



Appeal Decision

Site visit made on 15 November 2022

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2022

Appeal Ref: APP/D0840/W/22/3295727

Byre Cottage, Sancreed, Penzance TR20 8QS

- 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 J Mallett against the decision of Cornwall Council.
 - The application Ref PA21/10747, dated 27 October 2021, was refused by notice dated 22 February 2022.
 - The development proposed is erection of a self-build dwelling on previously developed land.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a maximum of one dwelling at Byre Cottage, Sancreed, Penzance TR20 8QS in accordance with the terms of the application, Ref PA21/10747, dated 27 October 2021.

Preliminary Matters

2. Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 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 2 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. As such, I have regarded the submitted proposed block plan as indicative only.

Main Issue

4. The main issue is whether the site is suitable for residential development, having regard to location, land use and amount of development proposed with particular regard to
 - Whether the location of the appeal site is suitable for new dwellings;
 - The effect of the proposed development on the character and appearance of the area, having particular regard to the location of the site within the Cornwall Area of Outstanding Natural Beauty (AONB); and

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

- The effect of the proposed development on the setting and significance of Heritage Assets.

Reasons

Location of development

5. The appeal site is located adjacent to Byre Cottage, and to the southwest edge of Sancreed. The site is currently occupied by a large stable block and is directly adjacent to a grouping of trees subject to a Tree Preservation Order (TPO), with a public footpath beyond. The site is within the Sancreed Churchtown Conservation Area (CA) which includes a scheduled monument to the west of the appeal site and various listed buildings and is also within the West Penwith section of the AONB.
6. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) sets out a hierarchical strategy for the delivery of new housing. Sancreed is not a location named within Policy 3(1), and therefore Policy 3(3) provides that, outside these larger named settlements, housing growth is to be delivered through, amongst other means, development of previously developed land (PDL) within or immediately adjoining settlements. Furthermore, LP Policy 21 seeks to ensure the best use of land and encourage sustainably located proposals which amongst other things, use PDL providing they are not of high environmental or historical value and increase building density where appropriate, taking into account the character of the surrounding area.
7. LP Policy 7 sets out that new homes in the open countryside will only be permitted where there are prescribed special circumstances. No such special circumstances have been put before me within the evidence.
8. Given the existing building at the site, it is common ground between the main parties that the site constitutes PDL, however the Council disputes that the site is immediately adjoining the settlement but is an 'outlier' to the village. I observed at my site visit that the development pattern of Sancreed encompasses a group of buildings around the Church of St Creda, which have notable separation distances resulting in some dispersed dwellings to the edge of the settlement, with higher density development towards the north at Beacon Estate.
9. Given the proximity of Byre Cottage to other buildings in Sancreed to the north east, Byre Cottage clearly forms part of the grouping of buildings that can be considered to constitute the form of the settlement. The appeal site directly adjoins Byre Cottage, and whilst it does project to the south west, such a projection away from the core of the settlement is not uncharacteristic of Sancreed given the pattern of existing development and separation distances of buildings. I therefore find that the appeal site does immediately adjoin the settlement.
10. In conclusion on this issue, while the proposal does not meet any of the requirements of LP Policy 7, my finding is that the evidence supports the view that the site can be regarded as PDL which is immediately adjoining the settlement. Therefore, the proposal would be an allowable form of development, in accordance with LP Policy 3, and subject to detailed design at technical details stage, in accordance with LP policies 1, 2 and 21 which seek, amongst other things, to provide well designed homes in a proportional manner

of appropriate scale to the size and role of the settlement. The proposal would also accord with the provisions of the National Planning Policy Framework (Framework) with regard to achieving sustainable development through well designed places.

Character and appearance

11. I am required to give great weight to conserving and enhancing the landscape and scenic beauty of the AONB and I note that the AONB officer has raised concerns, citing that development will unavoidably and harmfully extend residential character into the existing agricultural setting of the settlement. The West Penwith section of the AONB is described as having a unique character shaped by granite geology and exposed to the Atlantic Ocean. The centre of the peninsula is sparse open coastal moorland. Settlements are scattered and lacking in size and much of the surrounding countryside and fields and boundary hedges are of a prehistoric origin.
12. The existing authorised use of the appeal site is for stabling and is notably restricted by planning condition to the use for domestic purposes only. I observed that while the existing building on the site has a functional appearance due to its timber clad modern barn like design, the surrounding area has more of a domestic character due to the use of the land for carparking and associated paraphernalia. The appeal site and building combined are visually read as being more associated with the adjoining dwelling and outbuilding, as opposed to being a building within the open countryside.
13. Notwithstanding, while a footpath runs in close proximity to the site, the site is well screened by adjacent trees which are protected by a TPO². Although the building is visible in the landscape, the remaining site is not clearly viewed from public viewpoints. Furthermore, the appeal site is viewed in the context of the existing nearby built form, and the settlement beyond. Consequently, and noting the existing building on the site, I find that the scheme would not be seen to extend development beyond the existing grouping of buildings and would not result in the loss of an undeveloped area.
14. The site at present does not make a positive contribution to the wider character and appearance of the area and AONB character I have described above. The presence of a dwelling and the associated domestic paraphernalia would not be unexpected or incongruous within the site or its immediate surroundings. Details of the appearance and scale of the dwelling, along with the layout of the site would be subject to the technical details stage. An assessment of those matters and whether appropriate lighting could be provided being mindful of the West Penwith International Dark Sky designation are not a consideration as part of this initial stage.
15. As such, in consideration of the principle of the proposal, and subject to detailed design, the proposed development would not harm the character and appearance of the area or the landscape and scenic beauty of the AONB. The principle of development would accord with Policies 1, 2, 12 and 23 of the LP which, amongst other things, seek development to be high quality and conserve and enhance the landscape character and scenic beauty of the AONB. There would also be no conflict with the overarching aims of the Framework or policies MD5 and MD9 of the Cornwall AONB Management Plan 2016 -2021

² P/12/10 TPO2

which require, amongst other things appropriately located development of good design that does not compromise the special qualities and characteristics of the AONB as well as the protection and enhancement of the natural and built environment.

Heritage assets

16. Given the appeal sites location within the CA and surrounding individual heritage assets, I am conscious of my statutory duty under section 72(1) and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
17. The CA includes numerous heritage assets including Glebe Farmhouse (Grade II listed) and the grade II* listed Church of St Creda as well as a holy well and chapel which is a Scheduled Ancient Monument (SAM). Insofar as it is relevant to this appeal, I find the significance of these listed buildings and the SAM is primarily derived from their architectural and religious interest and historic connection with the village, farmland and landscape.
18. The location of the appeal site is such that there is no direct intervisibility between it, or any of the surrounding listed buildings or the SAM. Although the site is adjacent the walking route from the Church to the SAM, due to the lack of intervisibility, and the current use and building within the site, I find that the appeal site makes no contribution to these heritage assets or their settings.
19. In terms of the CA, while I have not been made aware of any Conservation Area Appraisal relating to the CA, I find that the significance of the CA lies in the way its range of building of various ages reflect the historic evolution of this rural settlement and its historic association with the SAM.
20. Due to the functional appearance of the existing stable building and appeal site as a whole, the site currently provides a neutral contribution to the CA. The technical details consent stage would deal with matters such as the layout, access, design, materials and landscaping. However, given the current neutral contribution of the site, subject to a sympathetic design, layout and consideration of the topography of the site and character of the area, it would be feasible for a high-quality scheme to be provided that would complement the character and appearance of the CA. I therefore find that the proposal would preserve the significance of the CA, subject to the Technical Details Consent stage.
21. Accordingly, given the nature of the site and its surrounding context and from the evidence available at this point, I am satisfied that the proposal could be designed so as not to result in any harmful effects on the setting of nearby listed buildings, Scheduled Monument and character or appearance of the CA, and would not harm their significance as designated heritage assets. As such, the proposal would not be in conflict with Policy 24 of the LP which seeks, amongst other things, for development to conserve and enhance Cornwall's heritage assets. The proposal would also accord with the overarching aims of the Framework with regard to the protection of heritage assets.

Other Matters

22. I acknowledge the concerns raised regarding a number of other matters. These include the effect on the living conditions of neighbouring properties; impact on the adjacent footpath and trees; and drainage and flooding. However, these

matters would be assessed at the Technical Details Consent stage following the submission of detailed plans and reports. At this stage, the issues are limited to those related to location, land use and amount of development. I have found the location to be acceptable, while the proposed residential use and amount of dwellings would be compatible in the local context in principle.

23. Anecdotal evidence indicates that the site provides habitat for wildlife, including bats. It is not a requirement of a permission in principle application to provide an ecological appraisal. However, it will still be necessary, through the Technical Details Consent stage, to demonstrate that there will be no harm to protected species, and to ensure that the development minimises the impacts on, and provides net gains for, biodiversity as advised by paragraph 174 of the Framework.
24. While not forming part of the Council's reason for refusal, the Council has raised concerns that the appeal site is in a location that would not meet sustainable transport objectives. I observed that Sancreed benefits from a place of worship and a village hall, but it lacks further facilities and services. I also observed a bus stop within easy walking distance from the appeal site, and noted that while there are no pedestrian pavements from the appeal site to the bus stop, a large section of the route does benefit from street lighting. Notwithstanding, I have in any case established that the proposal accords with LP Policy 3, which provides a mechanism to facilitate a proportionate amount of housing in smaller settlements in order to support the development of rural communities. The proposal would therefore accord with the settlement strategy and the approach to sustainable development as articulated within the development plan.
25. Further concerns have been raised in relation to the potential future use of a dwelling for rental or holiday purposes. However, this is not a matter before me in the context of this appeal which relates to the principle of a dwelling.

Conditions

26. The PPG indicates that it is not possible to impose conditions as the terms of any permission in principle must only include site location, type of development and amount³.

Conclusion

27. For the above reasons, and having had regard to all other matters raised, the appeal should be allowed.

S Harrington

INSPECTOR

³ Paragraph: 020 Reference ID: 58-020-20180615