



Appeal Decision

Site Visit made on 23 November 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2022

Appeal Ref: APP/D0840/W/21/3275410

Land to the East of the Stables, Highgate Hill, Higher Fraddon, St Columb TR9 6LG

- 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 Steve Jones against the decision of Cornwall Council.
 - The application Ref PA20/08024, dated 3 September 2020, was refused by notice dated 20 November 2020.
 - The development proposed is described as the construction of five dwellings within a distinct area to round off the existing residential development.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of five and a maximum of five dwellings at Land to the East of the Stables, Highgate Hill, Higher Fraddon, St Columb TR9 6LG in accordance with the terms of the application, Ref PA20/08024, dated 3 September 2020.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first ('permission in principle') stage establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal on this basis.
4. Following the Council issuing its Decision Notice, the St Enoder Parish Neighbourhood Plan: 2018–2030 (PNP) passed referendum stage and the submitted evidence indicates that it has therefore become part of the development plan for the area. I have determined the appeal on this basis.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

6. The appeal site is an undeveloped parcel of land situated next to the A30 and near to various properties off Highgate Hill and Pit Lane. Although the site provides green space between the A30 and the properties on the edge of Indian Queens, the gap is not large. Combined with the presence of surrounding development, it does not therefore provide any significant or important setting to the settlement, nor does it positively contribute to the character of the area or read as a particularly notable or positive feature in the locality. Instead, rather than relating to the surrounding rural landscape or exhibiting the key landscape characteristics of the landscape character area CA17, it appears as a small left over parcel of land sandwiched between the A30 and the built frontage that – given the new development I observed on my site visit – now runs continuously along Highgate Hill to the site.
7. The site is located outside of the Indian Queens settlement envelope as shown in PNP large map 2. Amongst other aspects, PNP Housing Policy 2 sets out that such land should be safeguarded for the diversity of its landscape and that housing developments outside of settlement envelopes will only be supported where they are consistent with Policies 3, 7, 9 or 21 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP).
8. Given its location, the site is considered by the PNP to be countryside. However, with the proximity of built form bounding much of the site and the A30 providing a linear block and clear physical boundary to the settlement, the site does not read as being in or forming part of the open countryside, which the CLP defines as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape). Given its context, rather than being – in the words of the Chief Planning Officer's Advice Note on Infill/Rounding Off – part of an expansive area before the next settlement, the site instead forms a small discrete parcel of land marooned between existing development. On this basis and in light of its limited size, it also does not provide a rural or important green buffer between the A30 and the settlement of Indian Queens. In addition, the group of properties in the vicinity, irrespective of whether they are on the same or opposite side of Highgate Hill and Pit Lane, form a discrete block of housing beyond the settlement envelope.
9. CLP Policy 3 provides for new housing outside of the main towns to be delivered via a variety of means. One of these includes rounding off of settlements. However, the supporting text in the CLP sets out that rounding off applies to, amongst other aspects, 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. In this instance, the neighbouring parcel of land adjoining the south-west part of the site has an uncertain status, with the main parties disagreeing about its lawful use¹, and there is no physical feature between that plot and the site. Accordingly, it is not clear to me that the appeal proposal would constitute rounding off.
10. Notwithstanding this, the size of the site and its position, situated between the A30 and the properties that run along the same side of Highgate Hill, means

¹ Within the context of an appeal under section 78 of the Town and Country Planning Act 1990, it is not within my remit to formally determine the lawful use of land. If a person wishes to ascertain whether an existing use is or would be lawful, the correct approach is for an application to be made under section 191 or 192 of the Act for a certificate of lawful use.

that the appeal proposal would fill a small gap in an otherwise continuous built frontage. On the basis that I have found that the site does not read as forming part of the open countryside, the proposed development would also not physically extend the settlement into the open countryside. The appeal proposal would therefore meet the requirements of CLP Policy 3 in relation to infill schemes and is thus also supported by PNP Housing Policy 2. Furthermore, given the proposal only involves the erection of five dwellings within, as I have found above, a discrete block of housing, the development proposed would constitute small-scale infill within an area which is supported by PNP Housing Policy 3. The reference in paragraph 1.68 of the CLP to infill sites of one-two housing units does not lead me to a different conclusion as that relates to infill in smaller villages and hamlets, which is not the case here. In addition, as the site is not immediately adjacent to the settlement envelope, the reference in the PNP to housing developments on greenfield land needing to be exception sites is not relevant in this instance, and in any event I have not found the proposal would constitute rounding off.

11. In coming to this view, I have taken into account the density of the proposed development in relation to the existing built environment and the scale and pattern of development in the vicinity of the site and within the settlement envelope of Indian Queens. Some properties along Highgate Hill are also detached, set in their own plots and exhibit a variety of boundary treatments. Furthermore, given the neighbouring parcel of land adjoining the south-west part of the site is not accessed off Highgate Hill and is therefore, as I observed on my site visit, set within a different, more rural context, the findings of the Inspector in relation to the dismissed appeal on that plot do not lead me to a different conclusion.
12. The appeal proposal would lead to the construction of five dwellings on an undeveloped field. However, given its context, the proposed infill development would not appear out of character and it would neither read as a sporadic extension of the settlement into the open countryside nor harm the wider rural landscape. With the detail of the development proposal assessed at the next stage, matters such as the scale and bulk of the proposed dwellings and the layout and landscaping of the site would also be finalised at the technical details consent stage. Based on the submitted evidence, it seems to me that there is no reason why the proposed development could not be designed at that stage to ensure that, for example, the new dwellings would have an acceptable scale and bulk and there would be sufficient soft landscaping in relation to the site's setting on the edge of Indian Queens and the wider rural landscape beyond. Whether the development would be visible in public views does not lead me to a different conclusion.
13. For the above reasons, I conclude that the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development. I therefore find that it does not conflict with CLP Policies 1, 2, 3, 7, 9, 12, 21 and 23 or PNP Housing Policies 2, 3 and 4. Amongst other aspects, these: set out the Council's approach to decision taking and its spatial strategy, and the development plan's approach to accommodating new housing in the area; encourage best use of land, including increasing building density where appropriate; seek to safeguard the countryside for the diversity of its landscape; and require development to respect landscape character, ensure Cornwall's enduring distinctiveness and take into account the character of the surrounding area.

Other matters

14. A number of other matters have been raised by the Council and interested parties, and I have taken them all into account. This includes matters such as: the area of properties near the site being deliberately excluded from the settlement envelope agreed as part of the Neighbourhood Plan; flooding; land ownership; accessibility; the Stables only being permitted because it was a gypsy and traveller site; housing targets having been exceeded for the community network area, the Council having sufficient housing land supply and the extent of projected development already exceeding the PNP housing target; the ability to use the site for agriculture; the relevance of other nearby permitted housing developments; that the proposal could lead to development on the adjacent parcel of land; and the previous removal of vegetation on the site during the bird breeding season. However, whilst I take these seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Some of the issues, such as flooding, would also be considered at technical details consent stage, while others – such as hedgerow removal during the bird breeding season – are, whilst important, not relevant to the acceptability of the appeal proposal. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Conclusion

15. For the above reasons, the appeal is allowed.

T Gethin

INSPECTOR