open countryside the proposed dwelling should be considered against the criteria of Policy 7 of the Local Plan. This policy sets out the special circumstances when new homes in the countryside may be permitted. The proposed open market dwelling on this greenfield site would not meet any of the policy allowances and therefore the scheme would conflict with Policy 7.
16. Accordingly, the proposal would also not accord with the requirements of paragraph 80 of the National Planning Policy Framework (the Framework) which sets out the circumstances which may allow the development of an isolated home within the countryside.
17. Finally, in respect of this main issue, the scheme would not be able to benefit from the provisions of Policy 21 of the Local Plan, which concerns making the best use of land and existing buildings. On this site, it would not be appropriate to increase building density including because of the adverse effect resulting from the development on the character of the area.
18. In the light of the above analysis, I conclude that the proposed dwelling would not be supported by the development plan in this location. In particular, the scheme would conflict with Policies 1, 2, 3 and 7 of the Local Plan and the Framework which, amongst other things, set the strategy for the location of development.

Character and appearance

19. The site is located within the Cornwall Area of Outstanding Natural Beauty (AONB) and, in particular, the West Penwith section. While this is not a barrier to development in itself, the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.

20. The surrounding area near the appeal site is generally characterised by fields bounded by hedges and trees, copses of woodland, open grazing fields and sporadic dwellings and other buildings located within this undulating landscape. The area has a pleasant rural and pastoral character.
21. The site forms a fairly irregular shaped parcel of sloping land. It lies adjoining Mousehole Lane and the road that leads to the group of buildings known as Penolva. The good boundary planting mean that there are limited views into the site, although sections of the land can be seen including from parts of the School field and near the stream at the curve on the road to Penolva. The site with its verdant appearance makes a positive contribution to the rural surroundings and generally merges with the wider landscape.
22. The scheme would require the provision of, at some point, a suitable vehicular access with visibility splays and, in all likelihood, this would lead to a removal of a section of the boundary screening. This could enable some further views into the site. The red lined application site is quite extensive. Within this area, the provision of a dwelling with the associated access, parking and turning area, garden with likely paraphernalia would, I consider, even if extensively landscaped and with a modest dwelling of appropriate design, change the character of the site to a more domestic and suburban appearance. As a consequence, the undeveloped verdant appearance of the site, and the contribution it makes to the rural surroundings, would be unduly eroded. While the site is generally well screened I still consider that elements of the scheme would be likely to be perceptible from beyond the boundaries of the site and would not conserve the landscape and scenic beauty of this part of the AONB. Conditions attached to any outline approval and/or details at the reserved matters stage would not be able to overcome the harm that I have identified.
23. The site may, at present, appear somewhat overgrown and to some extent unkempt. Nevertheless, it still has a verdant appearance. This contributes more positively to the rural character of the area than would the development of the site with a dwelling and associated garden, notwithstanding any additional planting and other details that could be required at this outline or the subsequent reserved matters stage.
24. Accordingly, I conclude that the scheme would harm the character and appearance of the area and would not conserve the landscape and scenic beauty of this part of the AONB. As a consequence, the proposal would conflict with Policies 2, 12 and 23 of the Local Plan and the Framework which, notably, requires development to sustain local distinctiveness and character and protect Cornwall's natural environment.

Conclusion

25. The location of the proposed dwelling would not accord with the development plan and the scheme would, on the evidence before me and having regard to the details that could be submitted at the reserved matters stage, harm the character and appearance of the area, including this part of the AONB. Taken together these matters should afford substantial weight against the scheme and would clearly outweigh the benefits which would result from the provision of a single dwelling on this site.

26. For the above reasons, and having regard to all other matters raised, the proposal would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and the associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR