

Appeal Decision

Site visit made on 19 September 2019

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2019

Appeal Ref: APP/D0840/W/19/3219673

Land adj to Penrose, West of Church of the Annunciation, Main Road, Ashton, Cornwall, TR13 9SR

- 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 RJD London Mayfair Limited, Barbara Anne Brooks and Derek George Brooks, against the decision of Cornwall Council.
 - The application Ref PA18/04436, dated 10 May 2018, was refused by notice dated 17 August 2018.
 - The development proposed is the erection of 7 dwellings and associated works (outline with appearance, landscaping and scale reserved).
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs has been made by the Appellant against Cornwall Council. This application is the subject of a separate decision.

Procedural Matter

3. The appeal relates to an outline application as described above. I shall consider the submitted plans accordingly.

Main Issues

4. The main issues are i) whether the proposed housing would be on a suitable site having regard to the development plan and if so ii) whether the scheme would satisfactorily contribute towards infrastructure and towards meeting affordable housing need.

Reasons

Site suitability

5. Policy 3 of the Cornwall Local Plan Strategic Policies (2010-2030) (LP) explains that outside the main identified towns, housing growth is to be delivered through the identification of sites where required through Neighbourhood Plans, rounding off of settlements and development of previously developed land within or immediately adjoining settlements, infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend development into open countryside, and rural exception sites.
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6. The case put by the Appellant is that this proposal would represent rounding off. The Council considers the scheme an undesirable extension and intrusion of built form into the adjoining countryside to the detriment of the character and appearance of the countryside and setting of the village.
7. The LP explains that rounding off, in terms of Policy 3, applies to development on land that is substantially enclosed but outside the urban form of the settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth. It is explained that rounding off should not visually extend building into open countryside. There is also an informal Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (AN) which provides more detailed background to the approach to be adopted in such cases. It includes commentary to the effect that rounding off provides a symmetry or completion to a settlement, and that the decision makers should be looking for long standing and enclosing boundary features with suitable sites likely to be surrounded on at least two sides by existing built development.
8. Ashton is a sizeable village with some facilities and public transport availability. The Council indicates that it views the location and settlement as sustainable and I would agree with that analysis.
9. Ashton is an unusually shaped village with two main elements broadly north-east and south-west with A394 running between and some single depth development on the south side of this between and joining the two main parts. The broadly rectangular appeal site is right on the north of this main road, faces the southern development, and abuts the main north-east built area on its eastern side. To the west is a single dwelling which in some instances might be seen as outlier but here reads to me coherently with the south-west built area and the linking properties to the south. To the north of the site is a well established hedge, a significant commercial agricultural driveway, and a very sizeable array of related buildings which sits relatively close to about half this northern boundary. These buildings may not be classed as presently part of Ashton, and despite their sheer size and commerciality some might say they are rural, but the fact is they do undoubtedly provide enclosure.
10. Bearing in mind the degree of boundary containment and 'barriers' around this site, its abutting relationship to buildings of Ashton, and its almost pivotal central position between the two main built areas of the village I do not class this small level field as open countryside. There are some views across the land to open countryside beyond but these are not particularly extensive given intervening large buildings and trees and have no special visual merit particularly seen in the context of other quality views of open countryside which are available at nearby points. To my mind the site is read as part of the village and I would not see countryside character and appearance issues arise in principle with development here.
11. Taking all this together, and whilst there will always be some subjectivity on this matter, I would characterise this proposal as rounding off in the sense of using a normal English interpretation and I conclude that it would accord with the confines imposed by LP Policy 3 and the AN guidance. LP Policy 23 sets out that development should sustain local distinctiveness and character and protect Cornwall's natural environment. I conclude that there would be no breach of this policy. LP Policy 12 is concerned with achieving good design and given the elements which are reserved at this outline stage, and are not fixed upon the

submitted indicative material, I conclude that there is no reason why full compliance should not be achievable at the reserved matters stage.

Infrastructure and affordable housing

12. The appeal papers were accompanied by a signed Unilateral Undertaking (UU) under S106 of the Act and it is written in a way which gives me some discretion on its content.
13. As it stands this would provide for an off-site contribution to education provision and the maintenance and management of the on-site open space. The Council points out that as of January 2019 it has adopted a CIL charging regime which covers infrastructure provision such as education. Should a scheme here progress then a CIL contribution would be required in accordance with the charging schedule. A UU would not be needed for this matter. The Council also indicates that provision and management of any open space can be secured through the attachment of a suitable condition rather than going the UU route. On both these matters, and for the reasons given by the Council, I conclude that there is no need for a UU and on these fronts it carries no weight in my determination.
14. The matter of provision of or contribution towards affordable housing is, unfortunately, a muddled one. I say this given i) contradictory submissions by the Appellant at application stage over affordable housing content or otherwise; ii) the fact that the Council did not see the site as rounding off and therefore primarily went down the rural exceptions route in its analysis and decision; iii) the late production of a UU by the Appellant with a figure of £202,000.00 (expressed as amendable as I saw fit but without providing any possible tools for this); iv) the lack of engagement by the Council on this figure or explanation as to why, if one saw this as rounding off, the second sentence of paragraph two of LP Policy 8 relating to allowable contributions should not apply or is superseded; and v) the complete inadequacy of any information by and evidence from the Appellant (despite my specific requests) as to *precisely* how the £202,000.00 figure was reached.
15. What is clear to me is that the appeal scheme needs to be policy compliant in development plan and national guidance terms on the issue of affordable housing. I have no evidence that this is the case with the material before me. On this basis I cannot accept the UU affordable housing proposition as it has been presented. I can give no positive weight to the UU on this point and I can only conclude that the appeal scheme would run contrary to LP Policy 8 which is concerned with development contributing appropriately towards meeting affordable housing need.

Overall conclusion

16. For the reasons given above I conclude that whilst the proposed housing would be on a suitable site in principle having regard to the development plan and could contribute appropriately to infrastructure the appeal proposal would not satisfactorily contribute towards meeting affordable housing need. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR