



Appeal Decision

Site Visit made on 20 October 2020

by Mr A Spencer-Peet BSc.(Hons) PGradDip.Law PGDip.LP

an Inspector appointed by the Secretary of State

Decision date: 02 November 2020

Appeal Ref: APP/D0840/W/20/3255243

Land Adjacent to Vicarage Stables, Chiverton Cross, Truro TR4 8HS

- 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 R McCurrach against the decision of Cornwall Council.
 - The application Ref PA19/10365, dated 25 November 2019, was refused by notice dated 2 January 2020.
 - The development proposed is the construction of one or two rounding off dwellings within the small settlement of Chiverton.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Within the appeal documentation and correspondence, the Appellant has referred to a costs application to be submitted at a later date. However, no application for costs has been received from the Appellants. Consequently, no separate decision has been made in relation to costs.

Main Issue

3. The appeal proposal is for a Permission in Principle. In accordance with the Planning Practice Guidance (the PPG) and the Town and Country Planning (Permission in Principle) Order 2017, this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development (first stage) from the technical detail (second stage). The appeal proposal is at the first stage and therefore I have considered the principle of the scheme. As the appeal does not relate to technical details, I have taken the submitted plans to be illustrative only.
4. The PPG advises that the scope of permission in principle applications at the first stage, is limited to location, land use and amount of development. The amount of residential development must be expressed as a range, indicating the minimum and maximum number of new dwellings. In this case, permission for up to two dwellings is being sought. I have determined the appeal on this basis.
5. In light of the above and the submissions of the main parties, the main issue is whether the principle of the proposed development is acceptable, having regard to the location of the appeal site and to policies of the development plan.

Reasons

6. The appeal site comprises a roughly triangular shaped parcel of land located to the west of the Chiverton Roundabout on the A30 highway. Within the site there are a number of agricultural structures as well as caravans and vehicles. The appeal site is bordered to the northeast by agricultural fields and to the west by an unmade single track lane which connects the site to Chiverton Cross. A relatively narrow belt of trees separates the site from the A3075 highway. Chiverton Cross is a small settlement which provides access to a range of facilities including highway services associated with the A30 main highway.
7. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies (2010-2030)¹ (the Local Plan). It sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing jobs in a proportional manner based on the role and function of each place.
8. Policy 3 of the Local Plan sets out the strategy for the delivery of housing across Cornwall and growth is centred on the named, larger settlements within the county. Chiverton is not listed as a named settlement within Policy 3 of the Local Plan. The supporting text to this policy provides that settlements that are not named within Policy 3 of the Local Plan can help meet housing requirement by, amongst other things, identification of sites where required through Neighbourhood Plans and windfall development, including infill sites and rounding off of settlements and development of previously developed land (PDL) within or immediately adjoining that settlement. The evidence indicates that there is currently no neighbourhood plan which allocates the site for development.
9. The main parties are in agreement that Chiverton represents a settlement. Notwithstanding that position, based on evidence before me and observations made on my site visit, in my view the appeal site is not located within the logical boundaries of that settlement. The appeal site is a somewhat untidy parcel of agricultural land which is separated from the settlement by the unmade narrow track which runs adjacent to the western boundary of the site. By reason of the expanse of more open land, high hedges and parcel of woodland, the land to the east of this trackway has a greater physical and visual affinity with the countryside rather than forming part of the settlement which is located west of the unmade trackway.
10. The Appellant has put it to me that the appeal scheme would represent infill or rounding off of the settlement. In this regard, I have been referred to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (the CPOAN) which, whilst being informal guidance, provides clarity on the approach to be adopted in relation to infill and rounding off of settlements, and as such I have had regard to this advice.
11. By reason of the appeal site's location outside of the settlement, and given that the proposed development would not fill a small gap in an otherwise continuous built frontage, the proposal could not be considered to accord with the provisions of Policy 3 of the Local Plan in relation to infill within a settlement. Nonetheless, the appeal site does adjoin the settlement and Policy 3 of the

¹ Adopted November 2016

Local Plan provides that proposals could be considered in the context of whether it constitutes use of PDL or the rounding off of the settlement, on land immediately adjoining that settlement.

12. From the evidence before me and from observations made on my site visit, it is apparent that the appeal site currently comprises agricultural land and, as such, is excluded from the definition of PDL as provided within the National Planning Policy Framework (the Framework).
13. Within the context of Policy 3 of the Local Plan, rounding off is defined as being development on land that is substantially enclosed and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth. The CPOAN reflects the definitions of rounding off as provided within the Local Plan and further confirms that development resulting in the creation of a further site for rounding off is unlikely to be rounding off in itself and that rounding off should provide symmetry or completion to a settlement boundary.
14. As noted above, the appeal site is bordered to the west by the unmade trackway and is bounded to the northeast and east and south by agricultural land and a parcel of woodland. There would be no barrier to further growth northeast of the site and the appeal scheme would physically and visually extend the built form of Chiverton into the countryside. As such, I conclude that the proposed development would not meet the definition of rounding off as provided by Policy 3 of the Local Plan. For the reasons given above, I find that the proposal would not fall within any of the identified methods of delivery set out in Policy 3 of the Local Plan, and consequently I conclude the proposal would be contrary to Policy 3 of the Local Plan.
15. The supporting text to Policy 7 of the Local Plan defines open countryside as being the area outside of the physical boundaries of an existing settlement where it has a clear form and shape. For the reasons given above, the appeal site is located outside of any settlement and, accordingly, the provisions of Policy 7 of the Local Plan apply to the appeal scheme. This policy supports development proposals within the open countryside where it is shown that special circumstances exist. A number of criteria are listed against which proposals may be assessed. None of these special circumstances apply to the appeal proposal and, consequently the proposal would not accord with Policy 7 of the Local Plan.
16. Notwithstanding the above, even in the event that the appeal site was considered to be within the settlement, the scheme would still not fill a small gap in an otherwise continuous built frontage and so would not represent infill. While it is noted that the site is bounded by the adjacent unmade trackway and by a residential development to the north which complied with the requirements of Policy 7 of the Local Plan with regards to reuse of buildings within the countryside, development of the site would not provide symmetry or completion to the settlement boundary. Accordingly, the proposal would not represent rounding off.
17. The Appellant has further put it to me that the scheme would accord with the definition of 'other development within a settlement' as described within the CPOAN. In this regard, the CPOAN refers to development which would accord with Policy 21 of the Local Plan. Policy 21 of the Local Plan concerns making the best use of land and buildings, and provides that encouragement will be given for development which, amongst other matters, appropriately increases

- building density taking account of the effect on character and appearance and the accessibility of services and facilities.
18. As noted above, the site is not far from a range of services and facilities located at Chiverton Cross and the scheme would comply with criterion c) of Policy 21 of the Local Plan in this regard. However, this policy also requires consideration of the effect of the proposal on the character of the surrounding area.
 19. The appeal site falls within landscape character area CA11, Redruth Camborne and Gwennap, as described in the Cornwall and Isles of Scilly Landscape Character Study (the LCS). The LCS describes the surrounding landscape as characterised by a rolling, predominantly pastoral, patchwork of fields demarcated by traditional hedgerows. Being outside the established built form of Chiverton and given its agricultural use and surrounding hedgerow features, in character the appeal site represents part of the countryside and reflects certain characteristics of CA11.
 20. As noted above, the appeal site is located outside of the settlement and would represent an encroachment into the countryside. The appeal scheme would be visible from within the adjacent unmade trackway and would be visible from within the more open countryside to the north and northeast of the site. As such, I find that the introduction of residential development at the appeal site would add to the built form within this countryside location and, with parking arrangements and the paraphernalia associated with residential occupation, the proposal would be detrimental to the character of the surrounding area.
 21. Consequently, the proposal would not accord with the provision of other development within a settlement as described within the CPOAN and would not comply with the requirements of Policy 21 of the Local Plan. Furthermore, and for the same reasons, the scheme would fail to accord with the provisions of paragraph 170 of the Framework which requires that decisions recognise the intrinsic character and beauty of the countryside.
 22. In summary of the above, the appeal scheme would conflict with Policies 2, 3 and 7 of the Local Plan and would fail to accord with paragraph 170 of the Framework. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
 23. The appeal scheme would make a contribution towards local housing supply. There would be additional benefits in terms of employment opportunities during the construction phase and I acknowledge that it would be likely that future occupants of the scheme would make use of services and facilities across the area, thereby supporting the local economy. Cumulatively, I attach limited weight to these benefits in the determination of this appeal by reason of the scale of the proposal.
 24. Against these matters, the appeal proposal would conflict with the development plan when taken as a whole. The harm resulting from the conflict with the development plan weighs significantly against the proposal. The identified harm would outweigh the limited benefits of the proposal and the scheme would be in conflict with the environmental dimension of sustainable development. Consequently, the appeal scheme could not be considered to be sustainable development in the context of the Framework or in terms of Policy 1 of the Local Plan for which there is a presumption in favour of.

25. The Appellant has referred me to a number of recent Local Planning Authority decisions and Appeal decisions which, it is maintained, establishes the principle of development at the appeal site and are comparable to the proposed scheme. In this regard, the Appellant has cited the appeals at Trevenna Cross² and Wheal Rose³ in support of the contention that Chiverton would represent a settlement. However, as noted above, there is no disagreement between the main parties that Chiverton is a settlement within the context of the Local Plan. It will be seen from the above that whilst I would concur that Chiverton is a settlement, unlike the locations relevant to the cited decisions, the appeal site is not located within the logical boundary of that settlement.
26. The Appellant has further referred me to recent decisions by the Council in support of the proposal. In this respect, it is noted that the new dwelling which would be located to the north of the appeal site and also on the eastern side of the unmade trackway, has been permitted under an exception to new dwellings within the countryside as provided under Policy 7 of the Local Plan. As such, whilst there would be some residential development on the eastern side of the unmade trackway at this location, it is apparent that it was considered that that site was within the countryside and not within the settlement. Accordingly, the decision supports the contention that the appeal site itself is outside of the settlement and within the countryside for planning purposes. As the appeal proposal would not accord with any of the exceptions to development within the countryside as provided under Policy 7 of the Local Plan, these matters are not comparable.
27. Furthermore, with regards to the decisions at Porth Kea and Boscolla, the evidence indicates that development was permitted in relation to infill or rounding off within or adjoining a settlement. For the reasons given above, whilst Chiverton is a settlement, the appeal site is not located within the boundaries of the settlement and would not represent infill or rounding off. Consequently, the permissions and appeal decisions cited by the Appellant are not comparable to the appeal scheme. Accordingly, I have determined this appeal on its own merits.

Conclusion

28. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR

² Appeal Reference: APP/D0840/W/19/3237217

³ Appeal Reference: App/D0840/W/19/3225000