



Appeal Decision

Site visit made on 24 January 2023

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2023

Appeal Ref: APP/D0840/W/22/3305369

Land at Pops Close, Constantine Bay, Padstow, Cornwall, PL28 8JG

- 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 Mrs Jennifer Mercer against the decision of Cornwall Council.
 - The application Ref PA21/11395, dated 16 November 2021, was refused by notice dated 2 March 2022.
 - The development proposed is construction of up to 5 detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site visit procedure was altered from an access required site visit to an unaccompanied visit because the appellant was not present at the prearranged time and I was able to see all I needed to from public land.
3. 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.
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. I have determined the appeal accordingly.

Main Issue

5. The main issue in this appeal 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. Together, Policies 1, 2 and 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (the LP) set out the Council's spatial strategy for development. In particular, Policy 3 seeks to provide housing and employment growth outside the identified towns through allocation in a Neighbourhood Plan, rounding off of settlements, the reuse of previously developed land, infill and rural exception

- sites. In the absence of a Neighbourhood Plan, the appellant's case is that the proposal amounts to rounding off.
7. Policy 3 states that rounding off must be of a scale appropriate to the size and role of the settlement. Rounding off is further explained at supporting paragraph 1.68 of the LP as applying to land which 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'.
 8. For further assistance, the Council have produced a 'Chief Planning Officer's Advice Note' (CPOAN) dated December 2017 in respect of infill/rounding off. The document is not adopted policy. However, it does provide useful guidance for decision making purposes and both parties have relied upon it in support of their case.
 9. The CPOAN sets out the need to identify initially whether the proposal physically relates to a recognisable settlement and if so, whether the proposal is of an appropriate scale. The Council does not dispute that Constantine Bay is a recognisable settlement and from what I observed, I agree. With regards to scale, the evidence presented by the appellant suggests that there are currently 285 dwellings in Constantine Bay (a higher figure is quoted by an interested party). In this context and in the absence of evidence to the contrary, the erection of a further five dwellings would not represent development at an inappropriate scale. I therefore turn to whether the proposal amounts to rounding off.
 10. The CPOAN refers to rounding off as providing symmetry or completion to a settlement. It identifies that suitable sites are likely to be surrounded on at least two sides by existing built development, predominantly enclosed by edging features and have the appearance of being within the physical boundaries of the settlement.
 11. I observed that there was existing residential development to the south and west of the appeal site. In addition, access to the housing to the north was directly opposite and extended beyond the eastern-most extent of the appeal site. As such, the appeal site has residential development wrapping around three of its boundaries and the addition of housing on the appeal site would therefore result in a degree of symmetry to the settlement.
 12. However, an access track serving the existing properties to the west, runs along the length of the western boundary of the appeal site. It may not be a longstanding feature, having been created in the 1960's or 70's, but it nevertheless provides a clear physical delineation between the built development of Constantine Bay and the countryside in which it sits. The undeveloped nature of the appeal site and its enclosure on all sides by mature hedgerows means that it has a clear visual and physical affinity with the open fields and wider countryside beyond. It does not have the appearance of being within the physical boundaries of the settlement and the appeal proposal would visually extend building into the open countryside whether that be for five dwellings or less. The appeal proposal does not constitute rounding off and is therefore contrary to Policy 3 of the LP.
 13. Policy 7 of the LP permits housing in the open countryside where it is shown that special circumstances exist. A number of criteria are listed against which

proposals may be assessed. The appeal scheme fails to accord with any of these criteria.

14. Whilst I note the references to Paragraph 80 of the National Planning Policy Framework, given the appeal site's location close to other residential buildings in the settlement of Constantine Bay, the proposal would not be located far from other places, people or buildings and therefore would not be considered to be isolated in terms of the Framework. Accordingly the provisions of Paragraph 80 of the Framework do not apply in this instance. Equally, Policy 9 of the LP relates to rural exception sites for affordable housing. The appellant has not advanced the appeal proposal as a rural exception scheme and therefore the provisions of Policy 9 do not apply.
15. The appeal site is located within the Cornwall Area of Outstanding Natural Beauty (AONB). Policy 3 goes on to say that proposals within the AONB need to accord with other policies in the LP as well as conserving and enhancing the landscape character and natural beauty of the AONB.
16. The Cornwall AONB Management Plan 2022-2027 describes the landscape pattern of the Carnewas to Stepper Point section of the AONB to comprise mainly medium sized fields of arable and pasture with Cornish hedges following the medieval enclosure system. The submitted evidence indicates that the appeal site forms part of a largely intact field system identified on the 1875-1901 historic map which together, contribute to the distinctive setting of Constantine Bay and the special qualities of the landscape character of the AONB. Development on the appeal site would diminish the extent of the surviving medieval field system and thus erode the contribution that it makes to the special quality of the landscape character.
17. Policy 23 of the LP states that great weight will be given to conserving the landscape and scenic beauty within or affecting the setting of the AONB and that proposals must conserve and enhance the landscape character and natural beauty of the AONB. Saved Policy ENV1 of the North Cornwall Local Plan Part 1 and Part 2, adopted 1999 (SLP) also sets out the need to conserve the natural beauty of the landscape in the AONB. Paragraph 176 of The National Planning Policy Framework (the Framework) attaches great weight to the need to conserve and enhance landscape and scenic beauty in Areas of Outstanding Natural Beauty. A high bar is therefore set for development proposals in these areas.
18. The illustrative location of the proposed access would necessitate some alterations to the roadside hedge. However, the hedge is set back behind a wide verge affording good visibility in both directions such that significant alterations to the hedge are unlikely to be required.
19. Notwithstanding this, for the reasons set out above, the appeal proposal would not conserve the landscape character of the area in accordance with Policy 23 of the LP, Policy ENV1 of the SLP and Paragraph 176 of the Framework. In any event, Policy 23 of the LP requires that proposals within the AONB provide only for an identified local need. I have not been provided with evidence that the proposal meets an identified local need.
20. In addition, the appeal proposal would not garner support from Policy 21 of the LP which seeks to increase building density where appropriate taking into account the character of the surrounding area.

21. The appellant has suggested that in the event that I identify harm from five dwellings, a reduced number of dwellings could be considered. However a reduction in the number of proposed dwellings would not overcome the harm I have identified in terms of the appeal site's location and proposed land use.

Other Matters

22. I have been provided with details of other planning permissions and appeals where Inspectors determined that sites surrounded on three sides by existing development were considered to constitute 'rounding off'. I have concluded above that the appeal site has development bordering three of its sides and that the proposal would therefore provide some symmetry to the settlement. However, I have also found that the circumstances of this case are such that it would result in development which visually extends into the countryside. I cannot be sure from the information provided what conclusions the Inspectors drew on this particular issue and the extent to which the appeal proposal compares. However, it appears to me that the merits and circumstances in those cases differ to those before me particularly as none of them appear to be located in the AONB.

Conclusion

23. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Alison Fish

INSPECTOR