



Appeal Decision

Site visit made on 20 February 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2023

Appeal Ref: APP/D0840/W/22/3298255

Land south of Rosemerryn, St Ruan, Ruan Minor TR12 7JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs G Wright against the decision of Cornwall Council.
 - The application Ref PA21/10088, dated 5 October 2021, was refused by notice dated 4 March 2022.
 - The development proposed is construction of 4 No open market dwellings, new access, external works and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of 4 No open market dwellings, new access, external works and landscaping at Land south of Rosemerryn, St Ruan, Ruan Minor TR12 7JS in accordance with the terms of the application, Ref PA21/10088, dated 5 October 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Although not included as a reason for refusal, the Council's appeal statement identifies that the site lies within the zone of influence for the Fal and Helford Special Area of Conservation (the SAC). The Council has adopted a strategic approach to the mitigation and monitoring of the effects of development on the SAC within its European Sites Mitigation Supplementary Planning Document (July 2021) (the SPD). The SPD sets out that financial contributions on a per dwelling basis, to fund mitigation measures, will ensure that residential development in the zone of influence will not have significant effects upon the protected habitats. During the appeal, the appellants submitted an Undertaking under Section 111 of the Local Government Act 1972 and made the necessary financial contribution to fund such measures. Consequently, I am satisfied that it is not necessary for me to consider the proposal any further in respect of the Conservation of Habitats and Species Regulations 2017.

Main Issues

3. The main issues are
 - a) Whether the site is suitable for the proposal bearing in mind the settlement policies of the development plan; and,
 - b) the effect of the development on the character and appearance of the area, including the scenic beauty of the Area of Outstanding Natural Beauty (the AONB).

Reasons

Settlement policies of the development plan

4. Policy 2 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan) sets out the spatial strategy for development. It seeks to maintain the dispersed development pattern of Cornwall, providing homes and jobs based on the role and function of each place. Based on this strategy, Policy 3 defines how development will be accommodated, with growth focussed on identified main towns. However, it also supports housing growth in smaller settlements through the identification of sites through Neighbourhood Plans; rounding off of settlements; development of previously developed land (PDL) within or immediately adjoining settlements; infill schemes; or rural exception sites.
5. Although the Council's statement does not make it clear, it does not appear to be disputed that St Ruan is a settlement. In any event, I saw that it comprises a concentration of dwellings that forms a well-defined group, with a collective name that appears on road signs. Having regard to the advice at paragraph 1.68 of the Local Plan, and in the absence of a Neighbourhood Plan for the area, I am satisfied that St Ruan comprises a settlement for the purposes of Policy 3. The site is not PDL, nor is the proposal put forward as an exception site. Consequently, accordance with Policy 3 is dependant on the proposal comprising infill or rounding off.
6. Paragraph 1.65 of the Local Plan defines infilling as *"the filling of a small gap in an otherwise continuously built up frontage that does not physically extend the settlement into the open countryside"*. In this case, there are dwellings fronting the road to either side of the site. However, the distance between Little Barn to the south, and Rosemerryn to the north, is about 160 metres. Due to the curvature of the road, these two buildings are not intervisible, so the "gap" is never visually perceived as such. Whilst Policy 3 does not place a limitation on the number of dwellings that may comprise infill, it does, nevertheless, specifically refer to *"a small gap"*. In the circumstances of this case, the undeveloped frontage is too extensive to be reasonably described as a small gap. Consequently, the proposal does not comprise infill development as defined by Policy 3.
7. Rounding off is described by paragraph 1.68 of the Local Plan as development *"on land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth. It should not visually extend building into the open countryside"*. The site is enclosed by housing to the north and south, and by the road, with houses opposite, to the east. The western boundary of the site is marked by a long-established hedgerow and trees, which effectively divides the site from the open countryside beyond, and would restrain further expansion. This boundary is broadly aligned with the extent of the residential curtilages to the north and south, so the proposal would not visually extend development into the countryside. The site therefore fulfils the Policy 3 criteria for rounding off.
8. My attention has been drawn, by both parties, to the Chief Planning Officer's Advice Note (the CPOAN) titled Infill/Rounding Off, which provides additional guidance. This note advises that rounding off should provide a symmetry or completion to a settlement boundary, rather than facilitating incremental

growth, so a development that would result in a further site for rounding off is unlikely to be rounding off in itself. In this case, the development would fill an enclave between buildings and gardens which extend further westwards on both sides. Consequently, it would complete this part of the settlement boundary and it would not create any further opportunity for incremental growth. The CPOAN advises that suitable sites are likely to be surrounded on at least two sides by existing built development. In this case, the site has housing on three sides.

9. The CPOAN says that it provides guidance only, and it should not be used as a substitute for the policies of the Local Plan. Nevertheless, I have had regard to it, and it reinforces my conclusion that the proposal would constitute rounding off, because the site is substantially enclosed, has a physical barrier to further development on its western edge, and it would not result in the visual extension of building into the countryside.
10. I am mindful of the Council's contention that the site makes a positive contribution to the rural character of St Ruan, such that the proposal does not constitute rounding off. However, the impact of the development on the appearance of the settlement is a separate matter, which I will consider under the second main issue. It is not one of the factors that is set out in Policy 3 of the Local Plan, or its supporting text, which determines whether a proposal would constitute rounding off.
11. For the above reasons, I conclude that the proposal would constitute rounding off, so the site is suitable for residential development in accordance with the settlement policies of the development plan. I therefore find no conflict with Policies 1, 2, 3 and 7 of the Local Plan in this regard.

Character and appearance and AONB

12. The appeal site lies within the AONB, which covers the entire Lizard Peninsula. Paragraph 174 of the National Planning Policy Framework (the Framework) says great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. The application was accompanied by a Landscape & Visual Impact Assessment (the LVIA), which was prepared in accordance with guidance prepared by the Institute of Environmental Management and Assessment and the Landscape Institute. In the absence of any expert advice to cast doubt on its findings, the LVIA carries significant weight in my considerations. However, my decision also takes account of my own observations of the site.
13. The open AONB landscape falls away from the site to the west, whereas the site itself slopes gently towards the settlement. Together with the established hedge line and trees on the western boundary, this results in the site being visually detached from the wider countryside. It is also strongly influenced by the houses that lie close to its north and south boundaries, and are readily visible from the site. Because of its topography, boundary screening and association with the built form of St Ruan, it is visually more closely connected with the settlement than with the wider countryside. It is not, therefore, an integral part of the open plateau landscape to the west, and makes a negligible contribution to its scenic beauty.

14. The LVIA considers the visual impact of the proposed development from 11 key viewpoints. Other than from the road immediately in front of the site, the impacts are categorised no higher than Minor Adverse at Year One, diminishing to no more than Negligible Adverse at Year 15. Whilst visible from some limited locations to the south and west, the development would be seen in the context of existing buildings, and would not break the vegetated skyline, or appear as an extension of the settlement into the countryside. There would be a greater impact in close views from the road passing the site but, from here, the development would not be seen in the context of the open AONB landscape, as the road is enclosed on both sides by trees and hedgerows. In terms of the wider area, therefore, the proposal would not be harmful to the scenic beauty of the AONB.
15. In terms of the more immediate locality, the appeal site lies within a part of the settlement that has a semi-rural character. This results from the largely detached buildings being set in landscaped grounds, and set back from the road frontage behind trees and hedges. These hedges are punctuated by domestic accesses to the north and south of the site, and on the opposite side of the road. The surface of the site is raised above the road, behind the boundary hedge and trees, so the grass paddock is not visible to the passer-by. However, the continuous hedgerow along the roadside frontage of the site makes a positive contribution to the verdant character of this part of the settlement.
16. The four dwellings would be served by a single point of access, so there would only be one break in the frontage hedgerow, and this would be achieved without the loss of any significant trees. The access would only be 4.8 metres wide, and would not have footpaths, or engineered entrance radii, so would not be dissimilar to the other domestic driveways along this stretch of road. The dwellings would be single storey, cut into the site, and set back from the road behind the existing hedgerow and additional native tree planting. Consequently, apart from directly opposite the access point, the development would be viewed through a filter of trees, and the generally verdant character of the road through this part of the settlement would be preserved.
17. The development would be at a higher density than is generally characteristic of the rest of the settlement. However, the low-level driveways and parking areas would be largely concealed behind the retained and reinforced frontage hedge bank. Consequently, it is only the upper parts of the buildings and their roofs that would be readily visible through the screen of trees. The articulated building line would break up the apparent mass of the dwellings, and their hipped roofs would provide a degree of visual spacing between buildings. The use of granite, slate and timber for the external materials would be in keeping with other buildings in the settlement. Indeed, the overall design, form, and scale of the dwellings would bear some resemblance to St Ruan Barn, immediately to the south. The dwellings would, therefore, assimilate comfortably into their surroundings.
18. The LVIA acknowledges that there would be a degree of change in the street scene, and categorises the visual impact as Moderate Adverse in Year One, reducing to Moderate/Minor Adverse at Year 15. However, this impact would be limited to views from directly opposite the access. In views down the road from the north, the impact is categorised as Minor Adverse, reducing to Negligible Adverse. From my own observations, I saw that, apart from very localised

views through the access point, the development would be well-screened by the boundary hedge, even in the winter months, when approaching the site along the road from either direction. During the summer, and with additional planting, the visual impact of the buildings would be further reduced. Consequently, there would not be any significant harm to the character and appearance of the area.

19. For the above reasons, I conclude on this issue that the proposal would preserve the scenic beauty of the AONB, and would not have a harmful effect on the character and appearance of the area. It would, therefore, accord with Policies 12 and 23 of the Local Plan, which seek to ensure high quality design that sustains local distinctiveness and protects the landscape. I also find no conflict with Policy MD9 of the Cornwall AONB Management Plan 2016-2021, which aims to ensure that all development proposals are compatible with the protected landscape. Furthermore, the development would accord with the Framework's aims to deliver a sufficient supply of homes, achieve well-designed places, and conserve the natural environment.

Other Matters

20. In coming to my decision, I have had regard to the other issues raised in representations. I spent some time in the road outside the appeal site and observed that traffic passed infrequently and at slow speeds. I saw that there was sufficient width in the highway to enable this slow-moving traffic to safely pass pedestrians. The traffic associated with the four dwellings would not significantly increase the overall number of vehicle movements on the highway, so would not materially alter its safety. There would, therefore, be no conflict with Policy 27 of the Local Plan relating to safe and suitable access to the site or the impact on the local or strategic road network.
21. There are few public services in St Ruan. However, a range of services is available in Ruan Minor, which lies within walking distance to the east. I am mindful that such a walk would involve negotiating a potentially dangerous crossroads to the north, which may discourage this form of transport. However, the criteria for rounding off under Policy 3 of the Local Plan do not include any requirements for the ease of accessibility to services. The requirements in this regard under Policy 27 only relate to major developments. Consequently, the proposal would not conflict with either of these policies.

Conditions

22. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has submitted a schedule of suggested conditions to cover other matters. I have considered these against the advice in the Planning Practice Guidance. Where I have agreed that the conditions are necessary, I have altered them, in the interests of clarity and precision, to better reflect the guidance.
23. To protect the character and appearance of the area, conditions are necessary to ensure the use of appropriate external materials and to secure the approval and implementation of a suitable scheme of landscaping. In the interests of highway safety and convenience during construction works, and thereafter, conditions are necessary to ensure the early construction of the site access,

and the provision of car-parking and turning areas prior to occupation of the dwellings.

24. I have considered whether the Council's suggested condition requiring a Construction Method Statement is necessary. Paragraph 56 of the Framework says that pre-commencement conditions should be avoided unless there is a clear justification. The development proposed is of a relatively modest scale. The construction of the dwellings is likely to result in some temporary disturbance to residents and inconvenience to traffic. However, this would be true of most development in a residential setting, so I am not persuaded that this provides the clear justification that is necessary for a pre-commencement condition.

Conclusion

25. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: B/OR/20/001A – Site Location Plan; B/OR/20/002 – Proposed Site Plan; B/OR/20/003 – Proposed Block Plan; B/OR/20/004 – Plot 1 Floor Plan & Elevations; B/OR/20/005 – Plot 2 Floor Plan & Elevations; B/OR/20/006 – Plot 3 Floor Plan & Elevations; B/OR/20/007 – Plot 4 Floor Plan & Elevations; B/OR/20/008 – Proposed Site Entrance Visibility Splays; B/OR/20/009 – Illustrative Foul Drainage Strategy.
- 3) No construction work shall commence on any of the dwellings until the site access has been completed in accordance with Drawing No. B/OR/20/008, and in accordance with further details of its gradient, surfacing, drainage, and sight lines that have first been submitted to and approved in writing by the local planning authority. The access shall be permanently retained in accordance with the approved details thereafter.
- 4) Development shall not proceed above damp-proof course level of any of the dwellings until details / samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 5) Development shall not proceed above damp-proof course level until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The details shall include boundary treatments; hard surfacing materials; details of all

existing trees and hedgerows on the land, showing those to be retained and measures for their protection to be used in the course of development; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and an implementation programme. The landscaping works shall be carried out in accordance with the approved details before any part of the development is occupied, or in accordance with the agreed implementation programme. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) No dwelling shall be occupied until the vehicle parking and turning areas have been completed in accordance with Drawing No B/OR/20/002. These areas shall be permanently retained thereafter and used for no purposes other than the parking and manoeuvring of vehicles.