

Appeal Decision

Site visit made on 20 December 2022

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2023

Appeal Ref: APP/D0840/W/22/3300831

The Laurels, Foxhole, Whitstone, Holsworthy EX22 6LD

- 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 R Tobiassen against the decision of Cornwall Council.
 - The application Ref PA21/12063, dated 3 December 2021, was refused by notice dated 1 February 2022.
 - The development proposed is stage 1 permission in principle application for up to 2no. Dwellings on land at The Laurels.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or 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 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. 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 accordingly.

Main Issue

4. 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

5. The amount of development proposed is for up to two dwellings. The site onto which the dwellings would be positioned is formed from the larger part of the sloping garden belonging to the host dwelling, The Laurels. The garden fronts onto a rural road and tapers at its eastern end, with the dwelling situated on the western side of the plot. The levels slope down to the rear of the site.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

6. Policies 2 and 3 of the Cornwall Local Plan (2016) (CLP) sets the overall housing target for the county over the plan period. Policy 3 sets the spatial strategy for what proportion of housing should be delivered and broadly where. Unsurprisingly, the main towns are intended to be the focus for the largest amount of growth, with growth elsewhere to be delivered through allocated sites in Neighbourhood Plans; rounding off and the use of previously developed land within or immediately adjoining a settlement; infill schemes that fill a small gap in an otherwise continuously built-up frontage and do not physically extend the settlement into the open countryside; and rural exceptions sites for affordable housing. The Chief Planning Officers Advice Note (CPOAN) helps to clarify salient points as to whether a proposal constitutes infilling, rounding off or reuse of PDL under this Policy.
7. Whilst the address of the site is listed as 'Foxhole', the parties are in dispute about whether this in fact forms a settlement, and consequently whether it can be regarded to be in a location suitable for new residential development when considered against local planning policies. It is not in dispute that Whitstone, the nearest service village, is located around 1.6 – 2km from the appeal site.
8. The appeal site is on the northern side of the rural road with one other dwelling with which there is no common building line or relationship to the road. There is an absence of development to the east of the appeal site. There is also an absence of development for a notable distance to the west of the neighbouring dwelling.
9. My impression of the area was that it was a smattering of a few dwellings in the countryside, the like of which is very common across the county. The exclusively detached dwellings are spaced well apart and some of the larger gaps between dwellings are infilled by agricultural buildings, or non-domestic buildings of some sort. The combination of the dwellings and other buildings gives some sense of being in a place, but in substance, I regard that it falls short of being a definable rural settlement.
10. Other factors which suggested to me that the area could not be regarded as a settlement included the absence of any place names or speed signs on arrival from either direction. There are no footways, no streetlights and a lack of any facilities. Whilst this is not entirely uncommon for rural settlements, it does little to suggest that the small collection of dwellings should be recognised as anything other than an incoherent straggle of dwellings in the countryside.
11. I have also had regard to the suggested extent of the settlement boundary in the submitted statements, including the Design and Access Statement. It appears to encompass some sizeable undeveloped areas of land that could theoretically enable a material intensification of the settlement using the principle of infill development. My perception of this is that these areas have really only been included to link together the straggly pockets of housing that exist, because absent of them it is even clearer that there is no settlement with a *"form and shape and clearly definable boundaries"* which are the prerequisites as set out in the supporting text to Policy 3².
12. By contrast, Whitstone, some short distance by car from the appeal site has welcome signs denoting the name of the settlement along with speed restriction signs. It has a modest number of facilities, including some limited

² Paragraph 1.68

public transport services, and a relatively well-defined form and shape formed from a far greater number of dwellings.

13. It is argued that the site is previously developed land by virtue of it comprising a garden outside of a built-up area. Policy 21 of the CLP supports proposals that seek to make best use of sustainably located previously developed land. Where a proposal is not considered to be sustainably located then it cannot benefit from the support of the Policy. As in the present case, this is a garden belonging to a dwelling in the countryside which cannot be said to be sustainably located given its location outside of any definable settlement.
14. The appellant asserts that the scheme also comprises rounding off. The CPOAN states that rounding off development is intended to provide a symmetry or completion to a settlement boundary, should not visually extend development into the open countryside and should be predominantly enclosed by edging features. In my view, despite that there may be a low garden edging feature to the east, any additional development in this direction would unbalance the composition of a pair of detached dwellings in established plots and, particularly in the context of the tapered eastern edge of the site, would be perceived as an extension into the countryside, contrary to CLP Policy 3.
15. I have been referred to a number of other decisions and appeal decisions³ where developments have been approved in other rural settlements using CLP Policy 3 to support either rounding off, infill or PDL redevelopments. Whilst the CPOAN seeks to ensure consistency of approach, there is clearly an initial judgement to be made in each case about whether the proposal would physically relate to a recognisable settlement. In this case, from an assessment of the merits from both the evidence and my findings from the site visit, I do not regard that it would. The submitted appeal decisions for other settlements, where sufficient details have been provided to make a comparison, do not persuade me otherwise.
16. For the reasons above, the site would not be suitable for residential development given its location and therefore conflicts with, in particular, Policy 3 of the Cornwall Local Plan.

Other Matters

17. I have noted that the site may have previously been occupied by a garage structure. I do not disagree that the site constitutes PDL irrespective of this, but this point does not change my overall view about the suitability of the site for residential development. As any effects on character and appearance would be considered at technical details stage, I do not consider this matter further.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

Hollie Nicholls

INSPECTOR

³ APP/D0840/W/21/3278892, PA20/09486, PA18/04021, PA17/10686, PA17/08655, PA16/06384 and PA15/11706