



Appeal Decision

Site visit made on 1 September 2023

by C Cresswell BSc (Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023

Appeal Ref: APP/D0840/W/23/3318311

Land West of Pengerise, Germoe, TR20 9AA

- 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 A Ballard against the decision of Cornwall Council.
 - The application Ref PA22/06941, dated 27 July 2022, was refused by notice dated 28 November 2022.
 - The development proposed is construction of dwelling house & associated works.
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Decision

1. The appeal is allowed and planning permission is granted for a development described as “the construction of dwelling house and associated works” at Land West of Pengerise, Germoe, TR20 9AA, in accordance with the terms of the application, Ref PA22/06941, dated 27 July 2022, subject to the conditions set out in the Schedule at the end of this Decision.

Application for costs

2. An application for costs was made by Mr A Ballard against Cornwall Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council has withdrawn the second reason for refusal on its Decision Notice concerning the River Fal and Helford River Special Area of Conservation.

Main Issues

4. 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.
 - the effect of the proposed development on the character and appearance of the Cornwall Area of Outstanding Natural Beauty (the AONB).

Reasons

Location

5. Policy 3 of the Local Plan¹ enables development to take place outside the main towns under certain circumstances. This includes *infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the*

¹ Cornwall Local Plan Strategic Policies 2010-2030.

settlement into the open countryside. Proposals should consider the significance or importance that large gaps can make to the setting of settlements and ensure that this would not be diminished.

6. In this case, the site forms a gap between Pengerise to the east and a newly built dwelling to the west. I am conscious that paragraph 1.66 of the Local Plan supporting text says that many frontages are not continuously built up and have large gaps bigger than one or two dwellings between buildings. However, the proposed dwelling and its garden would fully occupy the space between the two neighbouring properties and their adjoining gardens. This would reflect the density of development in the immediate vicinity of the site, including the new dwelling to the immediate west and other housing near the junction with Pengersick Lane. Housing in this area is mainly characterised by detached properties in spacious plots. Considering that the appeal site is only large enough to accommodate a single dwelling at typical densities for this area, it seems to me that the proposal can be said to fill a 'small gap' in a continuous built frontage in the context of Policy 3.
7. That said, I recognise that Pengerise is an inconspicuous single storey building and the A394 maintains a relatively a rural appearance at this point, being mainly defined by a mature hedgerow and wide grass verge. However, when approaching the site along the A394 from the east, the roof of Pengerise is still partially visible above the hedge, with the recently constructed dwelling more clearly seen further to the west. At this point, close to the junction with Pengersick Lane, the built-up area of Germoe Cross Roads becomes visually prominent and the area becomes somewhat less rural in character.
8. I am also mindful that planning permission² has been granted for 24 houses to the east of Pengerise. While I don't have the full details of this proposal, it appears likely that this housing would be visible from the A394 on the approach to Germoe Cross Roads. There is little to indicate that the scheme would not be implemented as proposed. It seems to me that this development would further diminish any role the appeal site might play in maintaining a visual divide between the open countryside and Germoe Cross Roads. When approaching the site in either direction along the A394, housing would be visible to both the east and west of the proposed dwelling.
9. For these reasons, I do not consider that the proposed dwelling would appear to physically extend the settlement into the open countryside. Overall, the proposal would comply with the definition of 'infill' as described in Policy 3 of the Local Plan. In reaching this view, I have considered the Advice Note³ issued by the Council concerning infill development and rounding off. Because this document is not part of the development plan and does not appear to have been subject to public consultation, I assign it limited weight. However, there is nothing within the Advice Note to change my view that the proposal would be consistent with the Policy 3 definition of infill development.
10. Proposals for new housing development in this area are also governed by the policies of the Neighbourhood Plan⁴. The appeal site is located outside the village boundary of Germoe Cross Roads according to Map 7.4 of the plan. While Policy S1 enables development to take place inside the village boundary,

² Council Ref: PA21/11651.

³ Chief Planning Officer's Advice Note Infill/Rounding Off, Cornwall Council, November 2017.

⁴ Breage Parish Neighbourhood Development Plan 2017-2030.

land outside is treated as being in the open countryside. The plan does not normally support new housing in the open countryside, though Policy S3 does make provision for certain types of development. This includes *very small scale infill development of not more than one dwelling*. For the reasons given above, it seems to me that the proposal would accord with this definition and would therefore comply with the terms of Policy S3.

11. My attention has been drawn to the Appeal Decision⁵ which granted planning permission for the new dwelling immediately to the west of the site. In that case, the Inspector noted that there was a boundary hedge which separated the site from land to the east and acted as a barrier to further growth. Although the hedge has since been removed, the inference is that land to the east (including the current appeal site) was seen as being part of the countryside. However, even if I were treat the site as being within the countryside in the current appeal, Policy 3 of the Local Plan and Policy S3 of the Neighbourhood Plan make provision for new housing development outside settlement boundaries. As such, the Appeal Decision does not alter my view that the proposal would comply with the development plan.
12. I therefore conclude on this issue that the site is a suitable location for the proposed development. There would be no conflict with Policies S1 and S3 of the Neighbourhood Plan or Policy 3 of the Local Plan. Nor would there be conflict with Policies 1, 2, 7 and 21 of the Local Plan, which all manage the location of new housing outside settlements.

Character and appearance

13. For the reasons above, the proposed dwelling would be seen in the context of other built development when travelling in either direction along the A394. Although it would be taller than the dwellings on either side, its height would not be substantial and so it would not appear particularly dominant. Nor would the orientation of the dwelling to face the main road make it appear unduly conspicuous within its setting. Overall, the character and appearance of the AONB would be maintained. The cumulative effects on the AONB would be relevant considerations were other similar proposals to be advanced outside the village in the future.

Conditions

14. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. To maintain the character and appearance of the area, there are also conditions requiring further details of materials and landscaping works. In the interests of highway safety, there is also a requirement for access and parking to be provided prior to the dwelling being occupied.

Conclusion

15. The appeal is allowed.

C Cresswell

INSPECTOR

⁵ Appeal Ref: APP/D0840/W/18/3215564.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001A, 003A, 004A, 005A.
- 3) Further details of the access shown in plan No 001A (including the gradient, surfacing, drainage and sight lines) shall be submitted and agreed in writing by the Local Planning Authority. The access shall be constructed according to the approved details prior to the occupation of the dwelling hereby permitted and thereafter retained in perpetuity.
- 4) Further details of all external facing materials shall be submitted and agreed in writing by the Local Planning Authority. The development shall be constructed according to the approved details and thereafter retained in perpetuity.
- 5) Prior to commencement of the development hereby approved (including demolition and all preparatory works) details of treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
 - a scaled plan showing all vegetation and Cornish hedges to be retained as well as all new trees, hedges and shrub planting.
 - proposed hardstanding and boundary treatment.
 - a schedule detailing size, number and density of all proposed trees/plants.
 - specifications for operations associated with plant establishment and maintenance that are compliant with best practice.

Any new trees or plants (other than trees) that die, are removed, become severely damaged or diseased within a period of five years from planting will be replaced. Replacement planting shall be in accordance with the approved details (unless the local planning authority gives its written consent to any variation).
- 6) The dwelling shall not be occupied until space has been laid out within the site in accordance with plan No 001A for parking of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. That space shall thereafter be kept available at all times for those purposes.