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# Appeal Decision

Site visit made on 6 September 2022

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 September 2022

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**Appeal Ref: APP/D0840/W/22/3291660**

**Land Adj to Springfield, Higher Lane, Mawgan, Helston TR12 6AX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by MJL Developments Ltd against Cornwall Council.
  - The application Ref PA21/09976, is dated 30 September 2021.
  - The development proposed is construction of 4 dwelling houses & associated works.
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## Decision

1. The appeal is dismissed and planning permission for construction of 4 dwelling houses & associated works is refused.

## Background and Main Issues

2. As set out in the banner heading above, the Council failed to determine the application to which this appeal relates within the prescribed period. Since the appeal has been made, the Council has provided reasons that they would have refused planning permission for, had they retained jurisdiction to do so. The appellant has had the opportunity to respond to these in their final comments therefore, they would not be prejudiced by my taking these into account and forming the main issues. With these reasons for refusal in mind, I consider the main issues to be:
  - Whether the proposed development would be in an appropriate location, having particular regard to local development strategy; and
  - The effect of the proposed development on the character and appearance of the area, having regard to the site's location within the Cornwall Area of Outstanding Natural Beauty (CAONB).

## Reasons

### *Location of development*

3. The appeal site is located to the southwestern side of Mawgan and to the rear of four semi-detached modern dwellings which face Higher Lane. Mawgan is a dispersed settlement comprising a mixture of buildings in terms of their scale and design. The dispersed nature of the settlement is formed by clusters of dwellings, with intervening gaps contributing to the overall semi-rural character. Whilst development tends to front roads, I observed that there are some examples of housing being located to the rear of houses fronting the highway, notably to the north of the appeal site, however the predominant

- development pattern on the whole, is linear along roads and tapers to the southwestern side of the settlement.
4. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) sets out a hierarchical strategy for the delivery of new housing. Mawgan is not a location named within the settlement hierarchy of Policy 3(1) and therefore Policy 3(3) provides that, outside these larger named settlements, housing growth is to be delivered through the identification of sites through Neighbourhood Plans (NP); rounding off of settlements and development of previously developed land (PDL) within or immediately adjoining settlements; infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside; and rural exception sites (for the provision of affordable housing).
  5. My attention has also been drawn to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (The CPOAN). The CPOAN does not form part of the statutory development plan and is to be regarded as informal guidance. However, it does provide some clarity on the locally adopted approach in relation to matters such as infill, rounding off of settlements and PDL, and as such I have had regard to it in the determination of this appeal.
  6. Whilst Mawgan is dispersed, I find that Mawgan is a '*settlement*' for policy purposes as a consequence of the overall size and form, range of services and facilities available and wider connections which the main parties do not dispute. Furthermore, from the evidence before me, the site does not have planning permission, and the site is not an infill site. Therefore, as the site has not been identified through a NP, not PDL, or is not proposed for the provision of affordable housing, I have considered if the proposal can be considered a rounding off of the settlement.
  7. 'Rounding off' is defined in the CPOAN as providing a 'symmetry or completion to a settlement boundary' and 'is not intended to facilitate continued incremental growth'. I accept that the appeal site is boarded by existing residential development to the north, and gardens associated with Landweath Lane to the east. However, the site is adjacent agricultural land to the west, and woodland and agricultural land beyond to the south. Whilst it may be the case that the land to the east is utilised for domestic gardens and therefore not within the countryside, the open character of the gardens contributes to the dispersed character of the surrounding built form.
  8. Furthermore, the appeal site is to the edge of the recognised built form of the settlement, which clearly tapers towards the B3293 to the west. Whilst clear views of the site are restricted from the surrounding public vantage points, especially during summer months when foliage is in leaf, the proposed development would visually project built form into the countryside, not respecting the overall linear form of Mawgan which tapers to the south west, and I find would not be seen to provide natural symmetry, or, completion of logical boundaries of the settlement. Consequently, it would not be rounding off in the context of Policy 3(3).
  9. Notwithstanding the above, the appellant also suggests that the proposal benefits from support via LP Policy 21(c). This Policy seeks to ensure the best use of land and encourage sustainably located proposals which amongst other things, increase building density where appropriate taking into account the character of the surrounding area. I acknowledge the site is in a location that

would provide future occupiers convenient access to facilities and services. However, I find that the proposal would not accord with the exceptions set out within LP Policy 21 (a, b & d). In respect of LP Policy 21(c), I deal with character and appearance, and therefore if the increase in building density is appropriate, as a main issue below.

10. In conclusion on this main issue, the appeal development would not be in an appropriate location with regard local development strategy. The proposal would not meet any of the allowable forms of development and therefore conflict with LP Policy 3 which takes a hierarchical approach, to direct development based on the role and function of places. The proposal would also in this respect be contrary with the provisions of the National Planning Policy Framework (Framework) in relation to protecting and enhancing the natural and built environment.

#### *Character and appearance*

11. Section 85 of the Countryside and Rights of Way Act 2000 requires that I have regard to the purpose of conserving and enhancing the natural beauty of the CAONB and paragraph 176 of the Framework requires that great weight is given to conserving and enhancing the landscape and scenic beauty of the CAONB.
12. The appeal site is located within the South Coast Western area of the CAONB which is identified within the Cornwall Area of Outstanding Natural Beauty Management Plan 2022 – 2027 (MP) as being wide ranging and diverse, comprising elevating undulating plateau and tall cliffs at the coast. The site is also within Landscape Character Area CA08 North-East Lizard Peninsula (LCA) where amongst other characteristics are nucleated villages, medium to large irregular field patterns with smaller irregular field patterns in the valleys and narrow winding lanes bounded by high Cornish hedges and hedge trees.
13. I acknowledge that the design of the proposed dwellings reflects that of nearby housing and as described previously, clear views of the site are restricted from the surrounding area. However, the site retains an open undeveloped character which contributes to the linear form of the existing development and provides a visual association with surrounding countryside. The proposal would visually spread development into the protected landscape that would not follow the prevailing tapering pattern of development of this area of Mawgan visually projecting built form and domestic paraphernalia into the countryside to the harm of the character and appearance of the area. Such encroachment would therefore, in turn, be harmful to the landscape and scenic beauty of the CAONB.
14. I acknowledge that other examples of development to the rear of properties exist in the settlement, however any direct comparison with other examples does not indicate that the form of this proposal would sit comfortably with the existing pattern of development and the existence of other examples does not justify further harm. In 2016 the Council concluded that a scheme on adjacent land to the north would not impact on the character and appearance of the area or the landscape and scenic beauty of the CAONB. Whilst this may be so, this appears to be in relation to developing a gap within the linear form of the settlement, and not in relation to the particulars of this proposal, which would extend the built form to the rear of existing development, therefore it is materially different to the scheme before me.

15. Consequently, I have found the proposal would harm the character and appearance of the area and detract from the landscape and scenic beauty of this part of the CAONB. This would result in a conflict with the aims of Policies 12, 21 and 23 of the LP. These policies seek to ensure, amongst other things, that development is of high-quality design which respects surrounding areas and enhances the quality of place and conserves and enhances the landscape character and natural beauty of the protected landscape. The proposal would also be contrary with the provisions of the Framework in relation to achieving well-designed places which are sympathetic to local character including the surrounding built environment and landscape setting, and conserving and enhancing landscape and scenic beauty.

### **Other Matters**

16. Even if I were to agree the scheme would not lead to harm with regard to neighbouring occupiers living conditions, future occupiers living conditions or safe and suitable access, this would be a neutral factor in the planning balance.
17. I acknowledge that the proposed development provides limited benefits in terms of the contribution of a single dwelling towards housing supply and provide some limited employment opportunities during the construction phase and future residents would provide further limited economic benefits in terms of future spend within local businesses
18. Notwithstanding, I find that the benefits of the proposed scheme would be limited in scope and scale. In my view, such matters either individually or in combination do not outweigh the identified harm and the associated development plan conflict described above, to which I attach significant weight.
19. The appeal site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC) However, as I am dismissing the appeal for the reasons given above, I have not pursued this matter further.

### **Conclusion**

20. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

*S Harrington*

INSPECTOR