



Appeal Decision

Site visit made on 27 September 2023

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2023

Appeal Ref: APP/D0840/W/23/3320220

Land at Cockwells Lane, Cockwells Lane, Cockwells, Cornwall TR20 8DB

- 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 & Mrs Booker against the decision of Cornwall Council.
 - The application Ref PA22/11131, dated 15 December 2022, was refused by notice dated 9 February 2023.
 - The development proposed is for a detached residential residence.
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Decision

1. The appeal is allowed and planning permission is granted for a detached residential residence at Land at Cockwells Lane, Cockwells Lane, Cockwells, Cornwall TR20 8DB in accordance with the terms of the application, Ref PA22/11131, dated 15 December 2022, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. With no site address in the application form, I have used the address included in the appellant's appeal form and Council's decision notice.
3. The appeal is made in outline with all matters reserved for future consideration. I have considered the appeal on this basis.
4. It has been put to me that the appeal site has recently been cleared, including removal of various trees and vegetation, and that gravel/rubble has been put down. I recognise the various concerns related to this, including with respect to the site's environmental value and loss of wildlife habitat. However, I have little substantive evidence that such actions required permission or were prohibited, and the Council has not indicated otherwise. I have therefore determined the appeal on the basis of the existing situation and the submitted evidence.

Main Issue

5. The main issue is whether the proposed development would be in an appropriate location, having particular regard to the character and appearance of the surrounding area and development plan policies.

Reasons

6. Although the available evidence indicates that there were previously more trees on the site, it is now partly cleared. Nevertheless, the site is still bounded by mature hedging and contains a number of trees and shrubs. It therefore has a verdant appearance that positively contributes to the rural character of the wider area, which amongst other aspects contains (as set out in the Council's updated Landscape Character Area description) dispersed settlements often within sheltered valleys in the rural and predominantly open landscape. However, based on its

- location and current state, the site reads as relating more to residential amenity land and has more affinity to Cockwells than the open, undeveloped countryside.
7. The Ludgvan Parish Neighbourhood Plan (NP) identifies Cockwells as a settlement. Although including some somewhat contradictory statements, the Council's submissions ultimately accept this. Based on the evidence before me, I have no reason to disagree. I note that local residents also refer to it as, for example, a hamlet.
 8. There are a number of properties of varying sizes and positions in the settlement. Whilst some are well set back and screened from Cockwells Lane, I observed on my site visit that several are situated close to the highway and visible from it. Despite being surrounded by countryside, this gives the linear settlement and the section of Cockwells Lane and built-up area in the vicinity of the site a semi-suburban character, with the lane providing a clear physical boundary with the open countryside to the west.
 9. The undeveloped state of the site and adjoining land means that it reads as forming part of a relatively large gap between the built form of Cockwells, which has a clear shape and form within two distinct groups of buildings; one situated between the site and the A30 (the A30 group), the other to the north of the site. Given the location of built form within these groups, and combined with the site's position and undeveloped nature, the site cannot reasonably be described as forming a small gap in an otherwise continuous built frontage.
 10. However, situated outside but on the edge of the urban form of the A30 group, the site immediately adjoins the settlement. As set out above, it has a closer affinity to Cockwells than the open countryside beyond. With the highway running along its southern and western boundaries, an access track to the north and properties nearby to the east/south-east, existing development also substantially encloses much of the site and acts as a barrier to further growth. On this basis, rather than resulting in the development of a new home in the countryside, the proposal would provide a symmetry to the A30 group and a completion to the boundary of Cockwells. In coming to this view, I have taken into account that work has not commenced on the nearby approved development.
 11. Providing one new dwelling, the proposal would be of a scale appropriate to the size and role of Cockwells. Given my findings above, the appeal proposal would also not read as visually extending built form into the open countryside. The angle/direction of the Lane and the site's degree of separation to the buildings in the A30 group do not lead me to a different conclusion. Accordingly, the appeal proposal would represent rounding off development.
 12. Although the site contributes to the wider area's rural character, it is separated from open countryside by the lane and boundary treatment screens much of it. Its location, despite being outside the built-up form of Cockwells, is also well related to the A30 group. The proposed development would thus not read as an encroachment of the built environment into the countryside. In addition, detailed design at reserved matters stage could ensure a suitable site layout, an acceptable scale and appearance and the provision/retention of sufficient soft landscaping. Consequently, the proposal could also be designed to reflect the density and dispersed nature of built form in the locality, suitably relate to its semi-suburban but verdant context and respect its wider rural setting. Landscaping could also be used to limit, as necessary, the development's visibility in public views.
 13. Safe access to the highway would be needed and visibility splays may well be required to achieve this. However, the Council has not alleged that a suitably

designed vehicular access to the site would inevitably harm the character and appearance of the surrounding area. It seems to me that a suitable access design could also be achieved – if the current access is not already sufficient – that reflects the semi-suburban context.

14. NP Policy LUD6 sets out certain types of development that will be supported in settlements without a defined boundary, such as Cockwells. However, as this part of the policy is permissive, the lack of reference to rounding off development does not result in the proposal conflicting with the policy. The second part of the policy sets out a number of scenarios where development will not be supported. However, my findings above indicate that the proposed development would not undermine the character, setting or identity of the settlement and the Council does not allege that it would run counter to any of the other listed aspects, nor do I have substantive evidence that indicates otherwise.
15. For the above reasons, I conclude that the proposed development would be in an appropriate location, having particular regard to the character and appearance of the surrounding area and development plan policies. I therefore find that it does not conflict with Policies 2, 3, 21 and 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP) and NP Policy LUD6. Amongst other aspects, these set out the Council's spatial strategy and approach to the delivery of housing in the district; and require development to be of an appropriate scale and density taking into account the character of the surrounding area, and respect quality of place and landscape character. The proposal would also be consistent with the provisions in the National Planning Policy Framework (Framework) in relation to achieving well-designed places and conserving and enhancing the natural environment.
16. The Council also alleges a conflict with CLP Policies 1 and 7. However, my attention has not been drawn to any words in Policy 1 that are relevant to this main issue whilst the above reasons indicate that Policy 7 is not applicable in this instance. The policies have therefore not been determinative.

Other matters

17. Although access is a reserved matter, the appellant's Planning/Design and Access Statement sets out that the opening to the north end of the site, which it is said has recently been upgraded with a new gate provided for security, could be used for vehicular access to the highway for the proposed dwelling. Third parties have raised various concerns about this access point and the smaller opening at the southern end of the site, including querying whether they are actually new openings which necessitated removal of the hedge/wall and require permission. However, the Council has not indicated that the openings and gates are unlawful or subject to enforcement action, and the submitted Google maps images are not sufficient to demonstrate otherwise. Although concerns have also been raised about whether there would be sufficient visibility given the proximity to the bend on Cockwells Lane, the Council's Officer Report, referring to discussions with the Highway Officer, sets out that there is adequate frontage to provide sufficient visibility splays. National Highways has also not objected to the proposed development and considers that the Cockwells Lane junction with the A30 is sufficient – in both safety and capacity terms – to accommodate vehicle trips associated with the appeal proposal.
18. A number of other matters have been raised by interested parties and I have taken them all into account. This includes: that the land can purportedly only be used for a cemetery, school room or graveyard; the disappearance of Cornish hedges in the district; flood risk, drainage and the need for a septic tank and mining survey; the possible need to move the water main; highway safety including in relation to

access and an increase in traffic; removal of the site notice; and the preference to develop brownfield land – which is available in the parish – above greenfield sites. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed. Some of the issues raised would also be covered at reserved matters stage.

Conditions

19. I have had regard to the suggested planning conditions. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, for clarity and consistency and to ensure that details are submitted for the Council's approval where relevant.
20. The conditions covering reserved matters are necessary to secure details of the outstanding matters prior to the development proceeding. I have however split the Council's second suggested condition into two for clarity. I have also imposed an additional condition requiring that the development is carried out in accordance with the approved plans. This is a standard, uncontentious condition which is necessary in the interests of certainty.
21. The consultation response from the Council's Tree Officer suggested a condition should be imposed for a landscaping/tree retention/planting plan. However, the Council has not suggested such a condition in its appeal statement and I am satisfied that it is not necessary in this instance given that landscaping is a reserved matter that will be dealt with at the detailed design stage. I have therefore declined to impose it.

Conclusion

22. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan as a whole and the Framework. The appeal is therefore allowed.

T Gethin BA (Hons), MSc, MRTPI

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, 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 three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two 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: Location Plan; and Site Plan.

END OF SCHEDULE