



Appeal Decision

Site visit made on 6 June 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2023

Appeal Ref: APP/D0840/W/22/3311202

Land between Burra Wallah and Sancreed Village Hall, Sancreed, Cornwall TR20 8QT

- 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 Sarah Lay against the decision of Cornwall Council.
 - The application Ref PA22/04918, dated 25 May 2022, was refused by notice dated 22 September 2022.
 - The development proposed is the construction of a detached open market dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was originally made in outline form with all matters reserved for future determination. However, details of access were requisitioned by the Council, and I have therefore also dealt with the appeal on this basis.
3. I have taken the description of development in the banner heading above from the application form. However as 'Outline planning permission (with all matters reserved)' is not an act of development, I have removed this element.
4. Following the Council's determination of the application the subject of this appeal, the Council adopted its Climate Emergency Development Plan Document (CEDPD). This document, together with the Cornwall Local Plan Strategic Policies 2010- 2030 comprise the development plan and I have had regard to it as such. Both parties have had opportunity to comment on its relevance to the appeal proposal.

Main Issues

5. The main issues are:
 - whether the appeal site would be a suitable location for a new dwelling with specific regard to the Council's settlement strategy;
 - the effect 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
 - the effect of the proposed development on the Sancreed Churchtown Conservation Area (CA).

Reasons

Location of development

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, rounding off of settlements and infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside.
7. The Council state that the appeal site is outside of the physical boundaries of the settlement and is therefore situated within open countryside. 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. The appeal site is bound to the east by the Sancreed Village Hall, and to the west by an area of domestic land and associated buildings. The dwelling known as Burra Wallah is sited to the north west, with further residential development at Beacon Estate further north beyond intervening land. However, despite the appeal site being in close proximity to the historic core of the settlement, and the Council Officer's comments in relation to Burra Wallah within the determination of planning permission PA12/09220, I observed, due to the open field like nature of the land and tree planted roadside boundary, it has the rural characteristics of surrounding open countryside.
9. In terms of whether the proposal would constitute infill or rounding off, my attention has been drawn to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (The CPOAN). The CPOAN does not form part of the statutory development plan and is to be regarded as informal guidance. However, it does provide some clarity on the locally adopted approach in relation to matters such as infill and rounding off of settlements, and as such I have had regard to it in the determination of this appeal.
10. It is put to me that the appeal site is a small gap between built up frontages, that being the village hall to one side, and established buildings within domestic land to the other. Even if I were to accept the appeal site were within the settlement and the site frontage could be considered a 'small gap', I observed that while there is a building adjacent the roadside to the west with further buildings beyond, this is a modest building, the rear elevation of which is set behind the established roadside hedgebank and does not contribute towards the appearance of a continuously built roadside frontage.
11. Burra Wallah is set further back from the highway and therefore also does not have a highway frontage. Even noting the adjacent existing access to Burra Wallah, the roadside does not have the character of being 'continuously built-up'. Instead, I find that the appeal site frontage provides an important contribution to the rural character and transition from the main built form of the settlement to the more divorced built form of Burra Wallah and domestic buildings, and the surrounding countryside beyond.
12. the CPOAN states that rounding off should provide a 'symmetry or completion to a settlement boundary' and 'is not intended to facilitate continued

incremental growth'. Paragraph 1.68 of the LP defines rounding off 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 (such as a road). The Council accept that the appeal site is contained within a defined boundary, and I see no reason to disagree. However, Paragraph 1.68 also notes that development should not visually extend building into the open countryside.

13. The existing buildings adjacent the site are modest and utilitarian in appearance, while Burra Wallah, due to its position significantly set back from the highway and to the north east of the appeal site with intervening land in-between does not reduce the appeal sites greater affinity with the open countryside, as opposed to the built form of the settlement. Consequently, the proposal would be seen as visually extending residential development into the countryside and not as a rounding off of the settlement.
14. The appeal site therefore differs significantly from other planning permissions quoted by the appellant. I observed that PA21/00333 relates to a site adjacent the village hall and to the south of the Beacon Estate within a clearly continuously built-up frontage. Furthermore, while PA20/06302 is on the edge of the settlement, Newington Farmhouse provides prominent built form directly addressing the highway frontage, to the north with Beacon Cottage providing prominent built form to the south.
15. In conclusion on this main issue, the proposal would not be in an appropriate location with regard the settlement strategy. The proposal conflicts with LP policies 1, 2, 3 and 7 which seeks to achieve sustainable development and takes a hierarchical approach, to direct development based on the role and function of places. The proposal would also in this respect be contrary with the provisions of the National Planning Policy Framework (Framework) in relation to achieving sustainable development and protecting and enhancing the natural and built environment.

Character and appearance

16. Section 85 of the Countryside and Rights of Way Act 2000 requires that I have regard to the purpose of conserving and enhancing the natural beauty of the AONB and paragraph 176 of the Framework requires that great weight is given to conserving and enhancing the landscape and scenic beauty of the AONB.
17. The appeal site is located within the Penwith Heritage Coast, and West Penwith section of the AONB which is identified within the Cornwall Area of Outstanding Natural Beauty Management Plan 2022 – 2027 (MP) as having a unique character shaped by granite geology, sparse open moorland, and scattered small settlements. The site is also within Landscape Character Area CA03 Penwith Central Hills (LCA) where amongst other characteristics are rugged boulder-strewn moorland of Lowland Heathland, bracken and scrub on the upland areas and woodland in the valley bottoms.
18. With regard field and woodland pattern, the LCA notes the landscape pattern is irregular and contrasting in scale with sinuous Cornish hedges forming an intimate network of small to medium-sized fields that slope up the valley heads to form an edge with the large scale moorland areas of unenclosed Upland Rough Ground.

19. While the appeal site does not contain a number of the characteristics outlined within the MP, and notwithstanding the history of use of the site as highlighted by the appellant, it does retain characteristics of field pattern described within the LCA due to the undeveloped character and hedge boundaries and positively contributes to the wider character and appearance of the area.
20. As the existing boundaries, including the roadside boundary and associated mature trees would be retained the contribution these make to the wider landscape would also be maintained. However, acknowledging that the proposal is in outline form so no details are before me of the appearance landscaping, layout or scale of the dwelling, I observed that, despite the lower highway level, residential built form would nevertheless be evident from the adjoining highway, even more so during winter months when foliage is not in leaf.
21. I have previously identified in the first main issue that the appeal site provides an important contribution to the rural character of the area. The erection of built form combined with associated domestic paraphernalia would result in a visual urbanisation of the site.
22. The degree of change to the site as a result of the proposal would be discernible in the context of the character of the site as well as the wider landscape. While noting limited characteristics of the AONB within the site, and the retention of roadside mature planting, I find that there would be harm to the character and appearance of the area and wider AONB, although the resultant harm would be limited.
23. Consequently, I have found the proposal would harm, albeit limited, the character and appearance of the area. This would result in a conflict with LP Policies 12 and 23. These policies seek to ensure, amongst other things, that development is of high-quality design which respects surrounding areas and enhances the quality of place and conserves and enhances the landscape character and natural beauty of the protected landscape. The proposal would also be contrary with the provisions of the Framework in relation to conserving and enhancing landscape and scenic beauty.

Conservation Area

24. The appeal site is outside of, but adjacent the Sancreed Churchtown Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
25. The appellant states that the focus for the designation is around the Church and the associated built form. I find that the significance of the CA as a whole lies in the way its range of building of various ages reflect the historic evolution of this rural settlement and its historic association with a nearby Scheduled Ancient Monument.
26. The Framework defines the 'setting' of a heritage asset, such as the CA, as the surroundings in which it is experienced. However, the retention of the intervening mature trees would limit the visual effect of the proposal on the appearance of the CA. Given that the significance of the CA is partially linked to

the historic evolution of the rural settlement, and the location of the appeal site outside of the CA, I find that the effect of the proposal on the CA would be neutral, therefore preserving the CA.

27. Consequently, I conclude, noting the outline nature of the proposal and subject to appropriate detailed design, that the proposal would not result in any harmful effects on the setting and character or appearance of the CA, and would not harm its significance as a designated heritage asset. As such, the proposal would not be in conflict with LP Policy 24 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

28. The appellant suggests that the proposal benefits from support via LP Policy 21(c). I am informed this Policy seeks to ensure the best use of land and encourage sustainably located proposals that increases building density where appropriate, taking into account the character of the surrounding area and access to services and facilities to ensure an efficient use of land. I acknowledge the site is in a location that could provide future occupiers access to limited facilities within Sancreed and public transport to wider services and facilities elsewhere. However, I have nevertheless found that the proposal would result in harm to the character of the area.
29. I note that the appeal proposal has the support of the Parish Council and some local residents, the comments of which I have taken into account in my findings. However, this does not override the harm I have found in respect of the first two main issues.
30. The appellant has highlighted a different appeal decision¹ elsewhere within Sancreed in support of this appeal. However, while similarities with the other appeal decision are cited by the appellant, it differs from the current proposal in several significant matters. That appeal related to previously developed land immediately adjoining the settlement and sought to replace an existing building with a new dwelling. Furthermore, it was found that the existing building on that appeal site did not make a positive contribution to the wider character and appearance of the area. This limits the equivalence of the other case to the current proposal. Moreover, the current appeal proposal has its own circumstances and I have assessed it on its own merits.
31. I note the appellants desire to live close to family members, and benefits that could follow for both the appellants and community. Furthermore, I acknowledge the proposal could include design features resulting in a highly energy efficient carbon neutral dwelling. Policy C1 of the CEDPD further develops the requirements of LP Policy 2 and seeks to ensure new development contributes to mitigating and adapting to climate change. Policy AL1 of the CEDPD supports low impact residential development as part of a regenerative use of land, subject to certain criteria. While it has been put to me that the aspirations of the appellants align with the objectives of the policies within the CEDPD, no substantive evidence has been provided which would indicate the proposal would fulfil the requirements of Policy AL1.

¹ APP/D0840/W/3295727

32. I also acknowledge the findings of Securing Homes for All: A Plan to respond to Cornwall's Housing Crisis and the contribution that single plot windfall sites can make to housing supply. The proposal would provide benefits in terms of the contribution of a single dwelling towards housing supply. The proposal would also provide some employment opportunities during the construction phase and future occupiers would provide further economic and social benefits in terms of future spend within local businesses and use of local services and facilities.
33. Notwithstanding, and acknowledging the housing need in the area, the benefits of the proposed scheme would be limited given the scope and scale of the development. Such matters therefore neither individually nor in combination outweigh the identified harm and the associated development plan conflict described above.

Conclusion

34. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR