



Appeal Decision

Site visit made on 19 July 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2022

Appeal Ref: APP/D0840/W/22/3290880

Land East of Trinity Close, Penmarth, Carnmenellis, TR16 6PJ

- 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 K Buckingham against the decision of Cornwall Council.
 - The application Ref PA21/06928, dated 5 July 2021, was refused by notice dated 20 December 2021.
 - The development proposed is for the construction of up to two dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal seeks outline permission with all matters reserved. In so far as the submitted plans and drawings show any of the proposed development details, I have treated those as being purely illustrative.

Main Issues

3. The main issues are (1) whether the location of the proposed houses is appropriate given Development Plan policies; and (2) the effect on the character and appearance of the area.

Reasons

4. 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 provide a sustainable approach to accommodating growth, providing a well balanced mix of economic, social and environmental benefits. This should provide homes based on the role and function of each place.
5. Policy 3 defines how development will be accommodated, based on this hierarchy, with growth focussed on identified main towns. Penmarth/Carnmenellis is not one of the main towns listed in Policy 3.
6. Outside the main towns, Policy 3 suggests that housing growth will be delivered for the remainder of the Community Network Area housing requirement through Neighbourhood Plans; the rounding off of settlements; development of previously developed land within or immediately adjoining settlements; infill schemes that fill a small gap in an otherwise continuous built frontage; or rural exception sites.

7. The site of the proposed development is an area of a field and so is not previously developed land. It is not identified for development by a Neighbourhood Development Plan. Furthermore, it is not put forward as a rural exception site. The appellant has argued, however, that the proposed development could be considered as either infill or rounding off of a settlement, thereby being in accordance with Policy 3.
8. With regard to both the matter of rounding off or infill there has been guidance provided with the Chief Planning Officer's Advice Note (the CPOAN) titled Infill/Rounding Off, which I have been supplied with. I have taken the contents of this note into consideration with my assessment.
9. Firstly, in terms of rounding off, supporting paragraph 1.68 of Policy 3 advises that this would apply to land that is substantially enclosed but on the edge of a settlement. It says that the site edge should be a physical feature. This CPOAN 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 built development, and that proposals should provide a symmetry or completion to a settlement boundary.
10. In this case the proposed houses would be adjacent to a dwelling to the west, with a road and houses opposite to the south. There is also a road with houses opposite to the east. However, there is no boundary to the north. The site is part of a field, and the site area is simply a section of this larger field. Although close to the village dwellings, the site is open and undeveloped, with low boundary vegetation allowing some views across it from the public highway. From the south especially, the site does not appear enclosed as there are clear views to the remaining area of the field and countryside beyond to the north. As such, the site is not 'contained' as it is not substantially enclosed by edging physical features. There is currently nothing to visually distinguish the site from the wider expanse of countryside beyond, thereby visually appearing as part of the open countryside. For these reasons I would not regard the proposal as a form of rounding off as set out in Policy 3.
11. With regard to the matter of infill development, the site is a corner plot, with a road running north-south to the eastern boundary. It would therefore not be a typical infill plot as it would not be between buildings. Notwithstanding this point, I would also regard the site as a large gap, being sufficient to accommodate the two dwellings proposed, but is of a size that could possibly include more than two dwellings. Paragraph 1.66 of the supporting text to Policy 3 sets out that such large gaps often provide the setting to the settlement and add to the character of the area. For the following reasons, I would consider that this is the case with this site, with its rural character and its contribution to the setting of the village which would be diminished by the proposals.
12. The site is on the edge of the village where development is more sporadic. The field to which the site is based is a good example of this, being undeveloped agricultural land between housing, extending to the highway edge. This undeveloped rural field adds positively to the rural character setting of the village, being that it is on the edge of this settlement. It adds to the sense that the site is part of the countryside, which is very much part of the village

setting. The proposal would develop this area of countryside, albeit a small portion of the overall field.

13. I would regard this large undeveloped gap, allowing views through and across the field and into the countryside, to be a significantly positive feature. It allows for an appreciation of the rural landscape setting of the village. However, this feature would be eroded by the urbanising effect of developing two houses in this prominent location. The views across the site would be mostly obscured and this positive undeveloped gap lost to the development. As such, I would consider the site to be a large gap which has importance to the setting of the village which would be significantly diminished by the proposal.
14. For these reasons the development would not be a form of appropriate infilling which accords with policy 3.
15. I acknowledge that the development would be of a small scale and the houses could be designed to be in keeping with others in the village. I also accept that views of the houses would sometimes be seen with existing dwellings in the background, though views from the road to the south, would see open views into the countryside eroded by the new housing proposed. They will be prominent newly introduced housing from the highway which appears to be one of the main routes through the area. Furthermore, it is the loss of this section of a field in this particular location that would be to the detriment of the rural setting of the village.
16. The appellant has brought to my attention other sites where there have been approvals for housing nearby, but these sites appear mainly to be more within the settlement than on its periphery and would have a different context to assess against policy. I also do not have full details of the circumstances behind all these approved developments for me to make a full comparison.
17. I have taken into account all comments received, including those from the representative from the World Heritage Site Office. However, these are my conclusions based on all evidence and my site visit observations.
18. For the above reasons, the proposed development would not be an appropriate form of either infill or rounding off in my view. The proposal would not meet with any of the exceptions for housing in such a location as set out by Policy 3.
19. Due to the character impacts of filling this gap as proposed it would not meet with Policy 21, including part c, or the section of the CPOAN 'Other developments within a settlement'. This states that there could be an increase to density, but to account for the character of the surrounding area, where there would be a detrimental impact in my view. The proposal would also not accord with the exceptions to housing development in the countryside as set out by Policy 7. The proposal is therefore contrary to these policies.
20. The proposal is also contrary to Policies 1 and 2 which requires development to be sustainable and to provide homes based on the role and function of each place, amongst other things.
21. Due to the harm to the rural character of this part of the village by the proposal to introduce new dwellings into an undeveloped large gap, the development would also be contrary to Policies 12 and 23. These policies require that development maintain and enhance its distinctive natural character

with a clear understanding and response to its landscape setting, amongst other things.

Other Matters

22. The proposed development is within a World Heritage Site and adjacent to listed buildings. The site is also within a zone affecting a Special Area of Conservation. Had I been allowing the appeal I would have considered the effects of the development on these issues in more detail. However, in the circumstances this decision is focussed on what were the Council reasons for refusal.

Planning Balance

23. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I am required to determine appeals in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
24. In this case the proposal would provide two dwellings towards housing land supply for the area, in an area where there are some services and facilities nearby. There would be economic benefits from the construction of the dwellings, together with the financial boost from future occupiers using local businesses. The proposal could include biodiversity enhancement and the proposal could be considered an efficient use of the site, amongst other potential benefits.
25. However, the harm I have identified above and the conflict with development plan policies is such that it significantly and demonstrably outweighs the benefits. As such, my determination of this appeal should not be made other than in accordance with the development plan.

Conclusion

26. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR