



Appeal Decision

Site visit made on 16 July 2024 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2024

Appeal Ref: APP/D0840/W/24/3339796

Elm Cottage, B3317 between junction north west Of Trereife Farm and A30 north west of Newlyn, Penzance, Cornwall TR20 8TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Ms A Smale against the decision of Cornwall Council.
 - The application Ref is PA23/08229.
 - The development proposed is described as 'New dwelling and associated works.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter and Main Issue

3. The appeal scheme seeks outline planning permission with all matters except access reserved for future consideration. I have therefore taken the proposed plans as indicative except for what is shown of the access. With this in mind, the main issue is the principle of the proposed development with specific regard to its location and its effect on the character and appearance of the area.

Reasons for the Recommendation

4. It is common ground that Trereife is a small settlement. However, it is disputed whether Elm Cottage is part of that settlement, or an outlier to it, and as a consequence whether the appeal site is adjacent to the settlement. It is separated from the main cluster of the settlement to the north of Trereife House by woodland and a business park and its immediate surroundings are distinctly rural. It is not until one reaches the residential development north of the business park and north of Trereife House that one recognises the settlement of Trereife.
5. Even if Elm Cottage were regarded as part of the settlement, the appeal site would be outside of it. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (2016) (LP) sets out the locational strategy for the delivery of housing based on the role and function of each place. The policy aims to steer the majority of new housing towards the main towns. However, it also considers the rounding off of settlements and development of previously

developed land within or immediately adjoining that settlement of a scale appropriate to its size and role. The former is defined 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 (such as a road).

6. Whilst the appeal site is enclosed on its eastern boundary by a road, only an earth stone wall separates it from open fields to the west. Likewise, there is no barrier to further development at all to the south until the A30 which is some distance away. The appellant asserts that the appeal site would have a boundary to the south in line with the curtilage of Elm Cottage; however, there is little detail in the submitted plans and I am not convinced of its ability to arrest further development beyond. Given this, the proposal would represent a visual extension of development into the open countryside. This would not fit with the definition of rounding off.
7. The National Planning Policy Framework 2023 (the Framework) defines previously developed land as such which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.
8. There appears to be a wooden structure and a container located to the northern end of the appeal site. However, I cannot be certain of their use, how long they have been there, or of their planning status. Consequently, there is insufficient information for me to be convinced that they are permanent structures. Even if they were, I would be hard pressed to identify if they have a curtilage and where that might be. Consequently, I cannot be certain that the land, as a whole, is previously developed.
9. The appeal site is located within a large field with earth stone and mature vegetation boundaries. It lies on the southern approach to Trereife on the western side of the B3317, a single-track metalled highway. There are earth stone banks and mature vegetation on either side of the highway, with glimpses of open fields to the west. To the north of the appeal site is the curtilage of Elm Cottage and the southern reaches of the field extend for some distance with no barrier until it meets the A30. The site presents a typical rural vista and therefore, makes a positive contribution to the prevailing rural character of the area. Whilst seeking outline planning permission, a dwelling on the site would undoubtedly protrude into the countryside and, along with an access, curtilage and other domestic paraphernalia, introduce an urban feature which would erode the pleasant rurality of the vicinity.
10. With this and the above in mind, the principle of the proposed development would be unacceptable, and it would cause unacceptable harm to the character and appearance of the area. Accordingly, the appeal scheme would conflict with Policies 1, 2, 3, 7, 12, 21 and 23 and of the LP, Policy C1 of the Climate Emergency Development Plan Document 2023 and paragraphs 135 and 180 of the Framework, insofar as they seek amongst other things, a hierarchical approach to housing distribution, control the delivery of windfall development, high quality and contextually appropriate design which supports local distinctiveness and to protect the open countryside from unsustainable development.

Other Matters

11. The ability to only see the proposal from the roadside would not be sufficient to outweigh the fact of the harms identified above. Neither would the imposition of a condition to ensure some trees be retained in a landscaping scheme, a small positive though this may be for the otherwise verdant feel to the area. The scheme would deliver housing but of a very limited scale and thus the contribution to housing supply and its associated benefits would be equally limited. I am also unaware of any undersupply pertaining to housing for the Council. I therefore ascribe these matters limited weight.
12. The appeal site is a short distance from Trereife House, a grade II listed building which includes walled gardens and outbuildings. Given the distance between the proposed development and Trereife House, the landform, intervening features and vegetative cover, it would be read as distinct and not associated. It would also be of a limited scale in the context of the listed building. I therefore agree with the Council that the appeal scheme would not unacceptably impinge on the setting or significance of Trereife House or its associated buildings and gardens. This would however be a lack of harm and thus neutral.

Conclusion and Recommendation

13. For the reasons given above, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight which would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR