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# Appeal Decision

Site visit made on 3 October 2023

**by Nick Davies BSc(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>th</sup> October 2023**

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**Appeal Ref: APP/D0840/W/23/3319700**

**Land Adj to Shepherd's Rest, Holywell Road, Cubert TR8 5SP**

- 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 Adam Coad against the decision of Cornwall Council.
  - The application Ref PA22/09382, dated 18 October 2022, was refused by notice dated 13 March 2023.
  - The development proposed is construction of a dwelling.
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## Decision

1. The appeal is allowed and planning permission is granted for construction of a dwelling at Land Adj to Shepherd's Rest, Holywell Road, Cubert TR8 5SP in accordance with the terms of the application, Ref PA22/09382, dated 18 October 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The proposal has been made in outline, with all matters except access reserved for future consideration. Plans that accompanied the application show an indicative site layout and building section. However, layout and scale are reserved matters, therefore I have considered the information on these drawings solely on the basis that they have been submitted for illustrative purposes.
3. During the appeal, the appellant submitted an amended visibility splay drawing, numbered 22041-PL-00-03. Apart from some additional notation, the drawing is not discernibly different to that submitted to the Council with the original application. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to the amended drawing in determining this appeal.
4. The Council's third reason for refusal related to harm to the integrity of the Penhale Dunes Special Area of Conservation as a result of the proposed development. During the appeal, the appellant has made an appropriate financial contribution towards measures to mitigate the harm. The Council has confirmed that it no longer wishes to pursue this reason for refusal.

## Main Issues

5. The main issues are:
  - a) Whether the site is suitable for the proposal, bearing in mind the settlement policies of the development plan; and,

- b) The effect of the development on the character and appearance of the area.

## **Reasons**

### *Settlement policies*

6. The Council's overall settlement strategy is set out in Policy 2 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (the Local Plan). The strategy seeks to maintain the dispersed development pattern of Cornwall, and provide housing based on the role and function of each place. Policy 3 of the Local Plan defines how development will be accommodated, based on this hierarchy of role and function. Outside specific main towns (Cubert is not one of these), housing growth is to be delivered through the identification of sites through Neighbourhood Plans; rounding off of settlements; development of previously developed land (PDL) within or immediately adjoining settlements; infill schemes; and rural exception sites.
7. The site is not PDL, is not identified for development by a Neighbourhood Plan, and is not being promoted as an exception site. Furthermore, the development would not comprise infilling as it would not fill a gap in an otherwise continuously built-up frontage. Therefore, the proposal would only comply with Policy 3 of the Local Plan if it constituted rounding off.
8. Rounding off is defined at paragraph 1.68 of the Local 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. Furthermore, it should not visually extend building into the open countryside. Further guidance is contained in the Chief Planning Officer's Advice Note of December 2017 (the CPOAN) titled Infill/Rounding Off, which both parties have referred to. This note advises that rounding off provides a symmetry or completion to a settlement boundary, and is not intended to facilitate continued incremental growth. It says that the history and nature of the land will be an important consideration; that proposals must be adjacent to existing development; and that suitable sites are likely to be surrounded on at least two sides by existing built development.
9. The Council contends that the edge of the built form of Cubert is marked by the western edge of the Jubilee Close development, and that the appeal site and Shepherd's Rest therefore lie outside the settlement. However, the Local Plan definition of rounding off specifically includes proposals on land that is outside the urban form of a settlement. The site is closely bordered by residential development to the east, Shepherd's Rest to the west, and a children's play area and skatepark to the north. It is, therefore substantially enclosed by existing urban development.
10. There is no physical barrier to the southern edge of the site separating it from the extensive open field beyond. However, the Local Plan definition does not require a site to be totally enclosed, with the CPOAN advising that suitable sites are likely to be surrounded by built development on at least two sides. Furthermore, in this case, the lack of a physical barrier on this one, relatively short edge, would not facilitate continued incremental growth. Any proposal for further development beyond the southern boundary of Shepherd's Rest and the appeal site would be onto land that would not be substantially enclosed, so would not constitute rounding off.

11. Although not physically divided, this enclave of land has a completely different character to that of the wider field, as it is not cultivated, and has become overgrown with vegetation, including non-native ornamental species. It is a deep and narrow recess, with a close presence of residential development on both sides. Consequently, it has a much greater visual association with the surrounding built form of the settlement than with the open agricultural field to the south and west. The proposal would not, therefore, visually extend building into the open countryside.
12. The evidence indicates that the building at Shepherd's Rest was originally approved as part of a farm diversification, and subsequently converted to a dwelling in accordance with a Local Plan policy relating to the conversion of rural buildings. Nevertheless, it has a modern domestic appearance, and is surrounded by a residential curtilage which sets it apart from the wider field. It is well-related to the residential development and play area to the north, and is only separated from the dense housing to the west by the narrow enclave of land that comprises the appeal site. Development of the site would extend the existing southern boundary of Shepherd's Rest to meet the distinct settlement edge to the west. With suitable boundary treatment it would result in a more clearly defined built edge to this part of the urban form, so would provide symmetry and completion to the settlement boundary.
13. For the above reasons, I conclude that the proposal would constitute rounding off, so the site is suitable for residential development in accordance with the settlement policies of the development plan. I therefore find no conflict with Policies 2, 3 and 7 of the Local Plan in this regard.

#### *Character and appearance*

14. The appeal site lies within Character Area CCA17: Newquay and Perranporth Coast<sup>1</sup>. Among the most valued attributes of CCA17 are the gently undulating coastal plateau; open and exposed landscape; extensive areas of dune systems; and dramatic scenic open coastal landscape with far-reaching views along Cornwall's north coast. The expansive field to the south and west of the appeal site slopes down away from the settlement, allowing wide views of the Penhale Dunes and coast beyond. It therefore displays many of the key attributes of the Character Area. The appeal site itself, however, is visually segregated from the wider field due to its lack of cultivation, its scrub and tree cover, and its close association with built development. Consequently, it does not play a significant role in the attractive coastal landscape setting of the settlement.
15. The proposed dwelling would be on the highest part of the field, so would be visible from distant southerly viewpoints. However, it would be seen alongside the existing dwellings to either side, with further residential development beyond. It would not, therefore, be a particularly noticeable feature within the landscape. Whilst its shape dictates that the dwelling would be likely to be sited on the southern portion of the site, suitable scale, appearance, and landscaping could be secured through consideration of the reserved matters application to ensure that there was no significant harm to the character and appearance of the wider landscape.

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<sup>1</sup> Cornwall Character Area Study - August 2023

16. The access proposals would involve the removal of a length of hedgerow along the north-western edge of Jubilee Close. Whilst I acknowledge that this hedge provides a soft edge to the adjacent residential development, it appears to be of relatively recent origin, and contains a considerable proportion of non-native species. Its removal to facilitate the site access would therefore only result in moderate and localised harm to the character and appearance of the area. The submitted plans indicate the replacement of the hedge behind the necessary visibility splays. Whilst it would take time to establish, it would provide a similar level of amenity in the medium term. Consequently, any harm would be for a limited duration. In the longer term, the dwelling may remain visible through the access, but it would be experienced in the context of the surrounding dwellings and play area, so, subject to suitable scale and design, it would sit comfortably within its built-up surroundings.
17. I therefore conclude that the proposal would not harm the character and appearance of its immediate surroundings or the wider landscape. Consequently, the development would comply with Policies 2, 12, 23 and 24 of the Local Plan which, taken together, seek to ensure that development respects and enhances quality of place, the distinctive natural and historic character of Cornwall, its landscapes, and its historic environment.

### **Other Matters**

18. It is suggested in representations that the proposed access would add to the existing difficulties in vehicles using Jubilee Close. However, I saw no evidence that the existing arrangements were likely to cause any danger or inconvenience to highway users. The addition of one more dwelling would not significantly add to traffic movements along the road. Given that traffic speeds are low, and drivers of vehicles emerging from the proposed access would have good visibility, I have no reason to conclude that the development would lead to any highway difficulties. I note also that the Highway Authority did not object to the proposal.
19. Concerns have also been raised regarding the impact of the dwelling on the residential amenity of the occupants of existing dwellings. The siting, scale and appearance of the dwelling would all be matters for the future consideration of reserved matters. However, I am satisfied from the evidence that a dwelling could be located on the site, at a suitable distance from other properties, and of a scale and design that would maintain appropriate living conditions for existing and proposed occupants.

### **Conditions**

20. I have attached conditions relating to the submission of reserved matters and the associated time limits. I have also included a condition specifying the approved plans as this provides certainty.
21. The Council has suggested a further three conditions, all of which I consider to be necessary and reasonable, although I have altered the wording to provide greater clarity and precision. The provision of the visibility splays at an early stage of the construction process, and their maintenance thereafter, is required in the interests of highways safety. Suitable means of foul and surface water drainage provision prior to occupation is required in the interests of pollution and flood control. In the interests of biodiversity, a condition requiring adherence to the submitted ecology report is also justified.

## **Conclusion**

22. For the reasons given above, I conclude that the appeal should be allowed.

*Nick Davies*

INSPECTOR

## **Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 22041-PL-00-01 – Location Plan; 22041-PL-00-03 – Visibility Splay.
- 5) Before any other building or engineering works are carried out on the site, the visibility splays shall be provided at the site access in accordance with the approved drawing numbered 22041-PL-00-03. The access shall not be brought into use until all land within the visibility splays has been reduced to a height not exceeding 900mm above the adjoining carriageway level and thereafter no obstruction above that height shall be placed, or allowed to grow within them.
- 6) The dwelling hereby permitted shall not be occupied until the installation of systems to serve the development for the disposal of foul and surface water drainage have been completed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The details shall include a programme for their maintenance. The systems shall thereafter be retained and maintained in accordance with the approved details.
- 7) The development hereby approved shall be carried out in accordance with the recommendations set out in Section 7 of the Preliminary Ecological Appraisal prepared by Darwin Ecology and dated May 2022, and Sections 6 and 7 of the Reptile Survey Report prepared by Darwin Ecology and dated October 2022.