

Appeal Decision

Site visit made on 9 July 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

Appeal Ref: APP/D0840/W/20/3245783

Land to the north of Azure, Shop, 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 Top to Bottom Ltd against the decision of Cornwall Council.
 - The application Ref PA19/07324, dated 16 August 2019, was refused by notice dated 10 December 2019.
 - The development proposed is outline application for the erection of 9 dwellinghouses (appearance, landscaping, layout and scale reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline form with all matters save for access reserved for future consideration. In view of the outline nature of the application, I have treated all plans depicting the layout as purely indicative.

Main Issues

3. The main issues are:
 - the suitability of the site for residential development, having regard to local policies in relation to the location and tenure of housing; and
 - whether the development would provide adequate contributions towards affordable housing and education infrastructure.

Reasons

Location of development

1. The appeal site lies to the west of St Merryn and comprises an agricultural field with road access from the B3276. The site and land either side to the north of the B3276 fall within the Area of Outstanding Natural Beauty (AONB). Owing to the size of the settlement and range of available facilities, the settlement is generally accepted as a location where new proportionate housing growth can occur, where appropriately located and in accordance with other local policies.
2. Policies 1 and 2 of the Cornwall Local Plan (CLP)¹ identify the strategic requirements of the development plan. Policy 3 of the CLP supports growth which is constitutes 'rounding off' or 'infilling', or the reuse of previously developed land within or adjoining the smaller towns and villages. The Council's

¹ Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016)

Advice Note² on 'Infill/Rounding Off' provides some guidance on the characteristics of sites suitable to qualify under these descriptions for the purposes of Policy 3.

3. CLP Policy 9 relates to rural exceptions housing schemes where they are outside of, but adjacent to an existing settlement and provide for a minimum of 50% affordable housing, cross-subsidised where necessary, by the provision of open market housing and subject to viability. Outline planning permission was previously granted on the site for an exceptions housing scheme of this nature, linked to a S106 planning obligation requiring a minimum of 50% affordable housing.
4. The appeal proposal seeks to develop up to nine dwellings. Whilst some provision of affordable housing is discussed in the evidence, the proposal is intended to be predominantly open market and is argued as being a scheme that would 'round off' the edge of the settlement without triggering the requirement for a minimum of 50% affordable housing under Policy 9.
5. In terms of its physical characteristics, the site is adjoined to the east by the dwelling, Azure, which cuts into the frontage. The pub car park and estate known as Marina Close adjoin the eastern boundary and another dwelling, Sunnysdene, extends along part of the rear field boundary. A public footpath separated by fencing runs alongside the western boundary of the field. Further west is another agricultural field. Residential development also continuously lines the opposite side of the B3276.
6. The site is one of two fields that combine together to form a large gap on the north side of the B3276, extending between Azure and No 1 Water Cottages to the far west. Beyond Water Cottages and further to the west, the settlement pattern is much more linear and tapered, closely lining the B3276. This characteristic obviously contrasts with the appeal site which has a far greater depth.
7. Despite the presence of housing adjoining approximately half of the site's boundaries, the gap formed by the appeal site and neighbouring field is a feature of the settlement in its own right. The north-western extent of the site feels far less influenced by residential development and users of the public footpath at this point will have a sense of travelling into the countryside, away from the settlement. Drawing a notional line between Sunnysdene and the Fairfield development and creating a new railing boundary on the edge of a suggested 'natural grassland area' would seek to artificially 'round off' the settlement given the current absence of a physical boundary feature separating the site in such a manner.
8. In my view, the proposal would not be visually contained within the existing settlement and would fall outside of it. Whilst a proposal to extend adjacent to the settlement in a manner consistent with CLP Policy 9 has previously been found acceptable, the proposal comprises open market housing and it therefore fails to accord with this Policy. As the proposal is considered to fall outside of the settlement and none of the exceptions of CLP Policy 7 are applicable, it is therefore unjustified development in the countryside.

² Chief Planning Officer's Advice Note: Infill/Rounding Off – November 2017

9. Consequently, the site is not suitable for residential development having regard to its location and the tenure of the proposed dwellings. The scheme therefore conflicts with the relevant aims of, in particular, Policies 2, 3, 7 and 9 of the CLP and the National Planning Policy Framework (the Framework).
10. Despite the scheme's outline form, insofar as the introduction of an open market housing scheme would visually extent the settlement beyond its current limits, it would also conflict with CLP Policy 23. This Policy, amongst other things, seeks to conserve and enhance the landscape character and natural beauty of AONBs and provide only for an identified local need to address their sensitivity and capacity.

Affordable housing and contributions

11. Though I have concluded that the site fails to accord with CLP Policy 9 in relation to rural exceptions schemes, were I to conclude that it were an infill or rounding off proposal under Policy 3, it would trigger the requirement for a provision of affordable housing under CLP Policy 8. Due to the site falling within a Designated Rural Area and within 'Value Zone 2', for schemes of between 6 to 10 units, a financial contribution would be required in lieu of an on-site provision of affordable housing.
12. In addition, the 'Section 106 Planning Obligations Guidance for Education Provision'³ sets out that education contributions will be sought from schemes of five or more open market dwellings where the schools in the area serving the development are already operating above 90% capacity. The evidence indicates that both the primary and secondary schools closest to the appeal site are operating above this threshold, thus triggering the requirement for an education contribution of £2,736 per open market dwelling.
13. The appellant's evidence alludes to the agreement of the aforementioned contributions, although no S106 planning obligation has been submitted. As such, notwithstanding the absence of affordable housing as detailed above, there is no mechanism to secure the necessary mitigation to offset the impacts of additional school pupils from the development.
14. In view of this main issue, the scheme would not provide adequate contributions towards education infrastructure and therefore conflicts with, in particular, Policy 28 of the CLP and the guidance contained in the Section 106 Planning Obligations Guidance for Education Provision.

Other Matters

15. I have considered the other case cited by the appellant as being similar to the appeal proposal. From the evidence available, the manner in which that site was more influenced by residential development, enclosed by an appropriately located physical boundary feature and made little contribution to the character of the area sets it apart from the current site. In any case, given that the matters at hand are site-specific and fact sensitive, relying upon planning judgement, the decision on that case carries very limited weight in my reasoning.

³ Section 106 Planning Obligations Guidance for Education Provision - Cornwall Council Education and Early Years Service, Version 2.1 (2018)

Planning Balance and Conclusion

16. The proposal would result in the provision of a number of dwellings which would add to the local housing stock. This would generate social and economic benefits for the wider area, which, given the scale of the development, I afford modest weight in the overall balance.
17. However, the proposal would be located outside of an area suitable for a residential development absent of any affordable housing provision. It would also fail to deliver contributions towards education infrastructure.
18. As such, the proposal would conflict with the Development Plan considered as a whole and there are no other material considerations to indicate that a decision should be taken other than in accordance therewith.
19. For these reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR