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## Appeal Decision

Site visit made on 9 August 2022

**by G Roberts BA (Hons) MRTPI**

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

**Decision date: 12TH August 2022**

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**Appeal Ref: APP/D0840/W/22/3294777**

**Sea View, B3285 Between Budnic Hill And Newquay Road, Rose, TR4 9PF**

- 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 Mr Stuart Clay against the decision of Cornwall Council.
  - The application Ref PA21/11831, dated 28 November 2021, was refused by notice dated 1 February 2022.
  - The development proposed is outline planning permission with all matters reserved: Construction of dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have adopted the description of development on the decision notice as this more accurately describes the proposed development.
3. The application seeks outline planning permission with all matters reserved for future approval and is accompanied by illustrative plans showing the potential to accommodate one new dwelling with associated garden and parking. I have determined the appeal on this basis.

### Main Issue

4. The main issue is whether the proposed development would be acceptable having regard to local and national planning policies on the location of new housing.

### Reasons

5. The appeal site is located on the southern side of the B3285. It comprises an area of land that previously accommodated a dwelling which was demolished to allow a replacement dwelling to be constructed pursuant to planning consent ref. PA21/01518. The replacement dwelling has been constructed and is located to the east of the appeal site, as is known as Sea View. A condition attached to the planning consent required the original property be demolished within 2 months of the first occupation of the replacement dwelling. The 'Reason' for this condition was to ensure there was no net increase in dwellings on the site as this was a location where new housing would not normally be permitted. As I observed on site, the appeal site is currently being used for car parking and otherwise is mostly rubble and grass, apart from a large shipping container located towards the western corner.

6. The spatial strategy for the area is set out in policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (November 2016) (CLP). In relation to housing, it seeks to manage the location and scale of new development. This approach is expanded in policy 3, which confirms that housing development will be accommodated in accordance with a hierarchy, with part 1, delivered through a Site Allocations Development Plan Document or Neighbourhood Plan for the identified main towns; part 2 through specific eco-communities; and part 3, in areas outside the main towns, through Neighbourhood Plans, rounding-off of settlements, previously developed land, infill or rural exception sites.
7. The settlement of Rose is best described as a small village and is located well to the north of the appeal site and B3285, with housing largely focused around a junction of roads, one of which leads east towards Lower Rose. In functional, physical and visual terms the appeal site does not form part of the village. The northern boundary of the appeal site abuts the busy B3285, which provides a significant physical barrier between the site and the village. To the north of the B3285 is an open field with mature boundary hedging, which further separates the appeal site physically from the main focus of development in the village. Whilst the eastern boundary of the appeal site adjoins Sea View, the latter, as with other properties south of the B3285, are located well outside the village, where it is not uncommon to find such scattered properties.
8. For the above reasons, I find that that the appeal site forms part of the open countryside that surrounds the village of Rose.
9. Within this context, the appeal site is not allocated for development, it is not within an identified main town and does not form part of one of the eco-community proposals. In relation to part 3 of policy 3, there is no adopted Neighbourhood Plan and the proposal is not being promoted as a rural exception site (in line with policy 9). Similarly, the proposed development does not represent infilling and/or rounding-off. Paragraph 1.65 to policy 3 confirms that *"For the purposes of this policy, 'infilling' is defined as the filling of a small gap in an otherwise continuously built up frontage that does not physically extend the settlement into the open countryside."* As I have found, the appeal site does not form part of a continuous built frontage, it is not a *"small gap"* and is physically and visually divorced from the village. For the above reasons, the proposed development does not fall within the definition of infill.
10. In terms of rounding-off, the Council have produced a Chief Planning Officer's Advice Note on Infill/Rounding-off (December 2017) (CPO Note). Whilst the latter is not a statutory document, its purpose is to assist in interpreting part 3 of policy 3 of the CLP. It is, therefore, an important material consideration and provides helpful guidance on what the Council regard as rounding-off.
11. Based on the CPO Note and policy 3, the proposed development would not represent rounding-off. This finding is supported by the following: the appeal site is not within or immediately adjoining the village; the appeal proposal does not include a defined physical edge that would act as a firm barrier to future growth; the proposal would not provide for the symmetry or completion of the village boundary; the proposal would visually and physically extend built development into the countryside; and the proposal would not represent a logical extension to the village. Furthermore, there is no evidence before me that the appeal site is contaminated or despoiled land. Although such

assessments require an element of judgement to be applied, based on the above findings the appeal proposal would not involve rounding off.

12. Whilst I accept that the appeal site is previously developed land, that emanates from the fact that this part of the site originally accommodated a dwelling and garden that was demolished to accommodate Sea View. That planning consent, as I confirmed earlier, was only granted on the basis that there should be no increase in the number of dwellings given that this was a location where new housing would not normally be permitted. Even so, part 3 of policy 3 of the CLP states that new development will only be permitted on previously development land where it is either within or immediately adjoining a settlement. As I have found above, the appeal site is physically and visually separated from the village of Rose, and is neither within nor immediately adjoining that settlement. Whilst policy 3 should, of course, be read in conjunction with policy 21, the latter seeks, in part, to make best use of previously developed land by supporting proposals that are sustainably located, which the appeal proposal is not.
13. A further consideration is that there is no defined settlement boundary for Rose, which is confirmed in the draft Perranzabuloe Neighbourhood Development Plan 2018-2030 (April 2022). Draft policy SD1 of that plan states that development outside the defined settlement boundaries will only be supported where it meets an evidenced local housing need or meets the requirement of other development plan policies relating to specific types of development within the countryside. Whilst, given the stage this plan has reached, it can only be accorded limited weight, as the appeal proposal is, I understand, for market housing, neither of those policy exceptions apply.
14. In relation to policy 7 of the CLP, this sets out the special circumstances whereby new dwellings will be permitted in the open countryside. The latter is defined in paragraph 2.33 of the CLP as those areas outside the physical boundaries of existing settlements, which, as I found above, would include the appeal site. However, none of the exceptions in this policy apply to the appeal proposal.
15. The Appellant has referred to examples of other sites where planning consent has been granted for new dwellings in Rose. However, I do not know the full planning circumstances of any of these examples and it is not possible for me, therefore, to determine whether they are in any way relevant or comparable to the appeal proposal. I can only consider the proposal that is before me and determine it on its individual merits having regard to the specific circumstances of the case. Even so, as the Council have emphasised, these examples relate to sites north of the B3285, which were found to be within the built up confines of the village, and, in another case, where a Lawful Development Certificate (LDC) had been obtained for a caravan as an independent residential unit, which represented a fall-back position. Although the Appellant has suggested that there was a caravan on the appeal site/Sea View, no substantial evidence has been provided to support that statement, there is no LDC to this effect and there is currently no caravan on the appeal site.
16. In terms of sustainability, the appeal site is located some distance from local services and facilities. The closest facilities are at Goonhavern, approximately 0.8 miles from the appeal site. The principal route to those facilities, on foot or by cycle, appears to be via the B3285. As I observed on my site visit and

whilst I appreciate this was during the summer holiday season, the B3285 is a busy and fast road with no pavements or street lighting for most of the route. As a consequence, the route, there and back, is long and, in my judgement, it is neither easy, safe or pleasant for pedestrians or cyclists. Whilst there is a bus stop opposite the appeal site, the Council have indicated that the services are infrequent and the destinations are not comprehensive.

17. Overall and mindful of the presence of the bus stop opposite, the accessibility of the appeal site is, on balance, poor. I consider it likely, therefore, that a large proportion of trips generated by the proposed dwelling, even for day to day needs, would be undertaken by car. Moreover, for new development to be sustainable it should be easily and safely accessible to local facilities and services by a choice of modes of transport, at any time of the day or night.
18. Accordingly, I find that the proposed development is not suitably located and that there are no exceptional circumstances to justify development in the countryside. In addition, I find that the proposed development would not constitute infilling or rounding-off. Neither would the proposal constitute appropriate or sustainable use of previously developed land. As a consequence, the appeal proposal would be contrary to policies 2, 3, 7 and 21 of the CLP and the corresponding policies of the National Planning Policy Framework (July 2021) (Framework).

### **Other Matters**

19. I accept that the appeal proposal would make a contribution to meeting future housing provision, as well as increasing spending locally and would generate short term employment during construction, benefits that are supported by other policies in the development plan and the Framework. However, the economic and housing benefits would be small and the Council indicate that they are able to demonstrate a 5-year supply of housing land, which has not been challenged. There is also no evidence before me to indicate that the housing requirements of the area cannot be met through commitments, allocations and windfall sites, the latter in locations that comply with the CLP's spatial strategy. In view of this, I have attached only limited weight to these benefits and they are not sufficient, either individually or cumulatively, to outweigh the significant harm that I have identified.
20. The Council have indicated that the appeal site lies within close proximity to the Penhale Dunes and Fal & Helford Special Areas of Conservation (SAC), where contributions are required from new development to mitigate the impact on those areas from increased recreational pressures. There is substantive evidence and development plan policy support to justify those contributions and based on this I am satisfied that if I were minded to allow the appeal those contributions would have been required to mitigate the impact of the proposed development and could have been secured by condition.

### **Conclusions**

21. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

*G Roberts*

INSPECTOR