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## Appeal Decision

Site visit made on 1 December 2020

**by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 December 2020**

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**Appeal Ref: APP/D0840/W/20/3258527**

**Land North West of No.7 Tregrehan Mills, Tregrehan Mills, St Austell  
PL25 3TL**

- 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 & Mrs Oliver against the decision of Cornwall Council.
  - The application Ref PA20/02773, dated 20 March 2020, was refused by notice dated 29 June 2020.
  - The development proposed is the proposed development of a single dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. 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.
3. 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 a single dwelling is being sought. I have determined the appeal on this basis.
4. 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 the character and appearance of the surrounding area.

### Reasons

5. The appeal site comprises a parcel of land located northwest of 7 Tregrehan Mills and adjacent to a narrow lane which is situated on the site's western boundary. The site forms part of the Landscape Character Area LCA39, St Austell Bay and Luxulyan Valley, which the Cornwall & Isles of Scilly Landscape Character Study (the CISLCS) describes the key landscape characteristics of the area as including, amongst other things, strongly undulating pasture

farming plateau inland with small fields with trees and small woods, linear woodland along streams and wooded river valleys of Luxulyan and Prideaux. From observations made on my site visit and given the location of the site within an area of wooded valleys, I find that the appeal site reflects and positively contributes to the key landscape characteristics as referred to within the CISLCS.

6. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies (2010-2030)<sup>1</sup> (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.
7. 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. Tregrehan Mills 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: identification of sites where required through Neighbourhood Plans, rounding off of settlements and development of previously developed land (PDL) within or immediately adjoining the settlement of a scale appropriate to its size and role; infill schemes that fill a small gap in an otherwise built frontage; and rural exceptions sites for affordable housing.
8. The main parties have referred me to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (the CPOAN) which provides some guidance on what would constitute a settlement, as well as providing further guidance in relation to matters of rounding off, infill and previously developed land. Whilst being informal guidance, the CPOAN provides clarity on the approach to be adopted in relation to such matters, and as such I have had regard to this advice.
9. The appeal scheme is not an affordable housing proposal and the site is not identified in a neighbourhood plan. I understand that the draft Carlyon Neighbourhood Plan proposes a settlement limit that would place the site outside of the settlement boundary. However, given that the Neighbourhood Plan has not yet been adopted and that there may be unresolved objections to its policies, it may be subject to further amendment such that I am able to attribute only limited weight to the Neighbourhood Plan in the determination of this appeal.
10. It is common ground between the main parties that Tregrehan Mills is a settlement within the context of the Local Plan. Based on observations made on my site visit and on the evidence before me, Tregrehan Mills has a well-defined shape, with the built up area of the village being predominately concentrated in a linear pattern adjacent to a narrow highway.
11. Notwithstanding the above, in my view the appeal site does not, functionally or visually, form part of the settlement. Whilst the appeal site is adjacent to 7 Tregrehan Mills, visually the site forms part of a gap between the edge of the settlement and those low density straggle of dwellings which are located north of the site and which are isolated from the village itself. When passing 7 Tregrehan Mills heading north along the adjacent narrow lane, there is a

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<sup>1</sup> Adopted November 2016

sense of leaving the village and entering into the countryside. The historical aerial photographs in the Council's submissions tend to support this view with the site forming part of an area of dense vegetation north of the settlement.

12. Given that the appeal site is located outside of the settlement, the appeal scheme could not be considered under the provisions of infill in terms of the Local Plan or in the context of the CPOAN. Nonetheless, the site is located immediately adjoining the settlement and it has been put to me by the Appellants that the scheme would represent rounding off of the settlement and use of PDL.
13. The supporting text to Policy 3 of the Local Plan provides that, at paragraph 1.68, rounding off applies to land that is substantially enclosed but outside 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. This paragraph further confirms that rounding off should not visually extend building into the open countryside.
14. Based on the provisions of Policy 3 of the Local Plan and on the guidance contained within the CPOAN, the appeal scheme would not represent rounding off of the settlement. As noted above, visually the appeal site does not have the appearance of being within the physical boundaries of the settlement. Whilst I acknowledge the Appellants' submissions and the presence of features to the west (the narrow lane) and to the south (the dwelling at 7 Tregrehan Mills), which would act as a barrier to further growth, there are no physical features on the northern or eastern boundaries that would act as a firm barrier to future growth.
15. Furthermore, given that development of the site would extend the built form of the settlement adjacent to the eastern side of the narrow lane opposite an expanse of undeveloped countryside and woodland, the proposal would not provide symmetry to or completion of the settlement boundary but rather would appear as a unbalanced projection of the village into the countryside. In this regard, the proposal would also not represent a logical extension to the village.
16. Notwithstanding the above, consideration of whether the appeal site represents PDL is required when assessing the proposal against Policy 3 of the Local Plan. The glossary to the National Planning Policy Framework (the 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 definition continues, confirming that, amongst other matters, land that is or was last occupied by agricultural buildings and land that was previously developed but where the remains of the permanent structure have blended back into the landscape, are specifically excluded from the definition of PDL.
17. The Appellants have put it to me that, historically, the site was occupied by a school building and that the remains of this structure and the remains of a wall located within the site indicate that the site represents PDL. In this regard, the main parties have provided historic maps of the area which indicate that a school was located at the site during the latter part of the nineteenth century, but that the land had reverted back to agricultural land in the early twentieth century.

18. As noted above, the site appears as part of the countryside outside of the settlement and the evidence indicates that a section of the site previously formed part of a nursery which would be excluded from the definition of PDL. Furthermore, whilst the presence of a section of low stone wall and remnants of a block constructed structure in the southern section of the site are noted, it is apparent from the Appellants' evidence that the limited remains of these structures had blended back into the landscape given that when the land was purchased the Appellants were unaware of the presence of these remains until the land had been cleared of vegetation.
19. There were no other discernible features within the site which would indicate that the land was previously developed, and most individuals passing the appeal site would be unaware of its former, historic use for the siting of a school or other permanent structure. For these reasons, I conclude that the site would not accord with the definition of PDL as described within the Framework and, consequently, the appeal proposal would not comply with the provisions of Policy 3 of the Local Plan or criterion a. of Policy 21 of the Local Plan with regards to use of PDL.
20. 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. For the reasons given above, the appeal site is located outside of any settlement within the context and definitions of the Local Plan and, accordingly, the provisions of Policy 7 of the Local Plan apply to the appeal scheme. This policy supports development proposals outside of settlements, 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.
21. The proposal would introduce built development into the countryside and would, thereby alter its character and appearance. The adjoining landscape predominately exhibits clear key characteristics of the wider area, namely being set within an area of wooded valleys.
22. As noted above, development of the site would represent an extension of the settlement into the countryside, with the domestic paraphernalia associated with residential occupation that that would entail. As a single dwelling, the appeal scheme would be a relatively small feature within the wider landscape. As such, its impact on the character and appearance of the surrounding area would be relatively limited.
23. Nonetheless, the proposal would result in the built form of Tregrehan Mills encroaching into an undeveloped part of the countryside. By reason of the appeal site's location adjacent to the highway, the proposal would be visible from within the public realm. Development of the site would erode part of the countryside beyond the settlement, reducing the gap in built development between the settlement edge and the straggle of outlying dwellings to the north of the site and which forms part of the setting of the village. The proposed development would thereby undermine the rural character and appearance of the area outside of the village.
24. In light of the above, I conclude that the proposed development would not be in a suitable location for a new dwelling, having regard to Local and National Planning Policy. The proposed development would not constitute rounding off

or use of PDL adjoining a settlement. It would, therefore, conflict with Policies 1, 2, 3, 7 and 21 of the Local Plan which, amongst other things, seek to ensure that development proposals can be considered sustainable development by ensuring that development protects local distinctiveness and the character of the area and does not extend development into the open countryside.

25. Furthermore, the appeal scheme would result in harm to the character and appearance of the area and, as such, would conflict with Policy 23 of the Local Plan, which seeks to ensure that the local distinctiveness and character of the area is protected and, where possible, enhanced.
26. I accept that the appeal proposal would make a contribution towards housing supply in a location which has access to the services and facilities contained within Tregrehan Mills. I further acknowledge that future occupants will be likely to make use of services and facilities across the area, thereby supporting the local economy. However, the benefits associated with the proposal would be small and the Council indicate that they are able to demonstrate a five year supply of housing land, which has not been challenged. In view of these matters, I have attached only limited weight to the benefits of the proposal and they are not sufficient, either individually or cumulatively, to outweigh the harm that I have identified with regards to the location of the proposal within the countryside and to its effect on the character and appearance of the area.

### **Other Matters**

27. Interested parties raise additional objections to the proposal on the grounds of flood risk. Whilst this is an important matter, the appeal before me relates to the first stage of a Permission in Principle Application. Technical matters which would include assessment of flood risk, form part of the consideration of the scheme at the second stage and therefore do not require further consideration in relation to this appeal.

### **Conclusion**

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

*Mr A Spencer-Peet*

INSPECTOR