



Appeal Decision

Site visit made on 12 September 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/D0840/W/19/3228156

Land to rear of Trebearc and Constantine Car Park, Constantine Bay, Padstow PL28 8JJ

- 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 Mr J Davies against the decision of Cornwall Council.
 - The application Ref PA18/09223, dated 27 September 2018, was refused by notice dated 5 February 2019.
 - The development proposed is construction of up to 4 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application has been submitted in outline with all detailed matters reserved apart from access. I have determined the appeal on this basis, having regard to the site location plan.

Main Issues

3. The main issues are the effect on the rural character and appearance of the area having regard to the policies of the development plan; and whether it would conserve or enhance the landscape and scenic beauty of the Area of Outstanding Natural Beauty.

Reasons

Character and appearance

4. The Council's spatial strategy is set out in Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (2016) (the CLP). The strategy seeks to maintain the dispersed development pattern of Cornwall and provide housing based on the role and function of each place. Policy 3 of the CLP defines how development will be accommodated based on this hierarchy of role and function. Outside specific main towns, housing growth is to be delivered through the identification of sites through Neighbourhood Plans, rounding off settlements, 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.
5. Paragraph 1.68 of the supporting text to Policy 3 of the CLP explains that 'rounding off' applies to development on land that is 'substantially enclosed',

but outside the main form of a settlement. It goes on to explain that the edge of such sites should be clearly defined by a '*physical feature*' (my emphasis) that also acts as a barrier to future growth (such as a road) and that it should not visually extend building into the open countryside.

6. To supplement this text, there is an informal Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (CPOAN) which provides more detailed background to the approach to be adopted in such cases. Whilst this has no formal status, it is intended to bring consistency of approach to the interpretation of Policy 3. I consider it is reasonable and helpful to use the CPOAN, as indeed do both the Council in its appeal statement and the Appellant.
7. The CPOAN includes commentary to the effect that 'rounding off' provides a symmetry or completion to a settlement, where the site has the appearance of being within the 'physical boundaries of that settlement'. It continues by saying that 'physical and logical boundaries are important and 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'. However, it explains that 'rounding off' development should not visually extend development into the open countryside.
8. The appeal site is a sizeable, mainly level, area of open land located to the rear of three residential properties which front the road to the bay. It is set back significantly from the highway and houses with a large area in between retained for use as a car park for visitors. To the east, the site shares a boundary with the private drive which provides access to a further three residential properties. To the north of the site a public right of way separates the land from the golf course and to the west the site adjoins open land and the locally important and dominant landscape feature, the dune system. The site is on a higher level than the sea and is surrounded by land which is mainly open and gently undulating. Consequently, there are limited views from the bay but there are longer distance views towards the site from some points within the public realm in addition to views from PROWs which are close to the site along the coast.
9. The site, most of which is currently used as a car park for visitors, retains its natural verdant state. The land is grassed and surrounded with hedgerows which mainly define the boundaries. There are no formal markings or permanent fixtures within the site that indicate the formal use of the land as a car park, although at the time of my visit I observed vehicles parked on the land. The appeal site is set back some distance from the houses along the road, except for a contiguous boundary with the rear garden of the host dwelling, Trebearc. To the north and west the land is open. It would not therefore be surrounded by development on 'at least two sides' and it would not provide a completion to a settlement boundary as described in the CPOAN. Furthermore, the potential for additional development to the south would appear to bring the appeal scheme in conflict with the CPOAN's commentary that '*Rounding off provides a symmetry or completion to a settlement boundary, it is not intended to facilitate continued incremental growth*'.
10. In conclusion, I do not characterise the appeal site as 'rounding off' and the completion of a settlement boundary rather it would appear as an unwarranted extension of residential development into the countryside. From the evidence

before me, the appeal site does not fall within any of the five exceptions to deliver housing outside the main towns as set out in Policy 3 of the CLP. I also find conflict with Policies 2, 12 and 23 of the CLP insofar as these policies aim to maintain and respect rural landscapes and sustain and promote local distinctiveness within Cornwall's natural environment.

Effect of the proposal on the AONB

11. The appeal site lies within the Carnewas to Stepper Point section of the Cornwall AONB and in determining the appeal I have had regard to the duty under section 85 (1) of the Countryside and Rights of Way Act 2000. This requires that decisions have regard to the purpose of conserving and enhancing the special qualities, distinctive character and key features of the AONB, a designation which is afforded one of the highest levels of protection and to which I must attribute significant weight. The Framework, at paragraphs 170 and 172 confirm that great weight should be given to conserving and enhancing landscape and scenic beauty and maintaining the character of the undeveloped coast in AONBs, which has a high status of protection in relation to these issues.
12. Constantine Bay displays a softer open coastal landscape with development set back from the sea front, allowing the beauty of the natural coastline to dominate. The development would result in the undesirable extension, intrusion and encroachment of residential development into the countryside and coastal landscape. The surrounding land commands wide views due to its gently undulating and openness. The proposed residential development of this site would be a prominent form of urban encroachment, to the detriment of the character and appearance of the surrounding landscape, which would fail to conserve or enhance the landscape character in this part of the Cornwall AONB.
13. Policy 3 Section 4 of the CLP sets out that within the AONB or its setting, development will be supported where it is in accordance with the other policies of the Plan and can demonstrate that it conserves and enhances the landscape character and natural beauty of the AONB. CSP4.03 is also cited in the reason for refusal, this falls in the Local Policies of the Cornwall AONB Management Plan 2016-2021 (AONB MP), for the Carnewas to Stepper point area. The intention of the policy is to encourage the enhancement of the coast around Constantine Bay towards having a more undeveloped coast.
14. Overall, the proposal would conflict with the essence of Policies 2, 3 and 12 of the CLP, saved Policy ENV1 of the North Cornwall District Council Local Plan Part 1 and Part 2 (1999) and Policies MD9 and CS4.03 of the AONB MP. These policies attach great importance to protecting the special qualities and characteristics of the AONB and to the conservation and enhancement of the natural beauty of the protected landscape. It follows that there is conflict with the Framework which places great weight on conserving and enhancing the AONB.

Other Matters

15. The replacement of part of the car park may be beneficial for some occupiers of neighbouring properties who may experience disturbance from the lawful use of the site. However, it would not outweigh the harm I have found with the proposal as detailed above.

16. Reference has been made to recent planning permissions for properties within proximity of the appeal site. However, I am not aware of the full circumstances of these cases and in any event, I have determined the appeal proposal on the evidence before me and on its individual planning merits.

Conclusion

17. For the reasons given above and having regard to other matters raised, I conclude that the appeal should be dismissed

S Hanson

INSPECTOR