



Appeal Decision

Site visit made on 17 January 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal Ref: APP/D0840/W/22/3302733

Land east of Lanjeth Farm, Lanjeth, St Austell PL26 7TN

- 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 A Lund (Lansilva Estates Ltd) against the decision of Cornwall Council.
 - The application Ref PA21/09491, dated 16 September 2021, was refused by notice dated 6 May 2022.
 - The development proposed is construction of five residential dwellings, garages with associated landscaping and amenity areas.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, the appellant submitted a Unilateral Undertaking made in pursuance of section 106 of the Town and Country Planning Act 1990, dated 7 December 2022 (the UU). It contains obligations that would secure financial contributions towards education facilities and mitigation of the impact of the development on the Fal and Helford Special Area of Conservation.

Main Issue

3. The Council has confirmed that the UU overcomes the reasons for refusal numbered 2 and 3 on the decision notice. Consequently, the main issue in this appeal is whether the site is suitable for the proposal, bearing in mind the settlement policies of the development plan, and its impact on the character and appearance of the area.

Reasons

4. The Council's settlement strategy is set out in Policy 2 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan). It provides for a sustainable approach to accommodating growth, whilst maintaining the dispersed development pattern of Cornwall. Housing will be provided based on the role and function of each place, and proposals are expected to maintain and respect the special character of Cornwall. Policy 3 defines how development will be accommodated, based on this hierarchy. Lanjeth is not one of the named towns where Policy 3 says growth will be focussed. Outside the named towns, housing is to be delivered on sites identified by Neighbourhood Plans; rounding off of settlements; development of previously developed land within or immediately adjoining settlements; infill schemes; or rural exception sites.

5. The proposal has not been put forward as an exception site, and it is not argued that the site is previously developed land. Furthermore, the site is not identified for development in a Neighbourhood Plan. Paragraph 1.68 of the Local Plan says that Neighbourhood Plans can provide detailed definition on which settlements are appropriate for infill and boundaries to which the policy will operate. The St Stephen in Brannel Neighbourhood Development Plan shows the site to be outside the Development Boundary. However, the Plan has not yet been submitted to the local planning authority for consideration of its compliance with statutory requirements. Consequently, in view of its early stage of preparation, and having regard to the advice at paragraph 48 of the National Planning Framework (the Framework), its policies carry little weight in my decision.
6. Compliance with the settlement policies of the development plan is therefore dependent on the proposal comprising an infill scheme, or the rounding off of the settlement, in accordance with Policy 3 of the Local Plan. Paragraph 1.65 of the Local Plan defines infilling 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. The appeal site has a long, curved road frontage, comprising a stone wall with trees on top. There are no buildings on the site, so the roadside frontage has a natural, verdant appearance, with open land behind. The gap across this open land, from Pedlars Cottage to the northeast, to the barn conversions at Lanjeth Farm to the southwest, is over 100 metres. Consequently, the construction of five houses on the site would not constitute the filling of a small gap in an otherwise continuously built-up frontage. The proposal would not, therefore, be infill development in accordance with Policy 3 of the Local Plan.
7. Paragraph 1.68 of the Local Plan says rounding off applies to development on land that is substantially enclosed but outside of the urban form of a settlement, and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth (such as a road). It should not visually extend building into the open countryside. Additional guidance on rounding off is contained in the Chief Planning Officer's Advice Note (the CPOAN) titled Infill/Rounding Off, which both parties have referred to. This note advises that rounding off should provide a symmetry or completion to a settlement boundary, rather than facilitating incremental growth, so a development that would result in a further site for rounding off is unlikely to be rounding off in itself. It says suitable sites are likely to be surrounded on at least two sides by existing built development.
8. The appeal site lies in an area of comparatively low-density development, comprising largely of former farmhouses and converted barns, where trees and hedgerows are visually dominant over the buildings, resulting in a semi-rural character. Most of the buildings lie on the opposite side of the road to the site. Therefore, whilst there is a continuous sweep of dwellings to the south, the site is effectively segregated from this built development by the road and the boundary hedgebank and trees. By contrast, the northern boundary of the site comprises a post and rail fence, which does little to visually distinguish the appeal site from the open countryside beyond. The evidence indicates that the fence has been in position for around 15 years, and in this period, the site has not been used for agricultural purposes. Nevertheless, apart from some modest ornamental trees, and some transient recreational items on the site, there is no significant contrast in the character of the appeal site and the field to the north.

Consequently, it has a much greater visual association with the surrounding countryside, than it does with the urban form of the settlement.

9. It is contended by the appellant that the site comprises rounding off because it has development on three sides. However, the surrounding development is of low density, and is semi-rural in character. Furthermore, it is visually segregated by the road and the boundary hedge/trees. The post and rail fence does not provide any sense of enclosure from the open countryside to the north. Consequently, apart from the close visual presence of Pedlars Cottage to the northeast, there is little to differentiate this relatively large undeveloped site from the surrounding countryside. It is not, therefore, substantially enclosed in accordance with the Local Plan definition.
10. As a result of this lack of enclosure, particularly to the northern boundary, the development would appear as a visual extension of building into the countryside, with no natural limit to its extent. The insubstantial northern boundary would not act as an effective barrier to future growth. Consequently, the proposal would not provide a symmetry or completion to the settlement boundary. If the development were to proceed, the remaining part of the field to the northwest would be enclosed by houses on the appeal site, and a hedgerow to the northwest, which would be a barrier to further growth. The proposal could, therefore, result in a further site for rounding off, thereby facilitating incremental growth.
11. The advice in the CPOAN says that it provides guidance only, and it should not be used as a substitute for the policies of the adopted Local Plan. So, although I have had regard to it, it is the policy and supporting text of the Local Plan that carries the greater weight. These lead me to the conclusion that the development would not be rounding off, because the site is not substantially enclosed, has no physical barrier to development on its northern edge, and it would result in the visual extension of building into the countryside.
12. In coming to this conclusion, I have considered another site in the settlement where planning permission was granted for five dwellings as rounding off. I saw that the development was under construction, so I was unable to make a comparison between the sites in their undeveloped state. I saw, however, that the Coombe Road site was in a part of the settlement that had a more urban character, with frontage development on both sides of the road. Furthermore, the evidence indicates that there were robust hedgerows enclosing the site and acting as a barrier to further growth. The two sites are not, therefore, directly comparable. The planning permission¹ for 46 dwellings at Fowey, which has also been drawn to my attention, relates to a settlement of a different scale, so is of little relevance to my consideration of the appeal scheme. Consequently, these permissions carry little weight in my decision.
13. For the above reasons, I have found that the proposal would not constitute infill or rounding off as defined by Policy 3 of the Local Plan. The site falls outside the physical boundaries of the settlement, therefore, in accordance with paragraph 2.33 of the Local Plan, it lies in the open countryside. Policy 7 of the Local Plan says new dwellings in the countryside will only be permitted in special circumstances. The proposal would not fall within any of the five specified categories that are identified within the policy. Consequently, the

¹ LPA reference PA18/03857

proposal for a dwelling on the site would be contrary to the settlement policies of the development plan.

14. Although the surface of the site is well-screened from the road by the stone wall and hedge/trees, the upper parts of the proposed houses would be readily visible above the wall and between the trunks of the trees. The new access would also breach the continuous roadside bank, which contributes to the semi-rural character of the area, and would open up views of the proposed development. The proposal would, therefore, be a noticeable and intrusive feature in the open countryside beyond the hedgerow. Consequently, there would be some harm to the semi-rural character of the area through the loss of part of the countryside that contributes to the setting of the settlement. This harm would be limited, as the site is not open to views from a wide area, and in some close viewpoints the development would be seen in the context of other buildings. However, the development would not sustain the semi-rural character of the area or enhance the natural environment, so there would be some conflict with Policy 23 of the Local Plan.
15. For the above reasons, I conclude that the proposal would not constitute infill or rounding off. It would, therefore, be residential development in the countryside resulting in moderate harm to its intrinsic character and beauty. As a result, the proposal would be contrary to Policies 3, 7 and 23 of the Local Plan, which set out the spatial strategy for the delivery of housing, restrict residential development in the countryside, and protect the natural environment.

Planning Balance

16. The Council has recently published a document entitled "Securing Homes for All: A Plan to respond to Cornwall's Housing Crisis", which seeks to ensure that a secure home for all is provided. The proposal would make a modest contribution to this aim. However, the document does not include any new planning policies and is not a part of the development plan. It therefore carries little weight in my decision.
17. Nevertheless, Paragraph 60 of the Framework seeks to significantly boost the supply of homes. The development would provide five houses, which would assist with this aim, and would be a benefit of the proposal. However, as I have found that the site does not lie within the settlement, this benefit does not attract the great weight applied by paragraph 69 of the Framework.
18. There would also be economic benefits associated with the construction phase of the development, and the future spend by occupants in the local area. However, due to the relatively small scale of the development, these benefits would be modest, so the weight I give them is limited.
19. The Framework makes it clear at paragraph 12, that the presumption in favour of sustainable development does not change the statutory status of the development plan, and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. I have found that the proposal would conflict with the settlement policies of the development plan. The relatively small scale of the benefits does not outweigh this conflict.

Conclusion

20. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR