



Appeal Decision

Site visit made on 20 April 2023

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/D0840/W/22/3306508

Rosevidney Barton, Road between lane to Tregilliowe Farm and Gitchell Lane, Rosevidney, Crowlas TR20 9AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Edwin Hosking against the decision of Cornwall Council.
 - The application Ref PA21/09841, dated 29 September 2021, was refused by notice dated 14 April 2022.
 - The development proposed is described as 'Detached dwelling with integral garage'.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling with integral garage at Rosevidney Barton, Road between lane to Tregilliowe Farm and Gitchell Lane, Rosevidney, Crowlas TR20 9AZ in accordance with the terms of the application, Ref PA21/09841, dated 29 September 2021, subject to the conditions in the attached schedule.

Applications for costs

2. An application for the award of costs has been made by the appellant, which is subject of a separate decision.

Preliminary Matters

3. An updated version of the National Planning Policy Framework (the Framework) was issued in September 2023. The only substantive changes to the previous version of the Framework relate to national policy for onshore wind development and therefore are not pertinent to the current appeal proposal. Whilst the appeal has been determined in line with the latest version of the Framework, given that the changes to national policy do not affect the merits of the appeal no comments were not sought from main parties in respect of the updated Framework.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area, including with reference to the setting of the nearby Grade II listed building.

Reasons

5. The appeal site forms part of the Rosevidney Barton agricultural holding, which includes a listed farmhouse, several other residential and agricultural buildings, and a sizeable area of agricultural land. The appeal site mainly comprises a farmyard area that is largely enclosed by a concrete wall and contains three existing agricultural buildings. The appeal site is served by a private access

- lane and is set back some distance from the main highway, beyond a field containing mature boundary vegetation.
6. The surrounding area has a highly verdant, peaceful and rural setting. There are a small number of residential properties located nearby in a rather organic, dispersed layout. Dwellings within the nearby vicinity vary in their precise appearance but share some similarities in form and use of materials.
 7. The appeal scheme is for a single, two-storey detached dwelling at the site. It would predominantly sit within the existing farmyard area but would slightly extend into the adjacent field to the north, approximately 5m beyond the existing yard wall.
 8. I understand that there are extant permissions at the site for the development of holiday accommodation (ref: PA17/12289) and the erection of four dwellings with integral garages (ref: PA20/07283). The proposed detached dwelling would sit in a broadly similar position as a pair of semi-detached properties that were approved under PA20/07283, albeit those dwellings did not extend beyond the existing boundary wall of the farmyard.
 9. The Council has suggested that the appeal proposal is larger than the previously approved dwelling on this part of the site. However, due to the current proposal comprising a single detached dwelling as opposed to a pair of semi-detached properties, the current proposal would overall result in a smaller footprint and scale of built form. It would also be marginally lower in height than the dwellings previously approved, whilst utilising the same palette of materials. I therefore find the scale and use of materials for the proposed dwelling to be suitable, having regard to both the context of nearby developments, as well as that previously approved at the site.
 10. The Council further contends that the appeal dwelling is of a more elaborate design compared to the simple symmetry and cottage style of dwellings approved under extant permission PA20/07283.
 11. The current proposed dwelling would incorporate a rear projection as well as a jettied upper floor element to part of the front elevation. I appreciate that these features would provide a more decorative and contemporary appearance when compared to the rather simple, symmetrical form displayed by the previously approved properties at the site. Be that as it may, I find that the overall difference in design style is rather marginal, whilst the appeal dwelling would not be prominent from public vantage points, such that these precise features would largely be indistinguishable. Moreover, the appeal proposal through its proportions, form and materials retains a broadly simple, agricultural vernacular, which is suitable for its context.
 12. Whilst the proposed dwelling may encroach slightly beyond the current farmyard area, and involve the trimming of some vegetation, it would remain set back a considerable distance from the public highway, with considerable intervening mature vegetation. From my observations and the information before me, public views of the appeal site would be extremely localised, from distance, as well as being partial in nature, and likely transient. Given these factors, I do not consider that the precise footprint or siting of the proposed development would be harmful to the character of the area.

13. In coming to the above views, I have had regard to the fallback position (notably PA20/07283) which from the information before me appears to have a realistic prospect of being carried out, should this appeal fail. Although the extant permission may be of a design that more closely reflects those found in the wider locality, I do not find that the current appeal proposal would cause harm to the character and appearance of the surrounding area.
14. Turning to the effect of the proposal on the nearby heritage asset, Rosevidney Manor (Grade II listed) lies nearby to the south-west of the appeal site. Given its relatively close proximity to Rosevidney Manor, the appeal scheme can be considered to be within the setting of the listed building. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), requires special regard to be given to the desirability of preserving a listed building or its setting and any features of architectural or historic interest that it possesses.
15. Rosevidney Manor (formerly Rosevidney Barton Farmhouse) is a circa 17th Century two-storey farmhouse. From the listing description and site visit, it is evident that the building has been substantially extended, likely in the early to mid-19th Century. The building's earliest element is part L-shaped in form, constructed in granite rubble with granite dressing, and slate pitched roof. Much of the original building is obscured by the 19th Century extension, which now forms the main frontage to the property. The 19th century element is two-storeys in height and provides an attractive frontage. It consists of a rendered finish with rusticated quoin strips, a symmetrical window arrangement, with moulded architraves and quoin strips, set under a hipped roof.
16. I find the significance of the listed building largely lies in its age, architectural design, as well as to some extent its historic association with the surrounding agricultural area. Nevertheless, the heritage asset has been subject to extensive extensions/alterations, whilst it seems that associated agricultural buildings within the immediate vicinity of the listed building have also been converted to residential use.
17. Despite its proximity there would be limited intervisibility between the listed building and appeal proposal due to the presence of intervening-built form and vegetation. Given the general lack of intervisibility and due to the overall scale, and nature of the proposal, which is not deemed to cause harm to the character of the area, I find that no harm would arise to the setting of the listed building. The setting of Rosevidney Manor would therefore be preserved.
18. Overall, I consider that the proposed design of the development would be appropriate to the site context. The appeal scheme would be sympathetic to the character and appearance of the area and would preserve the setting of the listed building. It is therefore in accordance with Policies 1, 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016), as well as Policy LUD7 of the Ludgvan Parish Council Neighbourhood Plan. Together these policies, amongst other matters, seek to ensure that new development is of a high-quality design that respects and enhances the character and appearance of the area, including local distinctiveness and the natural and historic environment.
19. The proposal would also conform to the aims of the Cornwall Design Guide and the National Planning Policy Framework (the Framework) in respect of achieving suitably well-designed development that is sympathetic to local character.

20. Additionally, the proposed development would also satisfy the requirements of Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the Framework insofar as it relates to conserving the historic environment.

Other Matters

21. I note the concerns of the Parish Council, however, the local planning authority has not raised issue with the principle of residential development at the site having regard to its planning history. From the evidence before me, I have no reason to conclude otherwise.

Conditions

22. The Council provided draft conditions in the event planning permission were to be granted. For clarity and precision, and to ensure compliance with the Planning Practice Guidance (PPG), I have undertaken some minor editing of the suggested conditions where necessary.
23. In addition to the standard time limit condition, it is necessary to attach a condition listing the approved drawings for clarity and certainty.
24. Conditions relating to details of the external finishing materials and boundary treatments/means of enclosure are also deemed reasonable and necessary in the interests of the character and appearance of the development.
25. A third party has suggested that a condition be imposed to remove permitted development rights from the proposed dwelling. I understand that such a condition was imposed on previous permission PA20/07283 to prevent the insertion of new openings in the property. Having regard to the tests of conditions established within the Framework and PPG, I consider a condition to restrict further openings from being formed within the rear elevation, above ground floor level is reasonable and necessary. This is due to the close relationship that the proposed dwelling would share with the neighbouring residential properties at Long Barn, and the potential for new window openings above ground floor level to affect their living conditions.

Conclusion

26. For the reasons outlined above and having regard to the development plan, as a whole, and all other material considerations, the appeal should be allowed.

Lewis Condé

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site/Location Plan
 - Proposed Site Plan, Drawing No. 4209 11
 - Proposed Dwelling Drawing No. 4209 12
- 3) The external walls and roof of the dwelling hereby approved shall be finished with natural stone and slate as shown in the 'Sample Photos of Stone Walling and Slate Roof' submitted with the application. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 4) The development hereby permitted shall not be occupied until details of the proposed height, siting, appearance and construction of all boundary treatments (means of enclosure) has been submitted to and approved in writing by the local planning authority. The boundary treatments (means of enclosure) shall be completed in accordance with the approved details prior to the first occupation of the development.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows, other than those expressly authorised by this permission, shall be constructed above ground floor level on the south-west (rear) elevation of the proposed dwelling.