



Appeal Decision

Site visit made on 17 June 2025

by Colin Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

Appeal Ref: APP/D0840/W/24/3353953

Land west of Meadow Farm, Rezare, Launceston, Cornwall, PL15 9NX

- 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 Mr & Mrs Baldwin against the decision of Cornwall Council.
 - The application Ref is PA24/02315.
 - The development proposed is construction of dwelling including access.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a dwelling including access at Land west of Meadow Farm, Rezare, Launceston, Cornwall, PL15 9NX, in accordance with the terms of the application, PA24/02315, subject to the conditions set out in the Schedule at the end of this Decision.

Preliminary Matters

2. The application was made in outline with all matters, except access, reserved for future determination. I have considered the appeal on that basis.

Main Issues

3. The main issues in this case are:
 - whether the site would provide a suitable location for the proposed dwelling, having particular regard to development plan policies.
 - the effect of the proposed dwelling on the character and appearance of the Tamar Valley National Landscape.

Reasons

4. The appeal concerns a field on the fringes of Rezare, a small hamlet surrounded by open countryside. Although there is housing nearby, the field is located outside the settlement boundary of Rezare as defined by the Neighbourhood Plan¹. However, Policy Housing 1 of the plan does not necessarily prevent housing from being built outside the settlement boundary. Instead, it states that development of approximately 10-15 new dwellings in total over the plan period will be supported in accordance with Policy 3 of the Local Plan².
5. Policy 3 of the Local Plan aims to focus most new housing in the largest towns, with a limited amount of new development being permitted in smaller rural settlements. Amongst other things, the policy enables the *rounding off of settlements and*

¹ Lezant Parish Neighbourhood Development Plan 2019 - 2030

² Cornwall Local Plan Strategic Policies 2010 - 2030

development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role. The term "rounding off" is not clearly defined within the policy, but paragraph 1.68 of the Local Plan says it applies to 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). It should not visually extend building into the open countryside.

6. I recognise that the formal policy wording is the starting point for decision making and the Local Plan supporting text is distinct from this. However, in this particular case, the term "rounding off" lacks clarity without additional context. Hence, while the definition provided in paragraph 1.68 is not formally part of Policy 3, it is a necessary component of the adopted development plan. I therefore give substantial weight to paragraph 1.68 and the associated supporting text. Considerably less weight can be assigned to the Advice Note³ that the Council has published. This was produced after the Local Plan was adopted and does not appear to have been subject to any detailed consultation or public scrutiny.
7. The northern boundary of the appeal site runs parallel to the road and there are properties immediately to the east and west of the site. These boundaries also have mature hedgerows along their length. Yet while this provides physical enclosure on three sides, the southern boundary is only defined by a fence and otherwise runs continuously into the open countryside. Although a new hedgerow could be introduced along this boundary as part of a future development, Policy 3 requires an assessment of the site in its existing state.
8. I am also mindful that the site covers a large area of land. Indeed, the gap between the buildings of Meadow Farm to the east and Hope Farm to the west is substantial in the context of a modestly sized settlement such as Rezare. Although there are boundary features on three sides of the site which would act as barriers to further growth, the site itself is spacious enough to accommodate more than the single dwelling which is being proposed. Hence, further development here would not necessarily be limited by existing boundary features. Taking into account the extent of the site and the somewhat dispersed pattern of surrounding development, I am not convinced that it can be described as *substantially enclosed* in terms of paragraph 1.68 of the Local Plan. As such, the proposed development is not rounding off and so cannot be justified on the basis of Policy 3.
9. I have been referred to an Appeal Decision⁴ where the Inspector notes that the Local Plan definition of rounding off does not require a site to be totally enclosed. Yet while I agree with that assessment, any consideration of whether a proposal is rounding off must be based on the particular circumstances of that site as well as the nature of surrounding development. This is also true of other Appeal Decisions⁵ that I have been referred to. For the reasons given above, I do not consider that the site in the current appeal is sufficiently enclosed, even though there are well established features along three of its boundaries.
10. Historic mapping indicates that the site once contained a dwelling. However, it does not follow that the site should be considered as being within the built-up area of Rezare for the purposes of Policy 3.

³ Chief Planning Officer's Advice Note: Infilling and Rounding Off (Cornwall Council, December 2017)

⁴ Appeal Decision: APP/D0840/W/23/3319700

⁵ Appeal Decisions: APP/D0840/W/23/3309314 and APP/D0840/W/23/3303580

11. I therefore conclude on this issue that the site would not provide a suitable location for the proposed dwelling. The proposal would not comply with Policy 3 of the Local Plan and there would also be conflict with Policies 1, 2 and 7 insofar as the development would undermine the spatial strategy of the plan. For similar reasons, the proposal would not support the overarching objectives of Policies C1 and T1 of the Climate Emergency DPD⁶. However, the proposal is not in direct conflict with Policy Housing 1 of the Neighbourhood Plan.

Character and appearance

12. Rezare is a small hamlet which is characterised by narrow lanes, low density housing and a good deal of vegetation. As the settlement is surrounded by open countryside, there are close views of nearby fields and agricultural buildings from various perspectives within the local street scene. This gives Rezare a distinctly rural appearance. Being an open field with a hedgerow along the road frontage, the appeal site contributes to the rural setting of the village.
13. The site is on the outer fringes of the settlement, where the distinction between the main built-up area of Rezare and the edge of the open countryside becomes less pronounced. However, the site is seen in the context of other nearby buildings, including those to the east and west. Hence, while the proposed dwelling would inevitably alter the character of the site, it would be in keeping with the local setting. Additionally, there is potential to partially obscure the dwelling behind the existing hedgerow, thereby preserving a green frontage. Given the size and width of the site, a sense of openness would still be maintained. The proposal would therefore be compatible with the prevailing character of the street scene.
14. As there are buildings to the east and west of the site, and more to the north, the proposed dwelling would not appear to expand the built-up area of Rezare to any great extent when seen from more distant perspectives. The dwelling would be viewed against a backdrop of existing properties rather than appearing as a prominent incursion into the surrounding countryside. There would be no conflict with the aim of furthering the purposes of the National Landscape.
15. I therefore conclude on this issue that the proposed dwelling would have an acceptable effect on the character and appearance of the National Landscape. There would be no conflict with Policies 12 and 23 of the Local Plan which, in different ways, seek to protect local distinctiveness.

Other matters

16. Meadow Farmhouse immediately to the east of the site is a Grade II listed building and Holy Well, further to the west, is a Scheduled Ancient Monument. However, the mature trees and hedgerows which run along the boundaries of the site would limit intervisibility between the proposed dwelling and these heritage assets. There would be no harm to the setting of Meadow Farmhouse or Holy Well.
17. South West Water were consulted during the application process and raised no particular concerns about the capacity of the local sewerage network to accommodate an additional dwelling in this location. In the absence of any countervailing evidence, it seems to me that the dwelling could be adequately serviced without overloading the sewerage system.

⁶ Climate Emergency Development Plan Document, February 2023

Conclusion on the development plan

18. I have found that the proposed dwelling would have an acceptable effect on the National Landscape but would be unsuitable in terms of its location. Overall, the proposal would conflict with the development plan as a whole.

Final Balance and Overall Conclusion

19. I understand that the Council is unable to demonstrate a five-year supply of deliverable housing sites. In these circumstances, paragraph 11 of the Framework⁷ advises that the relevant development plan policies should be considered out of date. Of most relevance in this case are Policies 1, 2, 3 and 7 of the Local Plan and Policies C1 and T1 of the Climate DPD. Because these policies affect the supply of housing in various ways, they are out of date for the purposes of this appeal.
20. The rural location of Rezare means that future occupiers of the proposed dwelling would be likely to rely on driving in order to access shops and essential services. By directing most growth towards larger settlements, the development plan aims to reduce the need to travel by private car. This is broadly consistent with the aim of the Framework to promote walking, cycling and public transport use. As such I give the relevant development plan policies moderate weight. However, this needs to be balanced against the imperative of the Framework to boost the supply of homes. The provision of a new home that is well related to an existing settlement would help to achieve this objective. I give this a good deal of weight.
21. Therefore, the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the proposal would represent sustainable development as defined in the Framework. Material considerations therefore indicate that planning permission should be granted for development that is not in accordance with the development plan.

Conditions

22. I have imposed the standard requirement for further details to be approved before development takes place, together with standard time limit conditions. In order to ensure adequate drainage, there are also conditions requiring further details of surface water disposal. To protect heritage assets, there is a condition requiring an archaeological survey to be carried out. To protect the character and appearance of the area, there is also a condition to ensure that trees are protected. Finally, to promote nature conservation, there are conditions relating to ecology.

Conclusion

23. For the reasons given above, the appeal is allowed.

C Cresswell

INSPECTOR

⁷ National Planning Policy Framework, December 2024.

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) Other than as required by the reserved matters, the development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (398_001 Rev 3) and Access Plan (398_005 Rev 1)
- 5)
 - A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.
 - C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
 - D) The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.
- 6) The development shall be carried out in accordance with the recommendations and mitigation measures identified within the Preliminary Ecological Appraisal prepared by Devon and Cornwall Ecology dated Feb 2024.
- 7) Tree protection measures and tree works shall be implemented in strict accord with the report provided by Wildwood Trees dated March 2024. Tree protection fencing (in accord with BS 5837:2012 Par. 6.2.2 and Fig.2) shall be installed prior to the commencement of any works associated with the development and shall be maintained intact, and retained in situ until the completion of the development. A pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant and the main contractor's site manager/foreman

to discuss details of the working procedures and to confirm the precise position of the approved tree protection measures. No works associated with the development including storage, access, cement mixing, bonfires, excavations or other level changes shall occur within the protected areas. Informative: The following British Standards should inform the delivery of tree protection measures: • BS: 3998 Tree work – Recommendations • BS: 5837 Trees in relation to design, demolition and construction – Recommendations If at any stage of the development process, a conflict between the operational requirements of contractors and tree protection measures becomes evident, professional arboricultural advice is to be sought immediately.

- 8) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and, provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 9) No development shall commence until a Biodiversity Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports. Monitoring reports will be submitted to the Council during years 2, 5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.