



Appeal Decision

Site visit made on 03 May 2023

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/D0840/W/22/3303933

Land west of The Rosary, Callestick TR4 9LW

- 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 Andrew Bown against the decision of Cornwall Council.
 - The application Ref PA21/11596, dated 17 November 2021, was refused by notice dated 30 May 2022.
 - The development proposed is construction of a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters, except access, reserved for future determination. I have considered the appeal on that basis.

Main Issues

3. The main issues in this case are:
 - whether the site is a suitable location for the proposed development, having particular regard to development plan policies which seek to control new housing in the countryside.
 - whether the proposed development would preserve or enhance the character or appearance of the Callestick Conservation Area.

Reasons

Location

4. The appeal site is an open, grassy field on the outer fringes of Callestick. Although mainly undeveloped, it contains a small built structure and various items are being stored on the site including a vehicle, a boat and some trailers. I am informed that the site was formerly a garden and orchard associated with The Rosary, an adjacent dwelling.
5. Policy 3 of the Local Plan¹ allows a limited amount of development to take place outside the main towns. This includes through the *rounding off of settlements and development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role.*

¹ Cornwall Local Plan Strategic Policies 2010-2030

6. I firstly turn to the question of whether the site is 'previously developed land' in the context of Policy 3. According to the National Planning Policy Framework, previously developed land is *land which is or was occupied by a permanent structure, including the curtilage of the developed land*. Whether the site should be treated as previously developed therefore rests on whether it once formed part of the curtilage of The Rosary.
7. The term 'curtilage' is not defined in legislation but has been considered by the courts in various contexts, some of which are referred to in the appeal evidence. This includes the Blackbushe Airport² case where it was held that for land to be within the curtilage of a building, the land must form part and parcel of the building. The question is not whether the building forms part and parcel of some unit which includes the land.
8. I understand that The Rosary has historically benefited from garden space associated with its residential use. While the appeal site is now physically separated from The Rosary and in different ownership, the old maps provided by the appellant show that the garden once ran continuously with the appeal site to form a single area. This land, when taken as a whole, could have been described as both a garden and an orchard, which is how it was termed in a planning application³ from 1980.
9. However, the appeal site occupies land that extends relatively far away from The Rosary and appears more agricultural than domestic in nature, being adjacent to other open fields and woodland. There is little to indicate that this relationship was much different in the past. Indeed, the historic mapping shows that the appeal site was covered by trees at one point, suggesting that this particular area was primarily an orchard rather than a garden. Hence, even though the appeal site and The Rosary were once part of the same integral unit, I am not convinced that the appeal site would have been necessary or useful in serving the residential purposes of the dwelling.
10. For these reasons, I do not consider that the appeal site was so intimately associated with the residential use of The Rosary to the extent that it could be said to form part and parcel of that building. Therefore, the appeal site does not fall within the former curtilage of the building and so is not previously developed land as defined by the National Planning Policy Framework.
11. Policy 3 of the Local Plan also allows the 'rounding off' of small settlements such as Callestick. Rounding off is defined in paragraph 1.68 of the 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 (such as a road). It should not visually extend building into the open countryside*.
12. In this case, the eastern boundary of the site is defined by a low wooden fence, the other side of which is private open space to the rear of The Rosary. The northern, western and southern edges of the site are well defined by mature trees and hedgerows. In addition, there is a road beyond the hedgerow along the northern boundary and a public bridleway runs on the other side of the vegetation along the western boundary. It therefore seems to me that the site is substantially enclosed in the context of paragraph 1.68.

² Hampshire CC & the Open Spaces Society v SSEFRA & Blackbushe Airport [2020] EWHC 959 (Admin)

³ Council Ref: 3/21/81/00666/PP

13. However, paragraph 1.68 also says that rounding off should not visually extend building into the open countryside. On my site visit, I saw that the road outside the site has trees and thick vegetation on both sides, giving it a distinctly rural appearance at this point. Although Veor Cottages are positioned close to the site entrance, this is an area where woodland and agricultural uses take precedence over built development. It is only further down the road to the east, when approaching The Rosary, that the urban form of Callestick becomes distinctive. Visually, the appeal site, and its immediate surroundings are characteristic of the open countryside.
14. The appeal site is largely screened by vegetation and cannot be easily seen from many public vantage points. However, the interior of the site is clearly visible from the public bridleway around the entrance to the site. The entrance can also be seen from the road when descending down the hill into Callestick, though views into the site are at an oblique angle from here.
15. It is not possible to fully assess the visual impact of the development because the application was made in outline. Nonetheless, the proposed access into the site would certainly be seen from both the public bridleway and the road. Although I recognise that there are ways of softening the appearance of the entrance through planting and retention of the existing surface, it would inevitably assume a more domestic appearance. When looking into the site from the bridleway, at least some parts of the proposed dwelling are likely to be visible, regardless of how it is designed and sited. Internal lighting, domestic paraphernalia, and formalised garden space would add to the sense of development. While I recognise that the site is already used for storage, it maintains an open and essentially rural appearance. The proposal would have the effect of visually extending building into the open countryside and so would not be rounding off in the context of the Local Plan.
16. I therefore conclude on this issue that the site is not a suitable location for the proposed development. There would be conflict with Policy 3 of the Local Plan which seeks to control the pattern of new development and Policy 23 which seeks to protect the countryside from visual incursion. As the site is not previously developed land, it is not supported by Policy 21 of the Local Plan which encourages the use of such sites.

Heritage

17. The site is within the Callestick Conservation Area, the significance of which is mainly derived from the historic buildings which comprise Callestick and their physical arrangement within the rural setting. As the appeal site is a mainly open area of land, it helps to maintain the green, spacious, and lower density arrangement of buildings on the outer fringes of the settlement.
18. I have already established that the proposal would visually extend development into the open countryside in the context of Policy 3. However, it does not necessarily follow that this would harm any heritage assets. Apart from near the entrance gate, the site is well screened by trees and vegetation and is not easily seen from other public vantage points within the Conservation Area. The effect of the proposal on the green and open qualities of this area largely depends on the design and placement of the dwelling. Overall, there is little evidence before me to suggest that this outline proposal would cause unacceptable harm to the significance of the Conservation Area.

19. I therefore conclude on this issue that the proposal would preserve the character and appearance of the Callestick Conservation Area. There would be no conflict with Policies 2 and 24 of the Local Plan which, amongst other things, seek to protect historic heritage.

Other matters

20. I am aware that the proposal would help to boost local housing supply at a time when many people have difficulty finding suitable homes. However, the contribution to housing supply would be modest in this case and is not a reason to deviate from the policies of the Local Plan, which seek to distribute new housing based on the principles of sustainable development.

Conclusion

21. Although I have found that the proposal would preserve the qualities of the Conservation Area, this does not outweigh the harm that would arise from developing in a location that is not supported by the Local Plan housing strategy. The appeal is therefore dismissed.

C Cresswell

INSPECTOR