



Appeal Decision

Site visit made on 27 June 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/D0840/W/22/3309314

Belle Vue, Praze Road, Leedstown TR27 6DH

- 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 M Taylor against the decision of Cornwall Council.
 - The application Ref PA21/10538, dated 19 October 2021, was refused by notice dated 12 September 2022.
 - The development proposed is construction of up to five dwelling houses within redundant garden and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters, except access, reserved for future determination. I have dealt with the appeal on that basis.
3. The Council's second reason for refusal includes reference to properties known as 'Bellevue' and 'Perivale', whereas the Council's appeal statement refers to these properties as 'Belle Vue' and 'Mayfield'. Notwithstanding the references on the submitted plans, I noticed during my site visit that these properties are called 'Belle Vue' and 'Mayfield'. As such, I have used these names when referring to the properties in this appeal decision.

Main Issues

4. The main issues are:
 - whether the proposed development would be in a suitable location having particular regard to the spatial strategy and the effect on the character and appearance of the area; and,
 - the effect of the proposed development upon the living conditions of the occupiers of Belle Vue and Mayfield, with particular regard to increased pedestrian and vehicular traffic and the associated noise and disturbance.

Reasons

Location of development

5. Leedstown is a nucleated settlement of nineteenth-century origin that lies within Landscape Character Area Mount's Bay East (CA06) in the Cornwall and Isles of Scilly Landscape Character Study. The site lies on the edge of the built-up area of the settlement, in close proximity to existing development.

6. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (2016) (the CLP) sets out the locational strategy for the delivery of housing across the plan area based on the role and function of each place. The policy aims to steer the majority of new housing towards the main towns.
7. The appeal site is a parcel of land that lies outside, albeit adjacent to, the Leedstown development boundary identified in the Crowan Parish Neighbourhood Development Plan 2018-2030 (NDP) which covers five settlements including Leedstown. Paragraph 7.4 of the NDP indicates that the minimum housing requirement of 12 dwellings should be met within the development boundaries and Policy HT1 of the NDP supports development within the development boundaries. The appeal scheme would not accord with NDP Policy HT1. The NDP does not contain a policy dealing with development in the countryside.
8. Nevertheless, the development plan includes the CLP policies, and these should be read as a whole with the NDP policies. Policy 3 of the CLP supports the rounding off of settlements and development of previously developed land (PDL) within or immediately adjoining the settlement of a scale appropriate to its size and role.
9. Whilst I acknowledge the appellant's case that the land of the appeal site is PDL, I note this is disputed by the Council. Whether or not a use of the land is lawful is not within the remit of this appeal. In the absence of a Certificate of Lawful Use or Development, there is little substantive evidence to demonstrate that the land would comprise PDL. In any case, I noticed during my site visit, the land had a verdant, open and undeveloped appearance.
10. The Council has produced a Chief Planning Officer's Advice Note (CPOAN) on Infill/Rounding Off, published in December 2017. While this document does not carry the statutory weight of the CLP, it provides additional guidance and is a material consideration of moderate weight. In accordance with the CPOAN rounding off provides a symmetry or completion to a settlement boundary. It is not intended to facilitate continued incremental growth and it should not visually extend development into the open countryside. Furthermore, proposals must be adjacent to existing development and be contained within long standing and enclosing boundary features, for example, a road, Cornish hedge or stream. The CPOAN says that suitable sites are likely to be surrounded on at least two sides by existing built development.
11. The appeal site is an open area of land which is mainly covered with grass, with mature vegetation to its boundaries. The western boundary is clearly defined and contained by an established hedgerow. The southern and eastern boundary hedgerows are bounded by residential development alongside Praze Road, which lie within the main built-up area of Leedstown. The development boundary for the settlement as shown in the NDP is drawn along these two boundaries. The site is therefore clearly on the edge of the built-up area.
12. Furthermore, the northern hedge boundary is bounded by a byway and some small buildings. Consequently, the appeal site is contained within clearly established boundary features with existing built development to the southern and eastern sides, as well as some development along its northern boundary, which is also contained by a byway.

13. Whilst there are open areas of greenery to the west, due to the close relationship of the adjoining residential development, the site has a greater affinity with the built form of Leedstown than the surrounding open countryside. It is visually contained and, whilst the appeal scheme would reduce the amount of open and verdant space in this area, it would be viewed within the context of the adjoining residential development. Having regard to the prominence of the built form around the site, as well as its containment as outlined above, the appeal scheme would not have the effect of visually extending the settlement into the open countryside.
14. Although the Council considers that the proposal could result in the creation of a larger undeveloped parcel of land for rounding off to the west, two sides of the appeal site form the edge of the development boundary and the site is clearly contained within long standing boundary features. Moreover, the appeal site is within the form and shape of the settlement. As such, I do not consider that the development would in itself result in the creation of a further site for rounding off. In any case, I have considered this appeal on its merits, and for the above reasons, I find that the proposal would comprise rounding off for the purposes of the CLP Policy 3.
15. The appeal scheme has been submitted in outline with no details of layout, scale or design of the proposed dwellings. However, the development of five dwellings would be proportionate to the overall size of the village and to its role as a settlement offering some services and facilities.
16. Whilst the appeal proposal would not accord with NDP Policy HT1, the development plan must be read as a whole. For the above reasons, the proposal would accord with CLP Policy 3 in so far as it allows for rounding off immediately adjoining settlements and the site is a suitable location for the proposed development. On this issue, there would be no conflict with Policies 2, 3, 7, 12 and 21 of the CLP, which amongst other things, set out the development plan's approach to accommodating new housing and aim to protect the open countryside from unsustainable development.
17. It would not harmfully impact on the character and setting of Leedstown, nor would it result in the harmful urbanisation of the site. There would be no conflict with Policy HT4 of the NDP or Policy 23 of the CLP which seek to maintain Cornwall's distinctiveness and character. There would also be no conflict with the provisions of the National Planning Policy Framework 2021 (Framework) where it requires planning decisions contribute to and enhance the natural and local environment.

Living conditions

18. The appeal scheme proposes a new access from Praze Road. The residential properties of Belle Vue and Mayfield would lie either side of, and in close relationship to, the new access road.
19. Belle Vue and Mayfield are set back behind enclosed front gardens. The rear garden areas are also enclosed. The dwellings are set apart from each other, and there is a well-established hedge along the common boundary between these properties. The proximity of the dwellings to each other, spacious nature of the detached plots and their position set back from the road gives a relatively quiet residential feel.

20. The proposed access road would be in close proximity to the side elevations of both Belle Vue and Mayfield. It would extend along the length of the common boundary with the rear garden areas. The activity generated by the proposed development and the increased comings and goings that would be associated with up to five dwellings would be significantly and noticeably more marked and intensive in close proximity to the side elevations and the rear garden areas. This would give rise to a general level of noise and disturbance at an intensity that would be disruptive to the occupiers of Belle Vue and Mayfield.
21. I appreciate that the appellant considers that the existing boundary hedge between Belle Vue and Mayfield would be retained and could be enhanced through details required by planning condition. From the submitted evidence and my site visit, it is not clear how an effective hedge could be retained along the common boundary because there would be limited space to accommodate a hedge once the access road has gone in. Nevertheless, even if the hedge could be retained and the boundary enhanced, the increase in comings and goings of people and vehicles in such close proximity to the side elevations and rear garden areas of the neighbouring dwellings would be likely to cause significant disturbance and noise to the detriment of the living conditions of the neighbours.
22. The lack of objection from the existing occupiers of the Belle Vue and Mayfield and the context of several byways between properties would not justify this identified harm.
23. For the above reasons, the proposal would cause material harm to the living conditions of the occupiers of Belle Vue and Mayfield, with particular regard to increased pedestrian and vehicular traffic and associated noise and disturbance. Consequently, with regard to this main issue, there would be conflict with Policies 12, 13 and 16 of the CLP, which amongst other things, seek high quality design that avoids adverse impacts including from unreasonable noise and disturbance.
24. The proposal would also be contrary to Policy HT4 of the NDP which amongst other things seeks to ensure that development creates a safe environment for harmonious living. There would also be conflict with the Framework where it requires high quality design and states that developments should create places that promote health and well-being, with a high standard of amenity for existing users.

Other Matters

25. Whilst the appellant has referred to similar development having been granted by the Council, little evidence to demonstrate the relevance of these cases to the current proposal and how it should, in the appellant's opinion, support a grant of planning permission in this appeal has been supplied. I acknowledge that an appeal was made in respect of a proposal for three open market dwellings, under PA21/12437. However, I note these schemes related to proposals with a different quantum of development and a different relationship with residential neighbours compared to this appeal scheme. I have considered this appeal proposal on its merits and concluded that it would cause harm for the reasons set out above.
26. The appeal site lies within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). The WHS is a designated heritage asset of the

highest significance. The Cornish Mining World Heritage Site Office did not consider the proposed development would impact on the Outstanding Universal Value of the WHS. I place substantial weight on this advice. The application was not refused for WHS reasons, and I have found no reason to disagree with the Council on this matter.

Planning Balance and Conclusion

27. The Council indicates that it has a sufficient supply of homes against its five-year target. I am aware that the Council has set out a number of objectives and interventions in response to what it has termed 'Cornwall's Housing Crisis'. The proposal would provide a small boost to the supply of housing in an area with good accessibility to a range of goods and services. This would add to the stock of housing and would help with the wider related supply. There would be social and economic benefits during construction and subsequent occupation. Having regard to the scale of the proposal, these factors attract moderate weight.
28. The site would be a suitable location for the development having regard to the spatial strategy and its effect on character and appearance. However, the appeal scheme would have a substantial harmful effect on the living conditions of the occupiers of Belle Vue and Mayfield and would conflict with the development plan, read as a whole. This conflict weighs significantly against the proposal.
29. The appeal scheme would conflict with the development plan as a whole. There are no material considerations identified individually or cumulatively, including the Framework, which justify a decision otherwise than in accordance with the development plan. Therefore, for the reasons given above the appeal should be dismissed.

J White

INSPECTOR