
Appeal Decision

Site visit made on 25 March 2025 by R Dickson BSc (Hons) MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Appeal Ref: APP/D0840/W/24/3351082

Land between Levalsa Meor and Watergate Bungalow, Rosenannon PL30 5PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Alan Bernallick against the decision of Cornwall Council.
 - The application Ref is PA23/07931.
 - The development proposed is described as 2 No local needs dwellings on infill plot between Levalsa Meor and Watergate Bungalow, Rosenannon.
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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 Matters

3. There are a number of different spellings of the appeal site 'Levalsa Meor' throughout the evidence supplied to me by both the Appellant and Council. I have used the spelling as it appears on the original application form.

Main Issue

4. The main issue is whether the site is in a suitable location for housing, having regard to the development plan and access to services and facilities.

Reasons for the Recommendation

5. Rosenannon is a small sprawling settlement with open countryside surrounding it. The settlement appears to have formed organically and incrementally, which is evident in the lack of uniformity in the design or placement of dwellings within plots. There is a central road with a mix of two storey dwellings and bungalows within smaller plots as well as a church and a village hall. Further out from this central road there are other slightly larger dwellings, which are set within generous plots.
6. The Rosenannon sign, announcing the name to those entering the settlement, sits on one corner of an island of land, surrounded by dwellings. Beyond the sign the road splits, with one road leading into the centre of the settlement, and the other smaller road providing access to additional dwellings. Although settlement name signs are generally found outside any built development before entering a village, this is not the case in Rosenannon. There are a number of dwellings and

agricultural buildings situated on the road before reaching the name sign when approaching the settlement from the south and the east which creates a transition between open countryside and a built-up area. These buildings visually and spatially relate to Rosenannon. They do not form a separate settlement, nor do I consider them to be within the open countryside.

7. When approaching the settlement from the south, Watergate Bungalow forms the southern-most built development, with agricultural buildings on both sides of the road. These agricultural buildings link Watergate Bungalow to the rest of the settlement, and from here, views down the lane into Rosenannon can be seen. The proposal would be sited between Levalsa Meor, and Watergate Bungalow. Based on my observations made on site, I consider that the site is located within the settlement given its position between built development.
8. I have not been provided with a settlement boundary for Rosenannon. My findings above indicate that the proposal is within the settlement. As such, and even in the event that the site is considered to be outside the settlement, given the site's location either within or adjacent to the settlement boundary, being surrounded on three sides by a road and built development, and that it would not extend built development into the open countryside, it would be considered as rounding off development as defined in Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (2016) (Local Plan) .
9. The introduction of built form onto the previously undeveloped plot would alter the visual relationship of it within the rural character of the settlement. The existing hedge which bounds the site would be retained, with the existing opening being utilised. Although the dwellings and garages behind would be visible, they would be seen in the context of the village and therefore would not harm the distinctive rural character of the area. Furthermore, the retention of the existing hedge would help to soften their appearance, assimilating the development with the village.
10. Notwithstanding the above, Policy T1 of the Cornwall Council Climate Emergency Development Plan Document (2023) (DPD) requires new development to be designed and located to encourage sustainable transport. Amongst other matters, Policy 21 of the Local Plan provides encouragement will be given to proposals that increase building density where appropriate taking into account access to services and facilities to ensure the best use of land.
11. Rosenannon is a small settlement, and although it has a church and a village hall, it does not have any other services or facilities. There are no dedicated pedestrian or cycle routes to a nearby town from Rosenannon. Even though there are bus stops within the settlement, the evidence before me indicates that it is served by a bus that stops in Rosenannon mid-morning and mid-afternoon on weekdays only. Owing to the limited sustainable transport options servicing Rosenannon, any future occupants of the proposed dwellings would likely be heavily reliant upon a private vehicle to access services and facilities in the surrounding area that would be reasonably required on a day to day basis.
12. The Appellant proposes that the development would be for family members who currently reside in Rosenannon and, as such, maintains that the scheme would not result in any additional travel or change in transportation patterns. However, whilst I have no reason to doubt the intentions of the Appellant's family members in wishing to continue to reside at the proposed dwellings, I am conscious that personal

circumstances and ownership of the properties can change, and that the development would be permanent.

13. The Appellant suggests that Electric Vehicle (EV) chargers could be installed, and there is no evidence that leads me to doubt the Appellant's family members commitment to using electric vehicles in the future. However, whilst the provision of EV charges would be supported by Policy T1 of the DPD, it would not be possible to enforce a planning condition that required occupants of the proposed dwellings to use electric vehicles and, as such, the use of such vehicles cannot be required of future occupants of the proposed dwellings.
14. For the above reasons, the proposed development would be in accordance with policies 2, 3 and 23 of the Local Plan in so far as it would round off the settlement, taking its character and setting into account. However, the proposal would be in an unsustainable location, with limited access to sustainable transport options to access local services and facilities. It would place an undue reliance on private vehicles and would therefore conflict with Policy 21 of the Local Plan and Policy T1 of the DPD. As such, the proposal would not be in a suitable location, having regard to the requirements of the policies of the development plan.
15. The Council identifies that the development is in conflict with Policies 7 and 9 of the Local Plan, which deals with housing in the countryside and rural exception sites respectively. However given my findings above, these policies are not relevant in this instance.

Planning Balance

16. The Council accepts that it cannot demonstrate a five-year housing land supply. As a consequence of the shortfall, paragraph 11(d) of the National Planning Policy Framework (the Framework) would be engaged. Paragraph 11(d)(ii) provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies amongst which includes directing development to sustainable locations.
17. Paragraph 83 of the Framework provides that in order to promote sustainable development within rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, noting that development in one village may support services in a nearby village. However, in this instance the benefits of enhancing or maintaining services within the wider surrounding area would be very limited by reason of the scale of the proposal and its location. Paragraph 110 of the Framework notes that opportunities to maximise sustainable transport will vary between rural and urban areas. Paragraph 115 goes on to ensure that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
18. I have found that the proposed dwellings would not have access to active transport connections, such as walking or cycling routes, nor would it be suitably connected to local services or facilities by public transport. Although EV chargers could be installed, this would only go so far to encourage the use of EVs. For the reasons given, the proposal would not be sustainably located and would fail to address the aims of paragraphs 110 and 115. Consequently, I give substantial weight to the conflict with the development plan in my assessment.

19. The proposal would provide two new dwellings, with paragraphs 61 and 73 of the Framework seeking to boost the supply of housing and acknowledging that small sites such as this can make an important contribution to meeting the housing requirements of the area. For the above reasons, I give limited weight to the benefits put forward by the Appellant in terms of the intended occupation of the proposed dwellings, and limited weight to the provision of EV chargers by reason of the scale of development proposed. There would be further benefits associated with employment opportunities for local tradesmen and suppliers, albeit such benefits would be very limited and temporary in nature.
20. Therefore, in applying paragraph 11 of the Framework, in this specific instance and in light of the location of the site, I find that the adverse impacts of the proposal, set out above, significantly and demonstrably outweigh the benefits from the provision of two new dwellings, when assessed against the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations. Consequently, the presumption in favour of sustainable development does not apply.
21. Therefore, for the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

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

Mr A Spencer-Peet

INSPECTOR