
Appeal Decision

Site visit made on 21 April 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2023

Appeal Ref: APP/D0840/W/22/3298082

Land North East of St Levans Church, Porthpean, St Austell, Cornwall

- 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 Gary Glithero against the decision of Cornwall Council.
 - The application Ref PA21/08772, dated 29 September 2021, was refused by notice dated 17 February 2022.
 - The development proposed is the construction of a 3/4 bedroom house on domestic recreation land.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide a suitable site for a house, having regard to the development plan and the character and appearance of the area.

Reasons

3. The appeal site is a section of former garden land previously associated with a dwelling appreciably to the west. It now appears to be used for hobby purposes, gardening, and low-key leisure uses by the Appellant and family. It is independently accessed off the steep narrow lane to the south and is generally elevated above, and with some tree screening to, the wider rural landscape to the east. Beyond the abutting lane to the south there is a large garden of a nearby home and to the north west is a strip of now detached garden land not dissimilar in shape or character to the appeal site. The proposal is as described above.
 4. Policy 3 of the Cornwall Local Plan Strategic Policies (2010-2030) (LP) explains that outside the main identified towns, housing growth is to be delivered through the identification of sites where required through Neighbourhood Plans, rounding off of settlements and development of previously developed land within or immediately adjoining settlements, infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend development into open countryside, and rural exception sites.
 5. The case put by the Appellant is that this proposal would represent rounding off whilst the Council considers the scheme would result in extension of residential development into the countryside beyond the settlement of Higher Porthpean.
 6. The LP explains that rounding off, in terms of Policy 3, applies to development on land that is substantially enclosed but outside the urban form of the
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settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth. It is explained that rounding off should not visually extend building into open countryside. There is also an informal Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (AN) which provides more detailed background to the approach to be adopted in such cases. It includes commentary to the effect that rounding off provides a symmetry or completion to a settlement, and that the decision makers should be looking for long standing and enclosing boundary features with suitable sites likely to be surrounded on at least two sides by existing built development.

7. I can see that at least part of this site has a firm edge to the east with levels change and a mature Cornish Hedge and with this plus the former garden land status one might run the argument that this site is inherently part of the village and could be developed. However, looking at the bigger picture it is clear that Higher Porthpean is to all intents and purposes a linear hamlet and the site would not accord with that disposition. To my mind a dwelling here would read as one very much in the countryside rather than the settlement; I would not assess this as completing a settlement but, rather, extending one. The proposed dwelling, even sited close to the lane, would 'jut-out' into the countryside and can hardly be described as being surrounded on two sides by existing built development. Being classed as garden land does not necessarily mean incorporation within a settlement in planning policy terms.
8. Taking all this together I would simply not characterise this proposal as rounding off in any sense using a normal English interpretation and it would certainly not accord with the confines imposed by LP Policy 3 or the AN guidance.
9. I should add that an exception in relation to new developments in the open countryside is provided for under LP Policy 7 which sets out categories of development which would allow for new houses in the countryside. The appeal development, proposing an open market house, does not fall within any of the categories.
10. Two other LP policies also have relevance to this case. LP Policy 21 seeks best use of land for sustainably located and environmentally protective development. LP Policy 23 sets out that development should sustain local distinctiveness and character and protect and where possible enhance Cornwall's natural environment.
11. A key consideration is the St Austell Bay Parish Neighbourhood Plan: 2019-2030, May 2021 (NP). NP Policy H1 relates to encouraging suitable development within Development Boundaries (DB) for settlements. The appeal site lies beyond and does not adjoin the DB for North Porthpean. The large garden to the south and other garden strip to the north west also do not feature in the DB; which points to further 'detachment' of the appeal site.
12. Also of relevance are NP Policies D2 and L1, taken together and amongst other matters, are concerned to secure development which would respect and enhance the landscape and wider character of an area and reflect local distinctiveness generally.
13. I found the area to be generally very attractive in landscape terms. Distant view-points are varied and development here would not always be seen in the context of the nearby buildings. The site does contribute to rural landscape

character and it is part of a notable rural surround to Higher Porthpean. A dwelling would be a sporadic incursion into this. Seen from close-by there would be a marked and detrimental change in rural landscape appearance given site levels, enhanced access arrangements, tree removal, built structures, and domestic paraphernalia.

14. Given all of the above I conclude that the appeal scheme would conflict with LP Policies 3, 7, 21 and 23 as well as NP Policies H1, D2 and L1.

Other Matters

15. I am aware of the extensive planning history of the site and the fact that at one time planning officers were supportive of a scheme here. However, a Planning Inspector did consider that predecessor to this appeal scheme under ref APP/D0840/W/19/3223380 and concluded there would be harmful impacts in character and appearance terms, an unacceptable relationship to Higher Porthpean, and the scheme would not represent rounding off. I appreciate that the Appellant has sought to try and address these concerns by re-positioning and more sensitively designing the proposed dwelling but regrettably I find the same fundamental obstacles still hold good. Furthermore, there is now the fact that the NP has subsequently been adopted and this document includes a Development Boundary which is not conducive to a dwelling being allowed on the appeal site.
16. I recognise that the development would increase housing supply in the locality; albeit there is no technical shortfall on this front. It would also provide an economic and social benefit proportionate with the delivery of one house. These are matters of weight in favour of the appeal; however, they do not outweigh the harm that I have found in this instance.
17. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

18. For the reasons given above I conclude that the proposed development would not provide a suitable site for a house, having regard to the development plan and the character and appearance of the area. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR