
Appeal Decision

Site visit made on 16 February 2021

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

an Inspector appointed by the Secretary of State

Decision date: 15 March 2021

Appeal Ref: APP/D0840/W/20/3262243

**Land Adjacent Cliff Cottage, Porthrepta Road, Carbis Bay, St Ives
TR26 2NN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Annabel Hodin against the decision of Cornwall Council.
 - The application Ref PA20/01326, dated 11 February 2020, was refused by notice dated 18 June 2020.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling at Land Adjacent Cliff Cottage, Porthrepta Road, Carbis Bay, St Ives TR26 2NN in accordance with the terms of the application, Ref PA20/01326, dated 11 February 2020, subject to the conditions in the attached schedule.

Main Issue

2. The main issue in this appeal is whether or not the proposed development would be in a suitable location, having regard to Local and National Planning Policy and to the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises sloping land located adjoining Beach Road and adjacent to the dwelling at Cliff Cottage which is located east of the site. The appeal site is bounded to the west by steps leading to and from the South West Coast Path which wraps around the appeal site on its western and northern boundaries. To the north beyond the coast path is Carbis Bay beach.
4. Whilst the Appellant's submissions are noted and it is acknowledged that there is residential development on the north side of Beach Road, by reason of its location, the sloping and heavily overgrown and unkept nature of the site, in my view, the site is located outside of the settlement. The settlement at Carbis Bay has a clearly definable shape and while the site is outside the form of Carbis Bay, it is nonetheless adjacent to that settlement.
5. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies (2010-2030) (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.

6. Policy 3 of the Local Plan provides that outside of the main towns, housing growth will be delivered by, amongst other things, small scale rounding off and building on previously developed land within or adjoining settlements. The supporting text to this policy further defines 'rounding off' as 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 (such as a road), and should not visually extend building into the countryside.
7. The main parties have referred me to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (the CPOAN) which, amongst other things, provides some guidance in relation to rounding off, infill and other development within a settlement. 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.
8. The appeal site is outside the urban form of Carbis Bay and enclosed on three of its sides, by residential development to the east and west and by the adjacent highway to the south which would act as barriers to further growth. Whilst being outside of Carbis Bay, the site nonetheless would be seen in the context of that settlement. As a consequence of all these matters, the development would not appear visually as an encroachment into open countryside.
9. I therefore consider that the proposed scheme would accord with the definition of rounding off as set out in Policy 3 of the Local Plan and as provided within the CPOAN. Accordingly, there would be compliance with the overall strategy for the location of development as set out in the Local Plan. Given the above conclusion on the issue of rounding off, and the related compliance with Policy 3 of the Local Plan, it has not been necessary to examine matters of previously developed land or infill with regards to the scheme.
10. In light of the above reasons, the requirements of Policy 7 of the Local Plan, and the need to demonstrate special circumstances for the erection of a dwelling in the countryside, do not need to be met in this instance. Furthermore, the appeal proposal would not be located far away from other people, buildings or places and therefore would not represent an isolated dwelling in the context of paragraph 79 of the National Planning Policy Framework (the Framework).
11. As noted above, the appeal proposal would be seen in the context of nearby development located within Carbis Bay. Nearby development exhibits a mixture of styles and design and comprises development which is varied in terms of scale and height. The appeal scheme would be set against the cliff and would be commensurate with those dwellings located on the north side of Beach Road in terms of scale. The proposed dwelling incorporates a green flat roof and would be a low level design that would not look out of place in the context of the nearby built form.
12. Given the adjacent residential development which includes contemporary design, the appeal scheme would not be a visually discordant feature within the area. Whilst it is acknowledged that the use of the site would intensify with all the domestic paraphernalia that would entail, by reason of the sloping nature of the land and through appropriate landscaping which can be secured by condition, and due to the presence of the existing adjacent dwellings which are

set into this part of the cliff, the appeal scheme would not be a prominent feature in views and would not be an incongruous feature when viewed from Carbis Bay beach.

13. The appeal site is overgrown and somewhat unkept. Whilst I have concluded above that the site is located outside of the settlement it is nonetheless immediately adjacent to it and would be seen against the background of nearby residential development. In my view, the proposed scheme would integrate well within its surroundings which includes modern and contemporary development adjacent to the site.
14. Policy OS9 of the St Ives Area Neighbourhood Plan (the Neighbourhood Plan) relates to panoramas, vistas and views and seeks to protect those views within, from and to the town that contribute to its special character and quality of coast, countryside and townscape. The Policy requires that development should not compromise the panoramas, vistas and views shown on accompanying Map 11 and described in Appendix 4 to the Plan. In my view and given the above with regards to the site being seen in the context and backdrop of residential built form, the appeal scheme would not compromise the panoramas, vistas and views of the coastal landscape at Carbis Bay.
15. I therefore conclude that the proposed development would be in a suitable location for a new dwelling, having regard to the character and appearance of the surrounding area. The proposal would meet the requirements of rounding off of the settlement and, in combination with the above reasons, it would comply with Policies 2, 3, 12 and 23 of the Local Plan. These seek, among other things, to ensure that the local distinctiveness and character of the area is protected, and that development responds appropriately to its landscape setting.
16. Furthermore, the appeal scheme would be in accordance with Policies GD1 and OS9 of the Neighbourhood Plan, which requires that the size, scale and use of the proposed development is sensitive to its surroundings and does not compromise important panoramas, vistas and views. The proposed development would also comply with those parts of the Framework which require developments to be of high quality design which is sympathetic to the character of the area.
17. The proposal would also provide social benefits in terms of the contribution towards housing supply and would provide economic benefits in terms of employment opportunities during the construction phase and through the spend of future residents within local businesses. Furthermore, and in respect of any environmental benefits that may result from the proposed scheme, I conclude that appeal site would be close to a range of services, facilities and employment opportunities which can be conveniently accessed.

Conditions

18. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord.

19. I further find it reasonable to include a condition requiring details of any landscaping, be agreed with the Local Planning Authority prior to commencement of works, in the interests preserving the character and appearance of the surrounding area. For the same reasons it is reasonable to include a condition requiring that external materials be agreed with the Council. However, in respect of external materials, I see no reason why these details should be provided prior to commencement of works and can be secured prior to installation.
20. In the interest of highway safety and public convenience, I have included conditions requiring details of a Construction Method Statement prior to commencement or any works at the appeal site. It is further reasonable to include a condition that requires the parking and turning areas be constructed prior to the development being brought into use in the interests of highway safety, public convenience and the living conditions of future residents. To address the housing requirements within Carbis Bay, pursuant to the provisions of the Neighbourhood Plan, it is necessary to restrict the dwelling to use as a principal residence.
21. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance. The wording of the pre-commencement conditions, have been agreed by the Appellant.

Conclusions

22. For the reasons given above, the appeal succeeds, and planning permission is granted subject to the conditions identified.

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
- 2) The development hereby approved shall in all respects accord strictly with drawing numbers: Plan 00 Site/Location, Plan 00 Site/Location showing PROW, Topographic Survey Plan, Plan 01C Site and Block Plan Proposed, Plan 02D Top Floor Level, Plan 03C Middle Floor Level, Plan 04C Lowest Floor Level, Plan 05C Site Section, Plan 06C Site Section, Plan 07 North Elevation, Plan 08 South Elevation, Plan 09 West Elevation and Plan 10 East Elevation received by the Local Planning Authority on 11 February 2020.
- 3) Prior to installation, details of the materials to be used in the construction of the external surfaces (doors/windows/lintels/sills/stonework/render) of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 4) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall provide planting plans with written specifications including:
 - Details of all existing trees and hedgerows on the land, showing any to be retained, and measures for their protection to be used in the course of development;
 - Full schedule of plants;
 - Details of the mix, size, distribution and density of all trees/shrubs/hedges;
 - Cultivation proposals for the maintenance and management of the soft landscaping;
 - Full details of all boundary treatments.

The protection measures proposed shall be completed in accordance with the approved scheme before the development hereby permitted commences and shall thereafter be retained until it is completed. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

All planting, seeding or turfing comprised in the approved scheme of landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted.

- 5) Before any of the development hereby permitted is brought into use, parking areas shall be provided in accordance with Plan 02D and the said areas shall not thereafter be obstructed or used for any other purpose or completed in any other finish.
- 6) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) hours of working.
- 7) The dwelling hereby permitted shall not be occupied other than by a person as his or her Only or Principal Home. For the avoidance of doubt, the dwelling shall not be occupied as a second home or holiday letting accommodation. The Occupant will supply to the local planning authority (within 14 days of the Local Planning Authority's written request to do so) such information as the Local Planning Authority may reasonably require in order to determine whether this condition is being complied with.