



Appeal Decision

Site visit made on 15 August 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st August 2023

Appeal Ref: APP/D0840/W/23/3316371

Penpell Row, Land West Of Penpillick Farm, Road From Penpillick Farm To Penpell Farm, Penpillick, Par PL24 2RT

- 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 Williams against the decision of Cornwall Council.
 - The application Ref PA21/12621, dated 20 December 2021, was refused by notice dated 23 August 2022.
 - The development proposed is erection of a single dwellinghouse and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with details of access and layout before me. Matters of appearance, landscaping and scale are reserved for future consideration (the 'reserved matters'). I have therefore treated any references to reserved matters, on the plans or in other documentation, as illustrative.
3. Following the Councils 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 (LP) and the Tywardreath and Par Neighbourhood Development Plan (NP) 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

4. The main issues in this appeal are:
 - the suitability of the location of the appeal site for the proposal, having regard to the local development strategy;
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the Cornwall and West Devon Mining Landscape World Heritage Site (WHS).

Reasons

Location of development

5. The appeal site is an established builder's yard located on a corner plot to the south of a minor C-class highway, and west of the A390. To the north of the

minor highway are two modest terraces of dwellings. A further cluster of properties are located to the eastern side of the A390, forming a small, dispersed collection of buildings known as Penpillick. The site is outside of the development boundary of Tywardreath and Par as depicted within the NP.

6. A Certificate of Lawfulness¹ has been granted in relation to the use of the appeal site as a builder's yard, whilst a planning permission (The 'planning permission')² has also been granted relating to the demolition and removal of buildings and the construction of a new storage building including two ancillary offices. Given the existing use of the appeal site, I find it to be previously developed land (PDL).
7. LP Policy 3 aims to steer the majority of new housing towards the main towns. However, the policy does enable a limited amount of new development to take place outside the main towns in particular circumstances. Amongst other aspects, this includes development that leads to the rounding off of settlements, and of PDL within or immediately adjoining settlements, or infill development.
8. My attention has also 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 rounding off of settlements and PDL, and as such I have had regard to it in the determination of this appeal.
9. Penpillick is not a 'named' settlement within LP Policy 3. There is dispute between the main parties as to whether Penpillick would constitute a settlement in development plan terms. The CPOAN notes that a settlement is a place where people collectively live in permanent buildings and has a form and shape and clearly definable boundaries, not just a low-density straggle of development and states that there are no expectations of services and facilities.
10. I acknowledge that the Council have referred to the grouping of buildings as '*the small scattered hamlet of Penpillick*' within an Officer report relating to an application³ for a differing proposal and site. However, the use of this descriptive term of the area, noting the Council were not making an assessment as to if the grouping of buildings were a settlement for development plan purposes, is not decisive as to if the grouping of buildings is a settlement. Moreover, although the Council have granted a planning permission at the appeal site as previously described, this was in the context of an established use and therefore is also not decisive in terms of Penpillick being a settlement.
11. The collection of properties in the area is named, and people live collectively in permanent buildings. However, my observations are that due to a combination of low density, spatial separation of buildings with the intervening three carriageway A390 creating a significant visual and functional break, and the lack of a recognisable centre or wider settlement form, particularly when travelling through the area, the character of the grouping of properties is more

¹ PA17/05924

² PA18/07319

³ PA20/05510

akin to a dispersed straggle of development. Consequently, I find that this grouping of buildings is not a settlement for development plan purposes. Therefore, even noting the appeal site is PDL, and even if the proposal were to be considered to be 'rounding off', it does not meet the requirements of LP Policy 3.

12. LP Policy 21 seeks to ensure the best use of land, providing support for development of 'sustainably located' proposals that, amongst other things use PDL. I observed the proximity of the appeal site to Tywardreath Highway and St Blazey to the south and available public transport links. While in relatively close proximity to the appeal site, particularly the bus stop to the west of the A390, the bus stop to the east of the A390 would require pedestrians crossing three carriageways of a busy highway. Furthermore, I have no evidence before me confirming that a regular bus service runs from the bus stop to the wider services provided at St Blazey to the south, or Lostwithiel to the north and beyond. Due to the lack of pedestrian pavements in places along the A390, topography and distance, pedestrian access to services and facilities is poor. Therefore, I find it is likely that future occupiers would utilise private vehicles to access services and facilities.
13. My attention has been drawn to Paragraph 80 of the National Planning Policy Framework (Framework) which seeks to avoid the development of isolated homes in the countryside, subject to certain circumstances. Due to the appeal site's spatial relationship with the nearby two terraces, I do not find that the site would be 'isolated' in terms of the Framework.
14. In conclusion, although I have found that the proposal would not be isolated for the purposes of Paragraph 80 of the Framework, I conclude on this issue that the appeal development would not be in a suitable location with regard local development strategy and therefore conflicts with LP policies 3, 7 and 21 and NP Policy H1 which, amongst other things, takes a hierarchical approach, to direct development to appropriate locations based on the role and function of places.

Character and appearance

15. The appeal site falls within character area LCA39 of the Cornwall and Isles of Scilly Landscape Character Area. This area is described as a woodland and pastoral landscape dominating inland areas with key characteristics including strongly undulating pasture farming plateau with small fields with trees and small woods. I observed that the appeal site, and adjacent grouping of buildings is surrounded by rolling countryside which includes these elements and results in a strong rural character.
16. However, the appeal site is an established builder's yard which I observed features outdoor storage of materials and vehicles, as well as existing structures. I note the main parties disagree as to if these existing structures are authorised. But notwithstanding, I note the buildings approved within the planning permission which the appellant states is extant and is not challenged by the Council.
17. While the appeal site is separated from existing residential built form by highway, the existing appearance of the site as a builder's yard has a utilitarian developed appearance which protrudes into the rural character of the surrounding countryside. Furthermore, the granted planning permission would

also result in further utilitarian built form. Therefore, the appeal site has a different context to that previously considered by an Inspector within a previous appeal⁴ drawn to my attention.

18. Although I note the appellant's intention to develop a 'low profile dwelling', I have had regard to the context of the proposal being made in outline form with matters of appearance, landscaping and scale reserved for later consideration. Notwithstanding any future landscaping scheme, the layout of the proposal, which is under consideration, places the proposed dwelling near the centre of the site, with a detached garage to the north west of the site. Given this layout, I observed that the development would likely be at least partially visible from both road frontages and through the access point to the proposed dwelling.
19. However, the existing appearance of the appeal site does not positively contribute to the character of the surrounding landscape. As opposed to encroaching on the surrounding countryside, the proposal would be on PDL, and replacing existing built form. Whilst separated by a highway, the proposal, subject to consideration of reserved matters, would be of a form that provides the opportunity for a visual enhancement to the site and therefore surrounding area. I therefore see no reason why residential built form, and the associated change in character of the use of the site to residential, would have any greater overall harmful impact on the character or appearance of the surrounding area than the existing site or previously approved built form.
20. I conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. The proposal would accord with LP Policies 12 and 23, and CEDPD Policy C1 which seek to ensure, amongst other things, that development respects surrounding areas and enhances the quality of place and conserves and enhances the landscape character and the natural environment.

WHS

21. The appeal site is located within the WHS. Paragraph 189 of the Framework states that WHS are a designated heritage asset which are an irreplaceable resource, and which should be conserved in a manner appropriate to their significance.
22. The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan (WHSMP) places the appeal site within Area 8 (Luxulyan Valley with Charlestown) of the WHS. In terms of significance, the WHSMP describes key characteristics including the concentration of early nineteenth century industrial remains which are unique in south-west Britain. Furthermore, in respect of Attributes of Outstanding Universal Value (OUV) Area 8 contains 5 landscape attributes of OUV being mine sites, mine transport and infrastructure, ancillary industries, mining settlements and mineralogical sites. There are industrial remains in the wider vicinity of the appeal site, including a leat system and the more distant remains of Austen's engine house at Fowey Consols mine.
23. I note the WHS Site Office consultation response, whilst not objecting to the principle of development, has indicated the need for a sensitive and considered

⁴ APP/D0840/W/15/3133703

design response within this section of the WHS and has raised concern in relation to a lack of detail relating to scale and appearance.

24. I observed there to be clear visual separation between the industrial remains and the appeal site. Furthermore, noting the existing use and appearance of the site within the historic landscape, and acknowledging the footprint of the dwelling and garage proposed, no substantive evidence has been put to me as to why an appropriate built form and landscaping scheme cannot come forward within the reserved matters which would conserve the historic landscape.
25. Consequently, I conclude that in the wider context of the WHS, the proposal would not result in any loss or harm to the significance of the designated heritage asset or its setting, subject to reserved matters. The proposal therefore accords with LP Policy 24 and NP Policy E5.4. These policies seek, amongst other things, for development to conserve and enhance Cornwall's heritage assets. The proposal would also not conflict with the provisions of the Framework which seek to conserve and enhance the historic environment.

Other Matters

26. I note the correspondence indicating a lack of objection from some nearby residents. Even if this is the case, my assessment of the effect of the development would be unchanged and a lack of objections is not a reason in itself to allow development that is unacceptable.
27. The appellant states that the proposal would accord with LP Policy 27 in relation to highway safety. The Council have not raised any concerns in relation to the effect of the proposal on the highway network and I note the comments from the nearby residents in this respect. Given the existing use of the site, I see no reason to disagree with the main parties on this matter.
28. 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. Furthermore, the proposal would result in a visual enhancement to the site and surrounding area and additional landscaping. While it may also be the case, as is put to me, that the proposal could provide housing that enables people to live near their place of work, the proposal relates to an unrestricted dwelling with no mechanism to restrict occupancy to those employed nearby. I therefore afford this element minimal weight.
29. The benefits of the proposal 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 in the first main issue.
30. It has been put to me that the proposal would accord with LP policies 1 and 2 as well as Paragraph 11 of the Framework. LP policies 1 and 2 set out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing jobs in a proportional manner based on the role and function of each place, while Paragraph 11 of the Framework sets out the presumption in favour of sustainable development.

However, given my findings in relation to the first main issue above, I do not find that the proposal would constitute sustainable development.

Conclusion

31. For the reasons given, 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 MA MRTPI

INSPECTOR