



Appeal Decision

Site visit made on 17 September 2019

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 October 2019

Appeal Ref: APP/D0840/W/18/3212380

Land North-East of Carnfloss, St Merryn, Padstow PL28 8NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Situ8 Ltd against the decision of Cornwall Council.
 - The application Ref.PA17/10184, dated 20 October 2017, was refused by notice dated 5 April 2018.
 - The development proposed is described as 'outline application for residential development comprising 8 dwellings including the formation of access'.
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Preliminary Matters

1. The original application was made in outline with access to be considered and appearance, landscaping, layout and scale reserved for future determination. I have dealt with the appeal on the same basis and treated all details that go beyond access on the submitted plans as illustrative.

Decision

2. The appeal is dismissed.

Main Issues

3. There are two main issues to be considered. The first relates to whether the proposal at issue complies with the approach of the development plan to the provision of housing in the area and if not, whether there are any material considerations that would lead one to a contrary decision. Linked to that (for reasons that will become clear) is whether the proposal makes proper provision for affordable housing. The second is the effect of the proposal on the character and appearance of the area and the setting, and thereby the significance, of nearby listed buildings.

Reasons

Policy

4. The starting point for consideration of this first issue is that the Council has confirmed that it is minded to grant outline planning permission for up to 8 dwellings on the appeal site, subject to the completion of a planning obligation under s.106 to secure the affordable housing that the scheme is led by. This position is arrived at under the aegis of Policy 9 of the Cornwall Local Plan (LP) which is permissive of development proposal on sites outside of but adjacent to the built-up area of smaller towns, villages, and hamlets, that are put simply, affordable housing led (Rural Exception Sites).

5. The proposal before me takes a rather different approach. LP Policy 3 deals with the role and function of places. In relation to settlements like St Merryn, housing growth is intended to be brought forward through Neighbourhood Plans; 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; infill schemes that fill a small gap in an otherwise continuous built-up frontage and do not physically extend the settlement into the open countryside; and rural exception sites under Policy 9.
6. The appellant argues that the proposal constitutes rounding off and having regard to the Chief Planning Officer's Advice Note: Infill/Rounding Off (CPOAN), I consider there to be some power in that argument. On my analysis, the appeal site is adjacent to existing development (there are houses either side); it is contained within longstanding and enclosing boundary features; and it fronts a road. On top of that, the site is clearly part of the settlement. It is close to the Church of St Merryn, and opposite the Cornish Arms Public House. On that basis, having regard to the CPOAN, what is proposed here is clearly rounding off of the sort envisaged by LP Policy 3.
7. That is not the end of the matter in policy terms however. LP Policy 8 deals with affordable housing and sets out that all new housing schemes on sites where there is a net increase of more than 10 dwellings, or where dwellings would have a combined gross floor-space more than 1,000 square metres, must contribute towards meeting affordable housing need. Importantly, the policy goes on to say that in Designated Rural Areas (DRAs) and Areas of Outstanding Natural Beauty (AONBs), the threshold will be more than 5 dwellings. For development of between 6 and 10 dwellings in such areas a financial contribution in lieu of on-site provision of affordable housing will be sought per unit of affordable housing that would have been provided. The appeal site is in a DRA.
8. The appellant freely accepts the need for a financial contribution to address this requirement of LP Policy 8 but no planning obligation under s.106 has been provided to secure that contribution. The proposal falls contrary to LP Policy 8, therefore.

Character and Appearance and Listed Buildings

9. This issue can be dealt with briefly. The Council is of the view that the proposal would harm the character and appearance of the area and the setting of the AONB and furthermore, would harm the setting and thereby the significance of the Church of St Merryn and Mayview Cottage which are Grade II* and Grade II listed buildings respectively.
10. From what I saw, the open character of the appeal site has very little significance locally and the impact that developing it would have in character and appearance terms would be limited, and not certainly not beyond what the provision for rounding off in LP Policy 3 would envisage. There would be no harmful impact whatsoever on the setting of the AONB.
11. On top of that, while there would be a change to the settings of the Church of St Merryn and Mayview Cottage as a result of the proposal, development of the appeal site need not (given that appearance, landscaping, layout and scale are reserved for future determination) have any harmful impact on those settings, or the contribution they make to the significance of the listed buildings.

12. In that context, I see no departure from the provisions of LP Policies 23 and 24 that seek to protect the natural and historic environments, the National Planning Policy Framework, in relation to these specific aspects, or the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. Consistent with that conclusion, I note that the Council, in dealing with the affordable housing led scheme proposed for the site, described its impact in these terms as 'limited'.

Final Conclusion

13. While I see no great difficulty with the proposal, as rounding off, in terms of its impact on the character and appearance of the area, the setting of the AONB, or the setting and thereby the significance of nearby listed buildings, the proposal fails to any mechanism to secure the financial contribution in lieu of on-site provision of affordable housing required by LP Policy 8. Therefore, it fails to accord with the development plan, read as a whole.
14. I have considered whether there are any material considerations that would justify a decision contrary to the development plan but there are none. In particular, it is common ground that the Council can demonstrate a five-year supply of housing sites, and there is no viability evidence which would suggest that a financial contribution would somehow stymie the development. Indeed, it is plain that the appellant accepts the need for the financial contribution.
15. On that basis, it is my conclusion that the appeal should be dismissed.

Paul Griffiths

INSPECTOR