
Appeal Decision

Site visit made on 17 February 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/D0840/W/19/3242527

The Croft, 53 Trevaunance Road, St Agnes, Cornwall TR5 0NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mrs L Thomas against the decision of Cornwall Council.
 - The application Ref PA19/06247, dated 18 July 2019, was refused by notice dated 23 August 2019.
 - The development proposed is erection of 1 dwellinghouse – utilising previously developed land in the form of the disused tennis court within the garden.
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Decision

1. The appeal is allowed and permission in principle is granted for 1 dwellinghouse – utilising previously developed land in the form of the disused tennis court within the garden at The Croft, 53 Trevaunance Road, St Agnes, Cornwall TR5 0NB in accordance with the terms of the application, Ref PA19/06247, dated 18 July 2019.

Application for costs

2. An application for costs was made by Mrs L Thomas against Cornwall Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Planning Practice Guidance (the PPG) explains that the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for the proposed development, from the technical detail. An applicant can apply for permission in principle (PiP) for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, PiP has been sought for the erection of a single dwelling. I have determined the appeal on that basis, having regard to the requirements of the Order and the PPG.
4. The St Agnes Parish Neighbourhood Development Plan 2018 to 2030 (the Neighbourhood Plan) was made on 13 September 2019, after the determination of the application by the Council. The Neighbourhood Plan is therefore now part of the Development Plan for the area. Both parties have had the opportunity to comment on its change in status in their appeal submissions.

Main Issue

5. The PPG advises that the scope of PiP is limited to location, land use and amount of development. The main issue, therefore, is whether the principle of the proposed development is acceptable, bearing in mind development plan policies and its effect on the rural character of the area.

Reasons

6. The Croft is a detached dwelling, in a large curtilage, on the northern edge of St Agnes. The curtilage already accommodates a substantial building that supports a solar array giving power to the house. Planning permission for a single dwelling in the garden, to the east of this array, was granted in 2018. On the same day as the decision giving rise to this appeal, PiP was granted for another dwelling in the garden, between the site for the previously approved dwelling and 51 Trevaunance Road. Neither of these permissions had been implemented at the time of my visit. The appeal site is almost entirely comprised of a hard-surfaced tennis court surrounded by a high mesh fence, which lies to the south of the solar array, within the residential curtilage.
7. The Croft lies outside the Settlement Boundary for St Agnes, as defined by the Neighbourhood Plan, although it borders it to the northeast and southeast. Policy 1 of the Neighbourhood Plan says that development within the Settlement Boundary will be supported, where it conforms with other policies in the plan. Policy 7 says that small scale "infill" housing schemes will be supported within the Settlement Boundary. Although the supporting text to Policy 1 says that development outside the boundary will be treated as exception sites, neither policy places a blanket exclusion on development outside the Settlement Boundary.
8. The Examiner's Report on the Neighbourhood Plan considered the relationship between the Cornwall Local Plan Strategic Policies 2010 - 2030 (the Local Plan) and Policy 7 of the Neighbourhood Plan. She concluded that the policy met the Basic Conditions, because it relates only to infill and is silent on "rounding off", and therefore does not preclude it in accordance with Policy 3 of the Local Plan. The simple fact that the appeal site lies outside the Settlement Boundary is not, therefore, determinative of the principle of the development.
9. The Council's spatial strategy is set out in Policy 2 of the Local Plan. 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 Local Plan 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 of settlements; development of previously developed land (PDL) within or immediately adjoining settlements; infill schemes; and rural exception sites.
10. The appeal site is not identified for development by the Neighbourhood Plan, and it is not put forward as an exception site. The dwellinghouse would not fill a small gap in an otherwise continuous built frontage, so would not meet the definition of infill development. Therefore, the proposal would only comply with Policy 3 of the Local Plan, if it constituted rounding off, or development of PDL within or immediately adjoining a settlement.

11. The supporting text to the Local Plan defines rounding off as development on land that is substantially enclosed, but outside of the urban form of a settlement, and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth. Furthermore, it should not visually extend building into the open countryside. Further guidance is contained in the Chief Planning Officer's Advice Note (CPOAN) titled Infill/Rounding Off, which both parties have referred to. This note additionally advises that the history and nature of the land will be an important consideration; that proposals must be adjacent to existing development; and that suitable sites are likely to be surrounded on at least two sides by existing built development. Additionally, it advises that development resulting in the creation of a further site for rounding off is unlikely to be rounding off in itself.
12. The CPOAN says that it provides guidance only, and it should not be used as a substitute for the policies of the adopted Local Plan. So, although I have noted the guidance it contains, I have primarily based my consideration on the policies and supporting text of the Local Plan.
13. The appeal site is enclosed on all sides. To the north is the large building housing the solar array; to the east is The Croft itself; and to the south and west there are traditional boundary hedges that separate the residential curtilage from the open countryside beyond. The site lies within the long-established residential curtilage of The Croft, and it is almost entirely taken up by a hard-surfaced tennis court with a high wire mesh fence. Consequently, it already has a developed character, so a dwelling on the site would not be a visual intrusion into open countryside.
14. The Council contends that the appeal site is physically detached from The Croft, and that it is separated from existing built development by intervening fields. However, I saw that the site is an integral part of the curtilage of The Croft, which adjoins the Settlement Boundary on two sides. There is built development on two sides of the site (The Croft and the solar array building). The dwellinghouse, along with the two dwellings already approved, would complete the development of the curtilage. The land to the south and west is undeveloped countryside of a markedly different character, so the proposal would not facilitate continued incremental growth or create any further opportunity for rounding off. Bearing all these factors in mind, I conclude that the development would constitute rounding off under the terms of Policy 3 of the Local Plan.
15. Policy 3 of the Local Plan also allows for the development of PDL within or immediately adjoining a settlement. The National Planning Policy Framework defines PDL as "*land which is or was occupied by a permanent structure, including the curtilage of the developed land....and any associated fixed surface infrastructure*". The appeal site, being almost entirely hard-surfaced and surrounded by a high mesh fence, meets this definition in its own right. It also meets the definition by virtue of being within the curtilage of The Croft, which is a permanent structure. Being outside the Settlement Boundary, the garden of The Croft is not excluded from the definition of PDL. As The Croft immediately adjoins the Settlement Boundary, the proposal would constitute development of PDL immediately adjoining the settlement. A single dwelling would be of a scale appropriate to the size and role of St Agnes, so the development would be in accordance with Policy 3.

16. Policy 21 of the Local Plan encourages sustainably located proposals that use PDL and buildings. The appeal site lies on the edge of a village, which has a range of services and facilities, including dentists, a doctors' surgery, a primary school, churches, shops, and a variety of sports facilities. Occupants of the dwellinghouse would have easy access to these facilities on foot or by bicycle. The development would therefore be sustainably located in accordance with this policy.
17. The site is located in the St Agnes landscape character area (LCA), which is described as generally an open plateau landscape with many mining remains, being dominated by St Agnes Beacon, a heath covered granite intrusion surrounded by a coastal plateau. The Council contends that the site has many of the key characteristics of the LCA, forming part of the heath covered coastal plateau. However, the site itself is a hard-surfaced tennis court, contained by boundary hedges. The high mesh fence is not readily visible from any point on the road to the north. It therefore follows that a dwelling would be equally well concealed, particularly if ground levels are reduced, as suggested in the appellant's submissions.
18. Any glimpses of the proposed dwelling from the road would be restricted to views of its roof, which would be seen within the context of the existing roofs of the solar array building, The Croft, and the two approved dwellings (if implemented). The proposed access, which is already partly in place, cuts through a semi-wild area, but it is not a prominent feature in the landscape, being well-screened by remaining vegetation on both sides. The dwellinghouse would not, therefore, have a harmful impact on the rural character of the area.
19. In conclusion, the site lies outside the Settlement Boundary for St Agnes as defined by the Neighbourhood Plan. However, I have found that the development would constitute rounding off under Policy 3 of the Local Plan, which is not precluded by the Neighbourhood Plan policies relating to the Settlement Boundary. The development is also supported by Policy 21 of the Local Plan, which encourages sustainably located proposals that use PDL. I have also found there to be no harm to the rural character of the area. Therefore, on consideration of the development plan, as a whole, I conclude that the principle of the proposed development is acceptable.

Conclusion

20. The PPG makes it clear that it is not possible for conditions to be attached to a grant of PiP, whose terms may only include the site location, the type and amount of development.
21. For the above reasons, I therefore conclude that the appeal should be allowed.

Nick Davies

INSPECTOR