



Appeal Decision

Site visit made on 28 February 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/D0840/W/22/3303580

Long Acre, Binnerton Road, Leedstown, Hayle, Cornwall TR27 6BJ

- 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 David Hadwin against the decision of Cornwall Council.
 - The application Ref PA21/12379, dated 14 December 2021, was refused by notice dated 17 February 2022.
 - The development proposed is erection of a dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a maximum of one dwelling at Long Acre, Binnerton Road, Leedstown, Hayle TR27 6BJ in accordance with the terms of the application, Ref PA21/12379, dated 14 December 2021.

Applications for costs

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

Preliminary Matters

3. Planning Practice Guidance (PPG) advises that permission in principle 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.
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. As such, I have regarded the submitted proposed block plan as indicative only.

Main Issue

5. 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

6. The appeal site is an area of open land which shares an access with the dwelling known as Long Acre, and is located to the south eastern edge of Leedstown which is a village benefiting from a number of services and facilities.
7. The Council's spatial strategy is provided within Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) which seeks to maintain the dispersed development pattern of Cornwall, and to provide housing based on the role and function of each place.
8. LP Policy 3 sets out a hierarchical strategy for the delivery of new housing. Leedstown is not a location named within Policy 3(1) and therefore Policy 3(3) provides that, outside these larger named settlements, housing growth is to be delivered through, amongst other criteria, the identification of sites through Neighbourhood Plans and rounding off of settlements and development of previously developed land(PDL) within or immediately adjoining settlements.
9. Policy HT1 of the Crowan Parish Neighbourhood Development Plan 2018-2030 (NP) defines a development boundary around Leedstown. The appeal site lies outside of, but adjacent this development boundary. Paragraph 8.4 of the NP states that NP Policy HT1, aims to direct development to existing settlements to minimise impact on the open countryside and maintain the character of the separate settlements within the parish. However, while Policy HT1 offers support for small scale infill and development on previously developed land within the development boundaries, it does not preclude the rounding off of settlements.
10. The appellant makes reference to LP Policy 21 which permits development of PDL provided it is not of high environmental or historic value and notes previous use of the site and its relationship with Long Acre. However, given the definition of PDL in the glossary of the National Planning Policy Framework (Framework) states that PDL is land which is or was occupied by a 'permanent' structure, including the curtilage of the developed land, from my observations of the appeal site, noting the lack of evidence of permanent structures, I do not find the appeal site to fall within the definition of PDL and thus LP Policy 21 does not provide support to the proposed development.
11. Notwithstanding, paragraph 1.68 of the LP defines rounding off as "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".
12. 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 rounding off of settlements and as such I have had regard to it in the determination of this appeal.
13. I observed that the appeal site is contained by a dwelling to the north, and sheds to the north east. The southern boundary of the site consists of hedging and fencing, and is contained by a driveway leading to Long Acre, which itself

is sited further to the south east. The B3302 highway borders the site to the south west, with a dwelling on the opposite side of this highway.

14. The Council argue that the proposed development cannot be considered rounding off due to no buildings adjoining the site to the south east, south and west and the drive associated with Long Acre not creating a physical barrier to prevent further growth. Furthermore, it is put to me that the proposed development would result in built form extending into the surrounding countryside which forms the setting of the village.
15. The CPOAN advises that suitable sites for rounding off are likely to be surrounded on at least two sides by existing built development. However, that is only one of the factors that must be considered in assessing whether a proposal constitutes rounding off.
16. Although it may be the case that the access drive would not physically prevent further growth to the south, any future proposal for land to the south would need to be assessed on its own merits having consideration of its relationship with the surrounding countryside. However, the appeal site that is before me, is well related to existing built form being surrounded on two sides, and also the B3302 to the southwest and dwelling beyond. The site is also clearly defined by existing boundaries and is bordered by the defined development boundary on three sides.
17. When travelling towards the village from a south easterly direction, built form within the site would be read in the context of the backdrop of the village and adjacent dwelling. Furthermore, when leaving the village from the north west, given the existing access and domestic appearance of the surrounding land, and its relationship with existing surrounding built form to the north and north east, it appears enclosed by existing development and therefore would not be seen as projecting built form into the surrounding countryside.
18. Although the Council have not raised concerns in relation to vehicular access, concern is raised that insufficient detail has been provided to demonstrate that a dedicated footway can be provided to connect the site to existing pedestrian infrastructure within the village. The access to the appeal site is within the 30mph village speed limit. Although there is pedestrian infrastructure to the north of the C327 junction, future occupiers of the proposed development would be required to walk a short distance on the B3302 to reach the wider pedestrian infrastructure.
19. A Highway Statement of Case has been submitted with the appeal documentation which concludes that safe and suitable access is available for the proposed development notwithstanding the lack of footway to wider pedestrian infrastructure, and that if a footway were required, this could be provided safely within the existing highway limits without affecting the passage of vehicles.
20. The Council's Highway Development Management Officer has confirmed that highway verge is available to the north-west between the proposed access and the B3302/C327 junction and has recommended that given the intensification of use, a footway is provided on the highway verge.
21. While within the 30mph speed limit, I observed that the highway was relatively busy, with the nearest street lighting being in the proximity of the C327

junction. Furthermore, due to the highway being relatively straight, while this may provide good forward visibility for drivers of vehicles, it appeared to me that speeds were elevated given the proximity of the national speed limit and together with reduced visibility in hours of darkness there would be associated danger to pedestrians on the highway.

22. Therefore, while pedestrian movements associated with a single dwelling may be limited, I agree with the Council's assessment that a footway would be required in order to provide safe and suitable access for all people to the services and facilities within the village.
23. It is not possible for conditions to be attached to a grant of permission in principle. My attention has been drawn to an appeal decision¹ where the Inspector in that case considered that it was not possible to secure the delivery of a footway through a planning obligation or Grampian condition at the permission in principle stage. However, although the full detail of that case is not before me, it appears the Inspector was not satisfied on the information before him at the permission in principle stage that a footway could be delivered to an appropriate standard for all users.
24. The Planning Practice Guidance (PPG)² is clear that planning conditions, or indeed obligations, can be attached to a grant of technical details consent providing they meet existing requirements around the use of conditions or the statutory tests are met. Given the evidence before me including the Highway Development Management Officers consultation response, Highway Statement of Case and indicative plan of suitable footway provision, I have no substantive evidence before me as to why this cannot be delivered to an appropriate standard and secured at technical details consent stage.
25. Accordingly, I conclude that the proposed development would constitute rounding off and the site is therefore suitable for residential development, having regard to its location, the proposed land use, and the amount of proposed development. The proposed development, at this stage, would not conflict with LP policies 1, 2, 3, 7, 12, 23 and 27 or NP policies HT1 and FAS9. There would also be no conflict with the provisions of the Framework which, among other things, seeks to achieve sustainable development, and advise that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, and a safe and suitable access is achieved.

Other Matters

26. The appeal site is within Area 3, Tregonning and Gwinear of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). The WHS is a designated heritage asset of the highest significance. Although miner's smallholdings are a key attribute of the WHS's Outstanding Universal Value (OUV), there are no existing above ground mining remains or evidence of miner's smallholdings in or around the appeal site. Therefore, given the evidence before me, the proposed development would have a neutral effect upon the OUV of the WHS.

¹ APP/K1128/W/18/3216796

² Paragraph: 021 Reference ID: 58-021-20170728

Conditions

27. The PPG³ indicates that it is not possible to impose conditions as the terms of any permission in principle must only include site location, type of development and amount.

Conclusion

28. For the above reasons, and having had regard to all other matters raised, the appeal should be allowed.

S Harrington

INSPECTOR

³ Paragraph: 020 Reference ID: 58-020-20180615