



Appeal Decision

Site visit made on 3 October 2022

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 18th October 2022

Appeal Ref: APP/D0840/W/22/3293717

Moorcott, Boyton, Launceston PL15 8NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs J & G Speight against the decision of Cornwall Council.
 - The application Ref PA21/07563, dated 23 July 2021, was refused by notice dated 7 October 2021.
 - The development proposed is a new single storey dwelling with attached garage, parking and amenity space.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are (i) whether the appeal site is an acceptable location for the development proposed, with particular regard to local character, and (ii) the effect of the proposal on the significance of the nearby scheduled barrow.

Reasons

Location

3. The appeal site is a roughly rectangular parcel of land of some 0.11ha. I am told that it has been part of the appellants' garden for decades at Moorcott (late twentieth century in origin, understated in design). The site is now largely untended and overgrown, notwithstanding that it may be previously developed land as defined in the National Planning Policy Framework ('NPPF'). Including flanking the unnamed road to the north, to varying degrees the site is bounded on all sides by established trees and vegetation. Moorcott and its outbuildings are similarly somewhat hidden on account of natural screening.
4. Land here is relatively flat, a gentle ridge in the topography. There is a slight decline broadly southwards through the site. That continues, and becomes more marked, in that broad direction beyond. There are therefore glimpsed views from within the site towards Chelsfield Farm and of the undulating rural surrounding landscape of the Western Culm Plateau.¹ Albeit not formally protected, the area is principally characterised by a patchwork of relatively good-sized irregular fields, cut by traditional hedgerows and hedgebanks punctuated with trees, with occasional bands and patches of woodland. Being natural, the site is broadly consistent with that character.

¹ As identified in the Cornwall and Isles of Scilly Landscape Character study published 2007.

5. Given its proximity and connection to Moorcott, although the site is not isolated, there are nevertheless relatively few buildings scattered about here. There is something of a loose cluster of buildings around Flodon Tor Workshop to the north-west, Flodon Tor to the south-west, and Chelsfield Farm Holiday Park southwards.² However properties tended to be peppered about. They are often separated from one another either by large rambling plots, or by fields. They are not regularly arranged. Whilst there are occasional dwellings nearby, many buildings also remain agricultural (or agricultural in origin). As with the evolution of the landscape, buildings nearby have evidently been constructed and altered at varying points over time organically and incrementally. There is no coherent or prevailing era, design, pattern or distinguishable settlement.
6. The proposal is for a single storey dwelling with a footprint of some 170sqm which would be set roughly centrally within the plot.³ As with Moorcott the dwelling would be of understated design. Aside from in respect of a stretch to facilitate access, boundary hedges and trees would be retained or augmented. Given that there are others buildings about, including Bramble Park to the east and at Flodon Tor Workshop, a new dwelling here would not be wholly incongruous. Effects on landscape character would be moderated by virtue of the nature of the scheme and its surroundings. Planning permission has also, in recent years, been secured for various properties nearby.
7. However, in the foregoing context the proposal would not accord with the relevant provisions of policy 3 of the Cornwall Local Plan Strategies Policies 2010-2030 (adopted November 2016, the 'LPSP'). Policy 3, the corollary to policy 1 with policy 7 relating to housing in the (open) countryside, guides development principally towards established settlements in line with their role and function. It also sets out that schemes representing infilling or the rounding off of settlements may be acceptable. Those terms are further explained in supporting text, and I have had regard to the Council's Chief Planning Officer's Advice Note of December 2017 as helpful guidance in that context. Given the nature of the site and its surroundings, notably that buildings are dotted about in a staunchly rural landscape rather than approaching anything resembling an identifiable settlement, the proposal would not accord with policy 3.⁴ It cannot reasonably be described as infilling (or rounding off).
8. As noted above there are factors that would moderate the effect of the proposal on local character. Nevertheless the proposal would overwrite what is currently natural land sitting comfortably with its surroundings. The scheme would represent a substantial artificial intervention in an area characterised by rurality. There would inevitably be glimpsed views of the proposed dwelling from the road to the north by virtue of needing to keep access unobstructed. Landscaping and domestic paraphernalia- over which planning may only exert so much legitimate control, and which there would be a greater propensity for in respect of an additional dwelling - would also lead to an adverse domestication of the landscape. The proposal would conflict with the approach in LPSP policy 3, failing to sustain local character as advocated via policy 23. The appeal site is not an acceptable location for the development proposed.

² To which planning permission Ref. PA18/01847 relates.

³ Drawing Nr. HPD07.

⁴ Notwithstanding my reasoning in paragraph 5, no argument has been made that the proposal would meet any of the criteria under LPSP policy 7 or 9.

9. The appellants refer to the planning history of a site between Trerice and Treeview House. I understand a dwelling was permitted there in 1976, a scheme which has since been variously iterated.⁵ There is, however, no substantive information before me as to the circumstances that applied to the original grant of permission or policy context in 1976. In any event that site is some distance away from the site, eastwards towards the B3254, where there is a somewhat more regular pattern of development. I am also referred to permission for a dwelling at Flodon Tor Workshop.⁶ However I understand that was in connection supervising an existing business, rather than for the creation of an independent dwelling. Consequently no other schemes nearby alter my finding above.

Scheduled monument

10. The evolution of the landscape here is brilliantly complex. To the west is one of four neolithic to bronze age barrows.⁷ As noted in the associated list entry their construction, the physical embodiment of earlier cultural practices, is intertwined with landscape placement. The list entry describes how the barrows are set prominently overlooking a tributary to Caudworthy Water, which may have held some resonance in earlier times.
11. In summary, in a similar vein to NPPF paragraph 194, LPSP policy 24 sets out how development should seek to at least conserve the significance of designated heritage assets, and to that end should be informed by proportionate assessments. The Planning Practice Guidance ('PPG') provides advice in terms of undertaking desk-based or field evaluations related to archaeology.⁸ Setting aside any dispute over what was requested by the Council, the onus falls principally on an applicant to substantiate their position.⁹
12. The appellants' heritage note of 12 August 2022 indicates that the nearest barrow is some '90m+' from the site'. The separation between the two may qualify the likelihood of archaeological remains being present at the appeal site. I saw that the nearest barrow may have been damaged previously; there is a relatively mature tree growing near its centre (atypical, particularly as shallow soil over rock provides poor conditions for growth). By virtue of maintaining and reapportioning land, agriculture and planting, the potential for archaeological interest to remain undisturbed may have been reduced.
13. However it is unclear as to how the '90m+' figure has been calculated. It appeared to me that the dwelling would, in actuality, be set far closer to the nearest barrow. Archaeological remains are rarely confined to neat areas in any event. There are also significant ambiguities as to the extent and height of the nearest barrow.¹⁰ Notwithstanding those ambiguities, the appellants' heritage note argues principally that as no substantial assessment was required

⁵ I am told that the following permissions relate to that site, Ref. 6/76/1646/000/BOY, 76/1646, PA11/05437, PA15/02525, PA18/02422, PA19/09962 (which appears to account for the name of the property appearing on occasions as 'Meraki' and on other occasions as 'Providence Park').

⁶ Ref. PA13/09955.

⁷ Scheduled monument list entry No. 1005450.

⁸ Including at Reference ID: 18a-041-20190723

⁹ Section 62(3) of the Town and Country Planning Act 1990 as amended.

¹⁰ Noting that different sizes have been recorded in different studies, likely resulting from ambiguities in the identification of particular barrows forming the formation (noting the reference to the Historic Environment Record entry in the appellants' heritage note).

of two other schemes at Flodon Tor,¹¹ the proposal would not adversely affect archaeological significance.

14. That is a flawed premise. Whilst schemes at Flodon Tor are closer to the nearest barrow than the appeal site, on the basis of the limited information before me, those overlapping permissions relate to the site of a former outbuilding. Their potential for disturbing sub-surface remains was therefore, in all likelihood, significantly lesser compared to substantial new earthworks.
15. Moreover drawing a hypothetical straight line between the three northern barrows gives a west-south-west to east-north-east axis. If extended, that hypothetical line would touch or cross the appeal site. In that context, noting my reasoning in paragraph 10, there is a realistic likelihood that the scheme might affect archaeological significance. By extension the proposal would conflict with the approach in LPSP policy 24 and NPPF paragraph 194. In that context the extent of any potential harm, or mitigation, becomes intangible.

Other matters

16. The proposal would have certain benefits. It would represent an incremental addition to housing stock. There would also be benefits in supporting employment during construction, and future occupants would bring trade to services and facilities in the wider area. The appellants also explain that the proposal would generate Council tax receipts, and that it is their intention that the design is of low environmental impact. I have noted above that there has been some nearby development recently.
17. However the foregoing benefits may be true of any development. There is nothing before me to indicate that housing delivery relative to needs is faltering, or that there is a clear rationale to go against the approach in the development plan in this specific instance. As an aside there may be many thousand comparably located sites throughout Cornwall. Allowing this scheme would, to some extent, undermine the integrity of the plan-led system.
18. My reasoning in that respect would remain unchanged even if I were to reach the view that effects on archaeological interest could be adequately controlled through the use of conditions (and that in all other respects the scheme would be acceptable). As alluded to previously, replacement dwellings, barn conversions and tourist development are all types of development accorded in-principle support via certain provisions of the development plan and NPPF which do not directly apply to new housing in the countryside. Therefore no other matters are sufficient to justify allowing the appeal.

Conclusion

19. For the reasons given above, having taken account of the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Thomas Bristow
INSPECTOR

¹¹ Ref. PA17/00091 and PA20/03889.