

Appeal Decision

Site visit made on September 17 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Appeal Ref: APP/D0840/W/19/3223380

Land at Beach Road, Porthpean, Cornwall PL26 6AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Glithero against the decision of Cornwall Council.
 - The application, Ref. PA18/04417, dated 10 May 2018, was refused by notice dated 27 November 2018.
 - The development proposed is the construction of a 3/4 bedroom house on domestic recreation land.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed dwelling would have an acceptable relationship with the settlement of Higher Porthpean, including its effect on the character and appearance of the area.

Background and Reasons

3. The Council's Notice of Refusal refers to the proposed development being contrary to the aims of the policies of the Cornwall Local Plan: Strategic Policies 2010-2030 adopted in 2016 ('the Local Plan') and it is an assessment of the proposal against Policy 3 that is a key determinant in this appeal. Policy 3 as a whole sets out a development hierarchy within which new development should be accommodated and it is section 3.3 that refers to the potential for housing sites outside the main towns through a small number of different categories of development.
 4. The interpretation of section 3.3 is supported by paragraphs 1.65 to 1.68 of the Local Plan and further assisted by the Cornwall Chief Planning Officer Advice Note on Infill and Rounding Off ('the Advice Note') published in December 2017, these being the two main development categories requiring additional guidance. The Planning Officer's report which recommended approval of the planning application considered the proposal to be a rounding off of the settlement rather than infill development and this is the main basis of this appeal. For the appellant it is also pointed out that it was the officer's assessment under the formal pre-application procedure ('the pre-app') that the development would be rounding off that encouraged him to make the application.
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5. The argument for rounding off in the pre-app and followed through in the Officer's Report and now the Grounds of Appeal is that the eastern edge of the site is a logical limit for the settlement as it is delineated by a mature Cornish Hedge and a marked change in land level that then slopes sharply down towards the beach. It is this hedge and change of level that is considered to be the boundary to the open countryside, with the site itself comprising former garden land associated with the settlement and essentially read with a smaller adjoining area of land to the west that was also the subject of an application for a dwelling under ref. PA18/08947.
6. However, whilst this argument is not entirely without merit, I saw on my visit the settlement of Higher Porthpean is essentially linear in character with for the most part existing buildings having a substantial length of boundary with the road through the hamlet and positioned fairly close to it. This is clearly illustrated by the map extract in the Council's appeal statement. And whilst the southern boundary of the appeal site does have a section of boundary adjoining Beach Road, the great majority of the land's perimeter relates to fields and the aforementioned strip of land that was also the subject of a planning application.
7. The aerial photographs in the Council's statement and in Appendix C of the appellant's evidence tend to confirm that the position of the proposed building would read more as being within the open countryside than having a close spatial or visual relationship with Higher Porthpean, in particular the nearest buildings in the form of St Levan's Church, Rosemary Cottage and The Laurels. Although this would have the advantage of enabling the proposed dwelling to be discreetly sited in relation to its surroundings, it is countered by the Council's evidence of a likely prominence in longer distance views from a public car park in Lower Porthpean and public footpaths in the coastal strip.
8. Returning to the interpretation of 'rounding off' in Local Plan Policy 3.3, the Local Plan in paragraph 1.68 refers to this as applying to land that is '*substantially enclosed*'. The Advice Note mentions that rounding off should provide '*a symmetry or completion to a settlement boundary*' and that '*Proposals must be adjacent to existing development*'. In addition, '*Suitable sites are likely to be surrounded on at least two sides by existing development*'.
9. The Advice Note also makes the point that the boundaries of some settlements can be irregular and edges can include lower density development and large gardens that are important to the character and setting of the settlement. From all that I have seen and read I have not formed the view that any of these factors in the policy, its supporting paragraphs and in the Advice Note are supportive of the appeal scheme; rather that in combination they justify the committee's decision not to accept the officer's recommendation.
10. This decision by Members is a matter of planning judgement in an area of planning policy that is open to interpretation. And in fairness to the appellant I have taken into account that rather than being isolated in open countryside the appeal site is in the general vicinity of the western edge of Higher Porthpean. I have also accepted in paragraph 5 above, that the site's eastern edge is noticeably defined by a Cornish Hedge and a change of land level. In addition I have no criticism of the proposed design and there is the further argument that a dwelling and its future occupancy brings with it economic and social benefits.

11. However, having regard to current circumstances where the Council has a five year housing supply these matters are insufficient to outweigh my conclusion that the appeal scheme is contrary to Local Plan Policy 3.3 because the proposed dwelling would not have an acceptable relationship with the settlement of Higher Porthpean. And because the proposal would extend the built form into an area that, in the absence of any Neighbourhood Development Plan settlement boundary indicating otherwise, can reasonably be considered to be open countryside, it would have an unacceptably adverse effect on the character and appearance of the area.
12. The appeal scheme's conflict with Policy 3.3 has a consequence of also causing conflict with certain elements of Local Plan Policies 1, 2, 7, 12 & 23 and with paragraph 170 of the National Planning Policy Framework 2019.
13. For the reasons explained and having had regard to all other matters raised the appeal is dismissed.

Martin Andrews

INSPECTOR