



Appeal Decision

Site visit made on 7 September 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/D0840/W/22/3291204

Land East of Rosevear, St Hilary, Penzance TR20 9DQ

- 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 W Bolitho and Miss A Stevens against the decision of Cornwall Council.
 - The application Ref PA21/09795, dated 28 September 2021, was refused by notice dated 7 January 2022.
 - The development proposed is outline application with some matters reserved for construction of bungalow & associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was submitted in outline with all matters apart from access and landscaping reserved, and I understand that landscaping was subsequently reserved. I assessed the appeal on that basis, treating drawing Ref 003 as illustrative, aside from where it identifies the proposed site access.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, with reference to the St Hilary Churchtown Conservation Area (the CA); and,
 - the suitability of the site for the proposal, having regard to the development plan's approach to the delivery of housing.

Reasons

Character and appearance

4. The site comprises a partly overgrown parcel of open land within the angle of the junction between the B3280 and The Avenue, to the east of the dwelling Rosevear. The Avenue is a simple, tree lined lane which leads to the historic settlement of St Hilary Churchtown to the north. Much of its length and the trees lining it are within the CA, logically given the role of The Avenue in presenting the rural setting and approach to the settlement's historic core.
5. The site is not in the CA, which terminates just to the north, but is within its immediate setting. Whilst the site is just outside of the St Hilary parish, its position effectively forms part of a prominent gateway point to the CA from the main road. Given its longstanding undeveloped and verdant appearance, it makes a positive contribution to the significance the CA draws from its setting.

6. The access would be provided from The Avenue. Even if boundary vegetation were retained or augmented, it is highly likely that the proposal would be visible via this access point. When taking The Avenue into the CA, one would likely observe an area of hardstanding, plausibly populated by vehicles and domestic paraphernalia, such as bins or bin or cycle stores. These features would then be set against the backdrop of the bungalow itself.
7. As such, there would be a level of visible development which would invariably have an urbanising effect within The Avenue, to the detriment of the rural setting and thus significance of the CA. This is not justified by the limited examples of built form that have encroached upon the rural approach to St Hilary Churchtown elsewhere along The Avenue.
8. Given the small scale of the scheme, the level of harm would be less than substantial in the parlance of the National Planning Policy Framework (the Framework). Nonetheless, Paragraph 199 of the Framework explains that great weight should be given to the conservation of designated heritage assets.
9. Paragraph 202 then goes on to require decision makers to weigh any less than substantial harm to a designated heritage asset against the public benefits of the scheme, including securing its optimum viable use. In this case, a single dwelling would be added to the local housing supply. It would provide modest social and economic benefits that fall short of overcoming the considerable importance and weight I attribute to the harm to the CA.
10. I therefore conclude on this issue that the proposal would have an unacceptable effect on the character and appearance of the area, with reference to the CA. It would conflict with the landscape and heritage aims of Policies 23 and 24 of the Cornwall Local Plan: Strategic Policies Document 2010–2030 (adopted 2016) (CLP) and the Framework.

Suitability of the site

11. Policy 3 of the CLP supports growth adjoining or within rural settlements subject to the site meeting one of several specific criteria. This includes the 'rounding off' of a settlement within or immediately adjoining that settlement or infill schemes that fill a small gap in an otherwise continuous built frontage. In either case, schemes should not physically extend the settlement into the open countryside. Open countryside is clarified by paragraph 2.33 of the CLP to be the area outside of the physical boundaries of existing settlements.
12. The site adjoins the settlement of Perran Downs, which is across the B3280 to the south. There are dispersed examples of linear residential development on the north side of the highway in the relative vicinity of the site, which provides a loose sense of interconnection between discrete settlements¹, particularly to the east towards modern St Hilary. The highway is quite busy, has a pavement for sections of its length, and a degree of road signage indicative of the relative level of human settlement in the wider area.
13. Nonetheless, St Hilary proper does not begin for quite some distance in my opinion, and the B3280 provides a clear demarcation to the edge of Perran Downs. The north side of the section of the highway on either side of The Avenue reads as predominantly undeveloped frontage, with Rosevear an exception, standing in its relative solitude and shrouded by foliage. Moreover, I

¹ As identified by the Cornwall and Isles of Scilly Landscape Character Study

have already found that the site forms an important component of the rural approach to St Hilary Churchtown. This is unlike the referenced approval Ref PA19/05650, which was sited within St Hilary Churchtown itself. It follows from this that, notwithstanding the more detailed requirements of Policy 3 in relation to infill and rounding off, the site is part of the open countryside.

14. Policy 21 of the CLP seeks to encourage the best use of land, and its part c) relates to increases in building density. However, increased densities are only encouraged where it is appropriate, taking into account, amongst other things, the character of the surrounding area. Given my findings above, the scheme does not find the support of this policy.
15. The main parties have both cited the content of the 2017 Chief Planning Officer's Advice Note on 'Infill/Rounding Off'. This is not an adopted policy document, and it is not intended to act as a replacement for the content of the CLP. It therefore carries limited weight in my own assessment of the scheme against the wording of the CLP.
16. Consequently, I conclude on this issue that the site would not be suitable for the proposal, having regard to the development plan's approach to the delivery of housing. The proposal would conflict with the relevant aims of Policies 1, 2, 3, 7 and 21 of the CLP and the Framework.

Other Matters

17. Given the relatively early stage of preparation of the Perranuthnoe Parish Neighbourhood Development Plan 2020–2031, it attracts limited weight. The appellants' have criticised the procedural conduct of the Council in the determining of the application. However, this matter is not germane to my assessment of the appeal, which focuses on the planning merits of the scheme.
18. The site is within the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS). However, there is no substantive evidence that the site contributes to the Outstanding Universal Value (OUV) of the WHS, nor that this OUV would be harmed by the scheme.

Planning Balance and Conclusion

19. The proposal would conflict with the development plan when read as a whole. There are no other considerations, including the aforementioned benefits of the scheme, that serve to outweigh this conflict. For the reasons outlined above, and taking all other matters raised into account, I shall dismiss the appeal.

Matthew Jones

INSPECTOR