



Appeal Decision

Site visit made on 14 April 2022

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2022

Appeal Ref: APP/D0840/W/21/3287991

Land North West of Lamara, Lancashire Lane, Rosudgeon, Penzance TR20 9PL

- 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 Penmellyn Ltd against the decision of Cornwall Council.
 - The application Ref PA21/06425, dated 21 June 2021, was refused by notice dated 16 November 2021.
 - The development proposed is described as proposed infill development up to 2 dwellings.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Penmellyn Ltd against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matters

3. 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 stages.
4. 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.
5. The emerging Perranuthnoe Parish Neighbourhood Development Plan (draft NDP) is being prepared to be submitted for examination. Although it has progressed through public consultation, it does not form part of the adopted development plan because it is yet to be examined and progress through referendum. Accordingly, although I note the settlement boundary it includes for Rosudgeon and the position of the site outside of but adjoining the settlement boundary, the draft NDP only attracts limited weight in my decision.

Main Issue

6. The main issue is whether the appeal site is suitable for residential development, having regard to location and land use.

Reasons

7. The appeal site includes an undeveloped parcel of land situated between an equine-related set of buildings¹ and the properties known as Lamara and Sou' West. While a mature hedge runs along the boundary with the public highway, the site is neither visually nor physically separated from the wider undeveloped grass field which it forms part of. Although near to a number of properties which form Rosudgeon, I observed on my site visit that the site is situated on the edge of the settlement, beyond and distinct from its built-up form, and provides it with a rural, undeveloped setting. While not particularly prominent in the landscape, the rural character and verdant appearance of the site also relates and positively contributes to its rural surroundings. Accordingly, and despite the built form at Fawkes, which is well separated and disparate from the suburban built form of Rosudgeon, the site reads as marking the start of the countryside rather than forming part of the settlement.
8. Although there are buildings on either side, the Lamara and Sou' West properties effectively form one semi-detached building. The large garden to the side of Sou' West and the site to the side of Lamara also create notable gaps along Lancashire Lane. The undeveloped land beyond and surrounding the equine business (Fawkes) and the space between its buildings further break up any sense of frontage along the Lane. Accordingly, despite the presence of some built form fronting the highway and the site not being particularly large, the site cannot be described as being situated within an otherwise continuous built frontage. In coming to this view, I have taken into account the details in the Council's Committee Report which recommended that permission in principle be granted and that Rosudgeon has a form and shape and, as shown in the draft NDP settlement boundary for Rosudgeon, clearly definable boundaries.
9. Given the site's position and setting, as set out above, and in particular its visual and physical connection to the open grass field that it forms part of, the proposed development would also read as physically extending the settlement into the open countryside. The presence of the adjacent highway, the various structures at Fawkes, the other development to the east and south of the site and that the development would not be perceived as being physically isolated from Rosudgeon do not lead me to a different conclusion.
10. Accordingly, the proposed development would not meet the definition of an infill scheme as set out in part 3 of Policy 3 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP). As set out above, while the site is reasonably well enclosed by development and adjoins the settlement but is outside of its urban form, its edge with the wider field is not clearly defined by a physical feature that also acts as a barrier to further growth. On this basis, despite the presence of surrounding development, the appeal proposal also cannot reasonably be described as meeting the definition of rounding off in the CLP. In addition, it has not been put forward that the proposed development would provide

¹ Known, as I observed on my site visit, as Fawkes and including horse stables and livery, an animal feed store and a mobile/park home.

housing in the countryside that would meet any of the circumstances set out in CLP Policy 7. On the basis of the submitted evidence, I concur and see no reason why the policy is not relevant in this case, especially given that the available evidence indicates that the Council has identified the development at the Fawkes site as being within the countryside.

11. The Council allege that the proposed development would have a detrimental impact on the existing landscape arising from any new vehicular access. Although these aspects are principally details that are most relevant to the technical details consent stage, it seems to me that the Council's concerns on this are related to the site's location, which is a consideration at the permission in principle stage. However, although access to the proposed dwellings would be likely to result in a break in the verdant hedge that runs along the site's boundary with the highway, that may not be the case. Even if it were², it seems to me that the effect of such a break in the hedge could also be dealt with and mitigated through detailed design at technical details stage.
12. Accordingly, the appeal proposal for permission in principle would not conflict with CLP Policies 2 and 23 in respect of their requirements for proposals to maintain and respect the special character of Cornwall and sustain local distinctiveness. It would also therefore be consistent with the provisions in the National Planning Policy Framework (Framework) in relation to conserving and enhancing the natural environment.
13. However, for the above reasons, I conclude that the site is not suitable for residential development, having regard to location and land use. I therefore find that it does not accord with CLP Policies 1, 3 and 7. Amongst other aspects, these set out the Council's approach to decision taking, sustainable development and accommodating new housing within the district.

Other matters

14. Third parties have raised a number of other matters and concerns in relation to the development, such as potential harm to wildlife, tree loss, impacts from construction works, drainage issues, highway safety and transport-related impacts. However, given my conclusions on the main issue and that the appeal is dismissed, there is no need for me to address these in further detail.

Planning Balance

15. I have found that the appeal site is not suitable for residential development, having regard to location and land-use, and does not accord with CLP Policies 1, 3 and 7. Accordingly, and although the proposed development may accord and/or not conflict with other CLP policies, I find that it would be contrary to the development plan as a whole.
16. A number of matters have been put to me in support of the appeal proposal. This includes that Rosudgeon is sustainable and capable of accommodating new residential development and that the proposed housing, being with easy reach of a number local services and facilities including bus services running between Penzance and Helston, would be situated in an accessible location. It has also not been alleged that the development would harm the World Heritage Site while the appeal site is not covered by any other designations and is at low risk

² The submitted Planning Statement for example sets out that access would be provided directly off Lancashire Lane via private driveways.

of flooding. Furthermore, it has been put to me that the proposed development could be designed to, amongst other things, avoid harming the living conditions of adjoining occupiers, provide suitable access, be assimilated into the village and reflect the pattern, grain and density of the surrounding built environment.

17. In addition, there would be some benefits associated with the proposed development. This includes the provision of additional accommodation which is needed and supported by the Framework, and would contribute towards the mix and supply of housing in the parish and support meeting local housing needs in proportion to the size of the settlement. Construction of the proposed dwellings would generate some construction-related employment and, with future occupiers utilising and supporting local services and facilities, the development would help to enhance or maintain the vitality of the rural community and the local economy. The submitted Planning Statement also sets out that the proposals would include measures to enhance biodiversity.
18. However, given the scale of the development, the benefits would be relatively limited. In addition, the provision of up to two additional dwellings would only have a limited effect on the housing stock in the area and the submitted evidence does not indicate that the appeal proposal is needed to ensure a sufficient supply of housing land in the district. Consequently, I find that the above matters do not outweigh the conflict I have identified with the development plan. That conflict also means that the appeal proposal can neither reasonably be described as sustainable development nor making best or most efficient use of land.

Conclusion

19. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR