The Planning Inspectorate

Appeal Decision

Site visit made on 2 September 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/D0840/W/20/3251220
Land East of Vicarage Gate, St Erth, Hayle, Cornwall TR27 6FL

- 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 Mr Mark Barrett against the decision of Cornwall Council.
- The application Ref PA20/00516, dated 17 January 2020, was refused by notice dated 4 March 2020.
- The development proposed is the construction of between 4 and 6 dwellings.

Decision

1. The appeal is allowed and permission in principle is granted for the construction of between 4 and 6 dwellings at Land East of Vicarage Gate, St Erth, Cornwall in accordance with the terms of the application Ref PA20/00516, dated 17 January 2020.

Procedural Matters

2. I have used the site description given within the Council's decision notice as it most accurately conveys the location of the site.

3. The appeal proposal is for Permission in Principle. In accordance with the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, the scope of my assessment is limited to the location, land use and amount of development. This consent route has two stages. The first stage establishes whether a site is suitable in principle, and the second stage, the technical details consent, is where the detailed development proposals are assessed. The appeal proposal is at the first stage and I have considered the principle of the scheme.

Main Issue

4. The main issue, therefore, is whether the principle of the proposed development is acceptable, having regard to local and national policy for the location of housing.

Reasons

5. The site is open land at the edge of the village of St Erth. Scrub and trees are to the south and a former sand/gravel extraction pit is to the east, which are inside the St Erth Sand Pits Site of Special Scientific Interest (the SSSI). The rear of dwellings on Vicarage Gate are to the west, and housing under construction is to the north[1]. Beyond the construction site is a Public Right of Way (the PROW) which runs from Vicarage Gate into the countryside on a west to east axis.

[1] Granted planning permission under Ref PA19/03929

6. Policy 3 of the Cornwall Local Plan Strategic Policies 2010–2030 (adopted 2016) (the CLP) seeks to locate housing based on the role and function of each place. It supports proposals at sites identified within a Neighbourhood Development Plan, and/or limited growth within or adjoining Cornwall's smaller settlements, subject to a site meeting one of several spatial criteria.

7. Of potential application to this appeal, it supports the development of sites where a scheme would lead to the 'rounding off' of a settlement. The supporting text to Policy 3 states that the term rounding off relates to schemes on sites which are 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. Proposals for rounding off should not visually extend building into the open countryside.

8. Policy HI1 of the St Erth Neighbourhood Plan 2017-2030 (made 2018) (the SENP) places a settlement boundary around St Erth and allocates housing sites. The SENP looks to address evidenced local housing need and in doing so exceeds the minimum housing target for the area set out by the CLP. It allocates Sites A and B for major housing development within the boundary, and a phased approach for the affordable housing led development of three further sites beyond the boundary in the event of subsequent need.

9. The appeal site is outside of but adjoins the settlement boundary, and the Council consider this to draw the scheme into conflict with Policy HI1. However, whilst its supporting text makes a reference to the potential for limited infill housing within the settlement boundary, it does not engage directly with the prospect of small-scale windfall schemes outside of St Erth.

10. Policy HI2 of the SENP, on the other hand, does address that issue. It requires that schemes outside of the settlement boundary must not impact on open breaks between settlements that serve to safeguard their individual identity. Significantly, its supporting text clarifies that this relates to proposals on sites other than those identified in the SENP. It seems to me, therefore, that Policy HI2 anticipates the prospect of windfall housing beyond the boundaries of St Erth. Given such, when Policies HT1 and HT2 of the SENP are taken together, it is my opinion that the scheme would not conflict with Policy HT1.

11. The site is predominantly visible within the context of housing, particularly the emerging houses to the north which dominate views from the PROW. The site does not therefore read as an 'open break' between St Erth and a neighbouring settlement and the scheme would accord with Policy HI2. This urban context would also prevent the scheme from visually extending building into the countryside. The strong, dense greenery to the south and the pit to the east, both within the SSSI, would act as physical barriers to future growth. Given such, the scheme would round off St Erth under the terms of Policy 3 of the CLP.

12. Reference has been made to the Chief Planning Officers Advice Note: Infill/Rounding Off (2017) (the CPOAN). Whilst I have noted the content of the CPOAN, it is a guidance document not intended to displace the requirements of the development plan. As such, it has carried limited weight in my assessment.

13. I therefore conclude that the principle of the proposed development is acceptable, having regard to local and national policy for the location of housing. The scheme would accord with the relevant aims of Policies HI1 and

HI2 of the SENP, Policies 1 and 3 of the CLP and the National Planning Policy Framework (the Framework).

Other Matters

14. Paragraph 109 of the Framework states that proposals should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

15. The housing within Vicarage Gate is set to a reasonable density and its carriageways are quite narrow. However, intensifying the use of this local network with the quantum of housing proposed would not amount to a severe impact above and beyond the established situation in my view. Vicarage Gate is an overt residential environment with drivers and pedestrians consequently aware of the need to safely share the space. The additional traffic movements associated with the scheme would not have an unacceptable effect on highway safety within this context.

16. Whilst the adequacy of the site's access to services and facilitates has been questioned, the site is at the edge of a settlement with a range of facilities and which is allocated for growth. There is no compelling evidence that this proposal would prejudice the delivery of development elsewhere around the village. I have no reason to doubt the Council and Natural England's position that the scheme would not damage the integrity of the adjoining SSSI provided mitigation measures are secured at the technical details consent stage. Given the size of the site, I am satisfied in principle that the range of housing proposed can be accommodated in a manner that would suitably protect the living conditions of existing and future residents whilst also providing adequate parking and turning space.

17. Matters raised in relation to the need or otherwise for planning obligations in regard to such matters as open space and/or education, and the requirement to ensure that the site is suitably drained, are more appropriately considered at the technical details consent stage.

Conclusion

18. For the above reasons, and having considered all other matters raised, including by interested parties and the Parish Council, I conclude that the appeal should be allowed.

Matthew Jones

INSPECTOR