



Appeal Decision

Site visit made on 13 December 2022

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

Appeal Ref: APP/D0840/W/22/3302456

Faunhaven, Road From Canworthy Water To Fonston, Canworthy Water, Launceston PL15 8UW

- 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 R Hockin against the decision of Cornwall Council.
 - The application Ref PA21/11107, dated 8 November 2021, was refused by notice dated 10 January 2022.
 - The development proposed is outline application for the erection of a dwelling - all matters reserved other than access.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a dwelling at Faunhaven, Road From Canworthy Water to Fonston, Canworthy Water, Launceston PL15 8UW in accordance with the terms of the application, Ref PA21/11107, dated 8 November 2021, subject to conditions set out in the Schedule at the end of this Decision.

Preliminary Matters

2. The application was made in outline with all matters, except access reserved for future determination. I have considered the appeal on that basis.
3. I have removed the wording from the description of development in my decision that does not refer to an act of development.

Main Issues

4. The main issues are (i) whether the appeal site is suitable for residential development, having regard to whether or not the proposal would constitute suitable infill or rounding off of Fonston; and (ii) the effect of the proposed development upon the character and appearance of the area.

Reasons

Location of development

5. The Cornwall Local Plan Strategic Policies (the CLP) seeks to ensure that development occurs in the most sustainable locations in order to protect the open countryside from harmful development. Policy 3 of the CLP aims to steer the majority of new housing towards the main towns. However, the policy does allow a limited amount of new development to take place outside the main towns in circumstances which are listed in part 3 of the policy.

6. The Council has produced a Chief Planning Officer's Advice Note (CPOAN) on Infill and Rounding Off, published in December 2017. While this document does not carry the statutory weight of the CLP, it provides additional guidance and recognises that there is no clear definition of a settlement. In accordance with paragraph 1.68 of the CLP smaller villages and hamlets should have a form and shape and clearly definable boundaries, not just a low-density straggle of development. Some linear settlements can meet the test of a clear form and shape suitable for infill. Well-defined groups of dwellings with a collective name will normally be considered settlements.
7. Fonston is a hamlet between Warbstow and Canworthy Water and, although there are no services and facilities within the hamlet, the settlement is part of a network of settlements with some local services and facilities.
8. Fonston comprises a linear group of buildings that lie predominantly on the northern side of the road. The built frontages are interspersed with hedgerows, which contributes to a distinctly rural setting. The CLP indicates that infill development in smaller villages and hamlets should be allowed for one or two housing units and large gaps are not considered appropriate locations for housing development. There is nothing to define the width of a small or large gap.
9. The appeal site lies to the northeast side of Fonston. It has a road frontage and lies to the western side of the bungalow of Faunhaven. Founson Farm lies further to the northeast and beside the road. Tudor Cottage and its access border the western side of the site and the garden of Fonson Cottage lies further beyond that. Although the garden of Fonson Cottage forms a gap, it comprises an area of hardstanding for parking cars and is occupied by garden buildings. Therefore, in my view, the appeal site is more akin in character to being part of a continuous frontage of low-density development forming part of the settlement rather than being part of the countryside or providing an important gap between dispersed clusters of development. The site has the character of being part of the settlement. The existing dwellings, domestic accesses, gardens and buildings either side of the site are noticeable and contribute to the sense of a coherent pattern of settlement. It does not appear as a markedly separate low-density straggle of development detached from Fonston.
10. As such, although there is a higher density of buildings to the southwest, the site lies within the form and shape of the settlement. Accordingly, Policy 3 of the CLP is applicable. In accordance with criteria under part 3 of the policy, infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside can be acceptable.
11. The appeal site is within the physical extent of Fonston and forms a small gap in an otherwise built-up frontage in a small settlement. The proposal would constitute suitable 'infill'. Therefore, on this issue, the appeal site is suitable for residential development in accordance with the provisions of Policies 1 and 3 of the CLP, which together seek to direct development to settlements. Given that the proposed development complies with Policy 3 of the CLP, it would represent a sustainable form of development. I find no conflict with Policy 7 of the CLP, which is concerned with housing in the countryside. As I have found that the proposal would represent an acceptable form of infilling, even if I were to

accept that the site is previously developed land, I also find no conflict with Policy 21 of the CLP which seeks to ensure the best use of land.

Character and appearance

12. The appeal site is relatively level and is maintained as lawn. A garden shed, washing line and garden table and chair occupied the land at the time of my site visit. The garden is bounded by clearly maintained hedgerows.
13. The site is sandwiched between Faunhaven and Tudor Cottage. The latter is a Grade II listed building. There are a variety of building styles and boundary treatments along the road. Some buildings are set slightly back from the road, while some lie close to it. The linear form of the settlement and the hedgerows bounding the road interspersed with walls and gaps where accesses appear contribute strongly to its character and appearance.
14. Whilst details of landscaping would be a matter for future determination, aside from a modest section of hedgerow bounding the road that would be removed to facilitate access, the boundary feature could either be retained, replaced or augmented by new planting.
15. A dwelling within the site would be visible from the road. However, the dwelling would be seen in the context of the surrounding development, and it would be perceived as a relatively minor addition to the settlement. The development would represent infilling and would not appear unduly prominent, nor would it visually extend the built form into the countryside or otherwise diminish rural character.
16. Therefore, I conclude that the proposed development would have an acceptable effect upon the character and appearance of the area and in this regard would comply with paragraph 174 of the National Planning Policy Framework (the Framework), which says planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.
17. Whilst not referred to within the reason for refusal, the Council refer to Policies 2 and 23 of the CLP and saved Policy ENV1 of the North Cornwall Local Plan within its statement. Together these policies, amongst other things, seek high quality design and to protect the local distinctiveness and character of the area. For the reasons given above, the proposal would not conflict with these aims of these policies.

Other Matters

18. There is no dispute between the parties over the effect of the proposal on the setting of the Grade II listed Tudor Cottage and I have no basis to disagree. The appeal site is within the setting of the listed building and, in determining this appeal, I must have special regard to the desirability of preserving the setting of this listed building.
19. Tudor Cottage is a small house. The list description notes that it probably dates to the early eighteenth century. The appeal site reads as being separate from Tudor Cottage because of the intervening hedgerow and separation distance. There is sufficient space within the appeal site to accommodate a dwelling with an appropriate layout and planting. A sensitive approach to reserved matters applications would further reduce any potential impact. I therefore conclude

that the proposed development would not harm the setting of Tudor Cottage, resulting in a neutral effect on its significance, and that the setting would thereby be preserved. As there would be no harm to the setting of the listed building, even when attaching great weight to the importance of the heritage asset, I find the details of the development to be acceptable. Thus, with regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, the proposal would preserve the setting of Tudor Cottage.

20. I have been referred to a number of appeal cases. In the case at Boyton, my colleague found that the properties tended to be peppered about and separated from one another by large rambling plots, or by fields. In the case at Old Portreath Road, open agricultural fields, copses of trees and a dispersed pattern of dwellings and other buildings were considered to comprise the character of the area. The case at Treamble lies 600 metres from a settlement and set within agricultural fields. The site in the Wendron case was also considered to be remotely sited well away from any defined settlement or meaningful collection of houses. As such there were significant differences and, accordingly, these schemes have attracted limited weight.

Conditions

21. I have amended the wording of the conditions for clarity, to reflect the advice in the Framework and to meet the six tests. I have imposed the standard requirement for further details to be approved before development takes place, together with standard time limit and plans conditions.
22. Details of landscaping are matters reserved for future applications. As such a condition requiring details of landscaping is not necessary as this is more appropriately addressed through reserved matters applications.

Conclusion

23. For the reasons given above and having regard to the development plan as a whole, I conclude that the appeal should be allowed.

J White

INSPECTOR

(Schedule of conditions attached)

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with plans PW1 and PW024 204 B.