



Appeal Decision

Site visit made on 5 December 2023

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2024

Appeal Ref: APP/D0840/W/23/3321556

**"Boslowen", Land east of Tala Park, Tala Hill, Boyton, Launceston
PL15 9RJ**

- 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 and Mrs Hooper against the decision of Cornwall Council.
- The application Ref is PA22/09302.
- The development proposed is the change of use from agricultural land to residential, construct one self/custom-build low carbon detached dormer bungalow with detached garage and associated landscaping.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was also made by Mr and Mrs Hooper against Cornwall Council. This application is the subject of a separate decision.

Procedural Matters

3. The National Planning Policy Framework (the Framework) was revised in December 2023. I have consulted the main parties on the changes and have had regard to the representations received.
4. The appeal parties predominantly refer to the neighbouring property to the west as 'Tala Park', whereas Historic England's List Entry refers to 'Talapark'. For consistency with the evidence, I have referred to it as Tala Park.

Main Issues

5. The main issues are:
 - Whether the appeal site would be a suitable location for the proposal, having regard to the locational strategy of the development plan; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Location of Development

6. Policies 1 and 2 of the Cornwall Local Plan: Strategic Policies 2010 - 2030 (the Local Plan) set out Cornwall's spatial strategy, which seeks to provide sustainable development, maintaining the dispersed development pattern and providing housing based on the role and function of each place. Policy 3 of the Local Plan conveys the spatial strategy into a hierarchy for the distribution of

growth, focussing development at the main towns and allocations. While both parties agree that Boyton is a settlement, the appeal site is not located within or close to any of the identified towns, villages, or allocations listed in the policy. In this situation, Policy 3 allows delivery of housing in particular circumstances.

7. The appellants advance that the site falls within two of the circumstances identified in Policy 3, representing both an infill scheme, and rounding off the settlement. My attention has been drawn to the Council's Chief Planning Officer's Advice Note: Infill/Rounding Off (CPOAN) (2017). The document is clear that it only provides guidance to help reach a decision and should not be used as a reason for refusal. Nevertheless, I have had regard to the guidance when determining the appeal as it demonstrates what the Council typically considers to be acceptable in terms of infill and rounding off.
8. Boyton is a relatively dispersed settlement, following a roughly circular primary road network comprising Under Lane, the western end of Braggs Hill, and an un-named road serving Beacon Park and linking to the village school. Properties are typically arranged as a single plot depth directly addressing the roads. A small number of culs-de-sac are located around the two churches, creating a more clustered development pattern to the south. The settlement lies on a local plateau, with land falling towards the River Tamar in the east and the valley of Tala Water to the west.
9. In line with the accompanying text to Policy 3 and the CPOAN, to be considered as infill development, the site should represent a small gap in an otherwise continuous built frontage, that does not physically extend the settlement into the open countryside. The layout of the development should also be in character with others in the continuous frontage.
10. The appeal site is accessed off Tala Hill, a largely undeveloped, narrow, and deeply rural lane, dropping steeply from the village into the adjacent valley. Tall, banked hedgerows flank each side, with sloping fields beyond. Tala Park is a remote property to the west of Boyton and the appeal site, fronting on to Tala Hill. It is surrounded by agricultural fields on three sides, with the lane marking the fourth boundary. This dwelling is separated from the built form of the settlement by the changing topography, a significant vegetated boundary, and by open fields comprising the appeal site and an adjacent triangular field. Accordingly, Tala Park and the surrounding fields, including the appeal site, are part of the open countryside, outside the settlement. The extended area of land associated with the property Queen's Acre on the opposite side of the road does not alter the undeveloped rural character of Tala Hill, or the physical and visual separation of Tala Park and its agricultural context from the settlement.
11. Reflecting this countryside context, there is a striking lack of built frontage on Tala Hill in the area of the appeal site. The new dormer bungalows under construction to the east front on to the main road through the village, facing away from the appeal site. They do not present a built frontage onto Tala Hill, instead retaining the tall, banked hedgerow which maintains the lane's rural character. In the opposite direction, the roof of Tala Park is just visible a considerable distance further down the lane. Neither feature creates a continuous built frontage in which the appeal site forms a small gap. Extending beyond the edge of the settlement into the open countryside, the layout of the

proposed dwelling does not continue or meaningfully relate to the orientation of either element of nearby built form.

12. I accept that other parts of the settlement are not a continuous ribbon of built form. In particular, there is a detached group of properties to the north, close to the school. However, this is a group of properties and buildings associated with a key village facility, which are sited on the same primary road passing through the village, and lie on the same topographical plateau. Remote from the settlement, on a deeply rural lane dropping off the plateau, Tala Park and the appeal site present a very different context.
13. The appellants have highlighted a site for a single dwelling at Kestle Mill¹ which was considered to be an infill site and approved. I have reviewed the submitted evidence and accept that similar issues were considered, but the context of the two sites are notably different. The Kestle Mill site was adjacent to a cluster of other dwellings. Several faced on to the same road and appeared to form a continuous built frontage. The officer report also noted that the neighbouring properties to the site read as an integral element of the settlement, and that the site, with properties to either side, had the appearance of being within the physical boundaries of the settlement. This is not the case with the appeal site, and I am not satisfied that this permission has the same context or characteristics as the proposal before me. Therefore, this is a matter that attracts only very limited weight in support of the appeal scheme.
14. The appellants have alternatively suggested that the proposal is compliant with Policy 3 on the grounds that it is 'rounding off'. To be considered as rounding off, the CPOAN and accompanying text to Policy 3 say that a site should be substantially enclosed, and should not visually extend development into the open countryside. The CPOAN is also clear that proposals must be contained with long-standing and enclosing boundary features, and that rounding off should provide a symmetry or completion of a settlement boundary.
15. As part of a larger agricultural field predominantly bound by post and wire fencing, the appeal site is not substantially enclosed, and its southern and western boundaries are not clearly defined by a physical feature that acts as a barrier to further growth. I note that a hedgerow has recently been planted along the western boundary, and that the appellants are amenable to a condition securing additional landscaping. However, such features would take many years to grow and establish, and do not have the same physical presence as a road or existing enclosing development.
16. Moreover, notwithstanding the plans submitted by the appellants, development at the appeal site would not provide a symmetry or completion of the settlement boundary. Neither Tala Park located outside the settlement, or the land west of Queen's Acre, affect the rural character of the lane or the perceived boundary to the settlement. There is therefore a relatively straight edge to the settlement at this point, with no evident incomplete or asymmetrical elements. Consequently, even though the appeal site lies adjacent to the new dormer bungalows, its development would represent an extension westwards, away from the settlement. This would be clearly appreciable from Tala Hill, and I therefore also find that the proposal would visually extend development into the open countryside.

¹ Application refs. PA18/11659 (outline application) and PA19/05147 (full application)

17. My attention has also been drawn to the approval² of the three dormer bungalows currently under construction immediately east of the appeal site, which the Council considered could represent either infilling or rounding off. I saw this site during my visit, and while it is close to the appeal site, it is at the end of a ribbon of development with a consistent frontage, with four further houses located further to the north. Following the same plot pattern and orientation as many of its neighbours, it does not extend development into the open countryside, instead continuing the pattern of development along one of the primary roads through the village. Despite its proximity, this cannot be said of the appeal site. Accordingly, the acceptability of this scheme carries very limited weight in favour of this appeal.
18. Overall, I consider that when tested against Policy 3 together with the guidance offered in the CPOAN, the location and nature of the site proposed would go beyond that which could be considered as an infill scheme or rounding off the settlement.
19. The appellants have drawn further parallels with a site at Harlyn³, at which a site was not found to be infill or rounding off, but was approved under Policy 21 of the Local Plan which gives encouragement to sustainably located proposals that increase building density where appropriate, taking into account the character of the surrounding area. I have reviewed the evidence submitted and note from the officer report that the site in question was visually integrated with the built form of the settlement, and did not meaningfully or legibly encroach into the open countryside. I have found that this is not the case with the appeal site, and accordingly I have reached a different conclusion. I will consider the effect of the proposal on the character and appearance of the area in greater detail below, however in respect of its location in relation to the character of the settlement, I find that the proposal does not benefit from the encouragement offered by Policy 21.
20. The scheme is not advanced as meeting any of the special circumstances described by Policy 7 of the Local Plan, which permits housing in the open countryside. Accordingly, taking all of the above into account, I conclude that the site would not be a suitable location for the proposal, and would conflict with the locational strategy of the development plan insofar as it is conveyed by Policies 1, 2, 3, 7, and 21 of the Local Plan.

Character and appearance

21. As described above, the appeal site is on the upper slopes of a large agricultural field on the edge of the settlement. It is accessed from the rural approach to the village on Tala Hill. As one of several large fields sloping steeply away from the western periphery of the settlement, the appeal site and its location on Tala Hill make an important contribution to the rural character of the village and its surroundings.
22. I note that the detailing of the dwelling has been carefully considered with reference to its context, and I accept that the proposal would represent a sensitive use of materials and design features. Nevertheless, the proposal would uncharacteristically extend the built form of the settlement onto the sloping valley side. Alongside the changes necessary to the site entrance to

² Application ref. PA20/01354

³ Application ref. PA18/09045

accommodate the required visibility splays, the domestication of the site and its access point onto Tala Hill would erode the rural character of the lane and the setting of the village.

23. I therefore conclude that the proposal would result in harm to the character and appearance of the area, in conflict with Policies 2, 21, and 23 of the Local Plan. Taken together, amongst other matters, these policies set out that proposals should maintain and respect the special character of Cornwall, and will need to sustain local distinctiveness. They also seek to ensure that any increase in building density takes into account the character of the surrounding area.
24. Although the Council has not included Local Plan Policy 12 (Design) in its reason for refusal, it has found conflict with this policy in its officer report. For the reasons set out above, I also find conflict with this policy which, amongst other things, seeks development that is of an appropriate layout, with a clear understanding and response to its landscape setting.

Other Matters

25. The site lies relatively close to Tala Park, which is a Grade II listed building. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the desirability of preserving a listed building or its setting. The evidence indicates that the special historic interest of the farmhouse lies in its late 17th Century construction, and I find that the farmhouse derives some of its significance from its agricultural surroundings.
26. The appeal site is a small part of that context and therefore makes a limited contribution to the setting of the listed building. Given the clear definition between the land parcels comprising the relatively large curtilage of Tala Park and the surrounding rural landscape which includes the site, the Council has not raised concerns regarding the effect of the proposal on Tala Park or its setting. Based on the evidence and my own observations, I see no reason to reach a different view, and find the proposal would not harm the significance of the listed building as a designated heritage asset.
27. The appellants have raised various concerns regarding procedural matters in relation to Boyton Parish Council's consultee representation. I note also that a claim for costs has been made by the appellants against the Council on this matter, and this is subject to a separate decision. While I have noted the appellants' comments on the Parish Council's representation, in determining this appeal I have reached my own conclusions based on all the evidence before me, including my site visit.

Planning Balance and Conclusion

28. Cornwall Council has published an Advice Note on Providing Homes⁴ (the Advice Note) which recognises the need to take action to address Cornwall's housing crisis. It is clear that Cornwall faces particular challenges in relation to the availability and affordability of homes, and the Advice Note illustrates the importance of housing delivery across the area.
29. The provision of a dwelling would support the Council's actions to address Cornwall's housing crisis, and would assist the Government's objective to

⁴ Cornwall Council: Chief Planning Officer's Advice Note: Providing Homes (2023).

significantly boost the supply of homes. The proposed dwelling would be low carbon and energy efficient, supporting the Council's response to the Climate Change Emergency. The scheme would also provide positive biodiversity features, and there would also be economic and social benefits both during the build and in the subsequent occupation of the house, particularly given its intended use as a fully occupied dwelling rather than a holiday home. However, as only a single unit of accommodation would be provided, I attribute these benefits moderate weight.

30. The proposal is described as a self/custom build property, the value of which is recognised by national and local policy. While recognising the importance of continued efforts to meet the demand for these types of dwellings, the Advice Note indicates that the Council is meeting its statutory duty in respect of Self and Custom Build housing, and there is no substantive evidence leading me to reach a different conclusion. Accordingly, I afford limited weight to the self-build nature of the proposal.
31. The appellants advance that the dwelling would be wheelchair accessible and adaptable, aiming to be a 'lifetime home' to allow them to stay in the property as they grow older. However, other than that this is an aim of the scheme, I have not been provided with any substantive information to demonstrate that the dwelling would comply with the Lifetime Homes Standards. As such this carries limited weight in the planning balance.
32. The Council indicates that the proposal would not conflict with other policies of the development plan, in some cases subject to conditions, on matters including highway safety, neighbour privacy, and drainage. Though I note a number of local objections relating to these matters, I have not been presented with any substantive evidence to lead me to reach a different conclusion to the Council. However, the absence of harm in these matters is neutral in the planning balance and does not weigh for or against the proposal.
33. On the other hand, I have found that the proposed development would conflict with the spatial strategy of the Local Plan, and result in harm to the character and appearance of the area. Although there may not be conflict with other policies of the development plan, for these reasons I consider that the proposal would conflict with the development plan as a whole. As planning law requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise, this matter attracts significant weight.
34. Even taken together, the modest benefits of the scheme would not outweigh the conflict I have found with the development plan. Accordingly, material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

K Jones

INSPECTOR