

Appeal Decision

Site visit made on 21 April 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2023

Appeal Ref: APP/D0840/W/22/3305699

Land North of Tremenheere Cottage, Long Lanes, St Hilary, Penzance, TR20 9EQ

- 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 and Mrs Christopher Jenkin against the decision of Cornwall Council.
 - The application Ref PA22/02971, dated 12 April 2022, was refused by notice dated 21 July 2022.
 - The development proposed is a new single storey dwelling in the grounds of Tremenheere Cottage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide a suitable site for a house, having regard to the development plan and the character, appearance, landscape and historic settlement pattern of the area.

Reasons

3. The appeal site is the northern part of the long rear narrow garden of Tremenheere Cottage. This is a dwelling located on a corner position fronting the B3280 (Relubbus Lane) with its side, and rear garden, running along the narrow Long Lanes. The appeal site is close to a dwelling under construction across Long Lanes to the west, in part abuts other long domestic gardens and has agricultural land beyond. Most dwellings locally in the small settlement front Relubbus Lane. The proposal is as described above.
 4. Policy 1 of Cornwall Local Plan Strategic Policies (2010-2030) (LP) seeks sustainability generally and Policy 2 embodies a spatial strategy based on the role and function of places. The policies would offer very little in the way of encouragement for the principle of new dwellings at small villages with limited services such as St Hilary. Following on from these policies, Policy 3 is relevant. It explains that outside the main identified towns, housing growth is to be delivered through the identification of sites where required through Neighbourhood Plans, rounding off of settlements and development of previously developed land within or immediately adjoining settlements, infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend development into open countryside, and rural exception sites.
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5. The case put by the Appellants is that this proposal would represent rounding off and/or infill within a settlement and/or 'brownfield' land suitable for development whilst the Council considers the scheme would result in extension of residential development into the countryside beyond the settlement of St Hilary.
6. The LP explains that rounding off, in terms of Policy 3, applies to development on land that is substantially enclosed but outside the urban form of the settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth. It is explained that rounding off should not visually extend building into open countryside. There is also an informal Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (AN) which provides more detailed background to the approach to be adopted in such cases. It includes commentary to the effect that rounding off provides a symmetry or completion to a settlement, and that the decision makers should be looking for long standing and enclosing boundary features with suitable sites likely to be surrounded on at least two sides by existing built development.
7. The development of the dwelling to the west is something of an anomaly and the Council explains the site was classed brownfield, incorporating a commercial nursery, and was deemed suitable for redevelopment. Looking at the bigger picture Relubbus Lane St Hilary is principally a linear hamlet and the site down Long Lanes would not accord with that disposition. To my mind a dwelling here would read as one very much in the countryside rather than the settlement; I would not assess this as completing a settlement but, rather, extending one. The proposed dwelling would 'jut-out' into the countryside and can hardly be described as being surrounded on two sides by existing built development.
8. Being classed as garden land does not necessarily mean incorporation within a settlement in planning policy terms. Furthermore, not all land which is either brownfield or within a settlement boundary would in any event in planning policy or aesthetic terms be suited to new development. Additionally, I am aware of an emerging Neighbourhood Plan for St Hilary but there is presently no finalised version of this with a formally adopted Development Boundary for the settlement
9. Taking all this together I would simply not characterise this proposal as rounding off in any sense using a normal English interpretation and it would not accord with the confines imposed by LP Policy 3 or the AN guidance. Nor would I class this development as infill or brownfield land suited to development. To my mind this site reads as countryside, albeit to a degree tended rather than 'wild' or agricultural in nature.
10. I should add that an exception in relation to new developments in the open countryside is provided for under LP Policy 7 which sets out categories of development which would allow for new houses in the countryside. The appeal development, proposing an open market house, does not fall within any of the categories.
11. Other LP policies also have relevance to this case. LP Policies 12 and 13, taken together and amongst other matters, seek to protect and enhance visual

attributes and distinctiveness of an area. While LP Policy 23 sets out that development should protect and where possible enhance Cornwall's natural environment.

12. I found the area to be generally attractive in landscape terms. Long Lanes has a very rural ambience and the appeal site presently contributes to this. A dwelling, even single storey, as a structure and along with its associated domestic accretions would be an incursion into this. There would be a marked and detrimental change in rural landscape appearance.
13. Given all of the above I conclude that the appeal scheme would conflict with LP Policies 1, 2, 3, 7, 12, 13 and 23.
14. The Council understandably makes the point that the site lies within the Cornwall and West Devon Landscape World Heritage Site (WHS). Much is written on this by both principal parties but I do lean to the view that the scheme would represent the subdivision of a long narrow plot that would likely have been used as a miner's smallholding relating to the host cottage. The layout locally would appear to represent a historic example of the morphology of a mining settlement with this characteristic. There would be a specific harm in its disruption. To my mind there would also be harm to the general landscape and local distinctiveness of this part of the WHS by the addition of a new home and associated paraphernalia in this relatively prominent position.
15. I have carefully considered the other cases drawn to my attention but for reasons of location or form find those not to be directly comparable or 'precedents' and, in any event, I have to assess the scheme before me on its own merits. I noted the Appellants' point about the old plans seemingly showing a building *north* of the plot in question but it is not possible to say whether this land would have run with that building and I could not class the appeal scheme as form of replacement. I appreciate that the Appellants would clearly intend to involve the Council in the formulation of any detailed plans and would commendably be seeking a traditional approach to design.
16. I would add that I also recognise that the development would increase housing supply in the locality; albeit there is no technical shortfall on this front. It would also provide an economic and social benefit proportionate with the delivery of one house.
17. These are matters of weight in favour of the appeal; however, they do not outweigh the harm that I have found in this instance under the main issue including the policies I cite in paragraph 13 above and those I touch on below.
18. Returning to the question of impact upon heritage interests, in all the circumstances, I would conclude that the scheme would unacceptably run contrary to LP Policy 24 and Policies P3, C2 and C9 of The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025. This is because, taken together and amongst other matters, these policies seek to protect and enhance WHS environs, add to its quality and distinctiveness, and maintain the WHS historic character and environment. There are no factors which outweigh the conflict with these policies.

19. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.
20. Finally, I have noted the calls by some local people for lower cost housing and that this scheme might help on that front but under the terms of this proposal I have no way of controlling or considering this matter.

Overall conclusion

21. For the reasons given above I conclude that the proposed development would not provide a suitable site for a house, having regard to the development plan and the character, appearance, landscape and historic settlement pattern of the area. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR