



Appeal Decision

Site visit made on 5 October 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/D0840/W/20/3252222

**Merrymeeting Farm, Road From Hollywood Head To Race Course Road,
Tresarrett, Blisland PL30 4QH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Paul Sessions against Cornwall Council.
 - The application Ref PA20/00297, is dated 14 January 2020.
 - The development proposed is the erection of a Para 79(e) dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has confirmed that had it determined the application it would have been refused because, in summary, the new dwelling would be located in the countryside with poor accessibility to day to day services and facilities, and would harm the character and appearance of the area.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, having regard to the location within the Area of Great Landscape Value (AGLV), the setting to the Cornwall Area of Outstanding Natural Beauty (AONB) and the National Planning Policy Framework (the Framework) policy approach for isolated dwellings in the countryside.

Site and surroundings

4. The wider landscape is characterised by a patchwork of small and medium sized fields laid to pasture, with hedged and hedgebank boundaries, hedgerow trees and copses of woodland. The rolling countryside is pleasant and with a scattering of buildings often softened in the landscape by their siting and association with surrounding trees.
5. The site forms the larger part of an irregular shaped field which is some way down the sloping valley side and is similar to the wider appearance of surrounding fields. The location is open countryside away from any settlement.

The appeal proposal

6. Permission is sought for a single storey dwelling set out in a series of geometric shapes and connected by a spine corridor. The building would have shallow

sloping roof forms reflecting the geometric footprint, with eaves overhanging the angled supporting walls. The large windows would be framed by corten steel, including the brise soleil, and the elevations and roof finished in dark, near black, boarding. The dwelling would be incorporated partly behind, and partly above and overhanging, a stone faced hedgebank incorporating local granite.

7. A main elevation of the dwelling would face out over a new wildflower meadow together with other planting and wetlands with the scheme designed to enhance biodiversity. The garden area planting would include trees, shrubs and grass spaces.
8. The site is located within the AGLV but outside the AONB, with the AONB boundary broadly to the south east.

Background and Planning Policy

9. The site lies in the countryside and therefore the erection of a dwelling would not accord with the strategy for the location of new development as set out in Policies 3 and 7 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan). The proposal is advanced on the basis that it would meet with the Framework policy circumstances under paragraph 79 e) for the construction of an isolated home in the countryside. This requires, in summary, that the design is of exceptional quality in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
10. The design has evolved through an interdisciplinary approach and has been presented to the South West Design Review Panel on 4 occasions. This resulted in the Panel's conclusion that the scheme was outstanding and met with the tests in paragraph 79 e) of the Framework.

Reasons

Character and appearance

11. The design concept and evolution of the scheme has been carefully set out in the supporting submissions. The concept is an interesting one and the relationship to the new hedgebank wall across the site, with the floating end section, would help to integrate the building within the landscaped setting. The ecological proposals and related planting in the meadow area, the wetlands and the reinstatement of the hedgebank to the southeast, would enhance that part of the site and provide a setting to the building.
12. The large windows and their orientation would help occupiers within the dwelling feel that they would be within and part of the landscaped surroundings thereby achieving many of the aims of the biophilic design approach that is at the heart of the scheme. The carbon negative aspects, with the absence of concrete, and that the building is removable in time, are aspects which provide elements that are commendable, although not unique.
13. The design of the brise soleil, allowing dappled light onto the windows and the angled walls, assisting in the resilience of the building against the Cornish

- weather, are all components that demonstrate the detail and thought with the design.
14. When viewed in proximity to the south elevation the detailing of the building and the spaces between the projections may be apparent. However, I am not persuaded that this would be the case in some mid-distant views. For instance, when approaching the site from the new drive, potentially for the first time, the angle of view would be up the slope towards the dwelling. This would result in some of the shallow slopes of the roof being largely angled away and they would not be readily apparent, thus reducing the contribution the roof would make to the shape of the building.
 15. Furthermore, with the reasonably narrow spaces between some of the projections, and with the overhanging eaves creating shadow and the near black walls, together with the angle of view from the drive, the result would be to substantially reduce the appearance of variation in the form and relief of the building. As a consequence, there would be a dominance of the large windows across this elevation, albeit that they would have some difference in angle and shape, and the concept of the geometric design would become much less legible. In this way, I am not satisfied that this principal elevation, when viewed from the general area near the start of the drive, would appear sympathetic and complement the setting provided by the meadow.
 16. Further along the drive the prominence of the raised section of the building would become clearly apparent and the relationship with the wall and the meadow land would be an attractive feature. However, once the drive passes through the gap in the wall, the concept of the building sitting amongst the meadow land within a Cornish landscape would be diminished by the curving driveway and associated landscaping layout which would give a more suburban appearance to the setting of the building. Other parts of the garden area would have planting that merged more into the rural surroundings, however, the landscaping concept would not flow entirely through the site.
 17. The building would not be widely apparent in longer distance public views. It would, however, be seen from some fields and particularly from those on the other side of the valley. I viewed the site from View Point 6, which is a position set back from the public road. From this side of the valley, the building would be softened in the landscape by the existing hedgerow trees and the further planting proposed. Nevertheless, it would still appear reasonably separated from the existing boundaries of the field giving the dwelling and its immediate garden area an unduly conspicuous impact within this patchwork of fields.
 18. In these middle and longer distance views, the near black finish to much of the elevations and roof would be quite a dominant element of the building and add to the prominence of the dwelling in the landscape. Even with the contrasting material surrounding the windows, the near black form of these parts of the building, particularly when seen from elevated areas where the roof would be more apparent, would draw the eye. I am not satisfied that the evidence demonstrates that this extent of near black finish would relate well to a locally distinctive palette of colours and features that make up the character of the area, or support the approach of the building being associated with the form and subtle variation in colour and texture of a granite wall.
 19. I have carefully considered the justification for the use of the specified composite boarding that persuaded the Design Panel that it was appropriate.

However, for all its benefits, it would not be a natural or traditional material which would be sympathetic to local character and history as required by the Framework. Accordingly, in this respect the composite boarding would not be sensitive to the defining characteristics of the local area as required by paragraph 79 e) of the Framework. I am not therefore satisfied that the use of this material, particularly to the extent employed, would set the high standard required to act as an example for other developments and lend itself to raising standards more generally.

20. While the scheme has a range of features which demonstrate innovative practice, such as the lighting strategy and PV energy production, the scheme is not advanced predominantly on this basis, and these elements add minor weight in favour of the proposal¹.
21. The setting of the AONB would not be harmed by the proposal because of the distance to the boundary, the landscaping proposed and the single storey nature of the proposal. However, the more engaging and positive features of the proposal would not be compensated for by the concerns regarding the elements of the proposal and materials that I have highlighted. As a consequence, the presence of the dwelling would be perceived as a fairly over dominant addition within the landscape and overall I judge that the impact would not preserve the landscape of the AGLV or recognise the intrinsic character and beauty of this section of countryside. I therefore disagree with the conclusions of the Landscape and Visual Appraisal² because I place greater emphasis on the effect of the siting of the dwelling, and the impact that the external materials and immediate garden area would have on the surroundings, even having regard to the long term benefits and effect of a matured landscaping scheme.
22. Drawing all these matters together, the scheme would have many positive and sympathetic elements and provide an interesting design concept with a relationship to the adjoining meadow and sizeable benefits in terms of biodiversity. I have carefully considered all the supporting analysis and reports, including the Landscape Analysis, site selection analysis, design analysis, landscape proposals and ecological constraints and opportunities plan and strategy. The collaborative work with the Design Panel and the interdisciplinary approach demonstrates best practice. I give substantial weight to the considerations of the Design Panel who was persuaded that the high bar set by paragraph 79 e) had been met. However, for the reasons explained above, and following my site visit, I have formed different conclusions on some design and related impacts.
23. Accordingly, for the reasons explained, I conclude that, taken as a whole, the design of the proposal would not be truly outstanding nor would the proposal significantly enhance its immediate setting or be sensitive to the defining characteristics of the local area. Consequently, the scheme would not meet with the policy test set out in paragraph 79 e) of the Framework. I also conclude that the scheme would harm the character and appearance of the area and thereby conflict with Policies 12 and 23 of the Local Plan which seek, amongst other things, to ensure development proposals sustain local distinctiveness and character.

¹ It is noted that the test in paragraph 79 e) of the Framework requires proposals to be truly outstanding or innovative, and not both.

² I have also taken into account the further comments of Redbay Design in their letter of 26 August 2020.

Other Matters

24. I have taken into account the supporting views of some local residents and also the objection from one person and the Parish Council.
25. I also note the frustration of the appellant in terms of seeking to engage the Council through the design process, including the making of offers to Council Officers to assist with their attendance at the Design Panel meetings and, ultimately, that the Council were unable to reach a decision on the proposal. However, these are not matters for my consideration in terms of judging the planning merits of the proposal.

Conclusion

26. The location of the proposed dwelling would not accord with the strategy for housing development as set out in the development plan and the proposal would cause harm to the character and appearance of the area. For the reasons explained above, the scheme would not benefit from the policy provision that could allow isolated homes in the countryside, in particular paragraph 79 e), as set out in the Framework.
27. Overall, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR