



Appeal Decision

Site visit made on 12 June 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2023

Appeal Ref: APP/D0840/W/22/3312887

Land South West of Tregenna Barton, Penstraze, Truro TR4 8JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr T Snell against the decision of Cornwall Council.
 - The application Ref PA22/03934, dated 22 April 2022, was refused by notice dated 20 June 2022.
 - The development proposed is outline application for development of land to provide residential building plots.
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Decision

1. The appeal is dismissed.

Applications for costs

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

Preliminary Matters

3. The Council's appeal submission refers to a revised Neighbourhood Plan that came into place on 27th April 2023. This supersedes the previous version referred to in the Council's refusal notice. The appellant has been able to view the revised document and has been given the opportunity to comment on any changes in the final comments submission.
4. The application was submitted in outline form with all matters reserved at this stage. Therefore, I have treated the drawings showing the details of layout and access as indicative only.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to the development plan's policies for the supply of housing, including the accessibility to services and facilities and the character and appearance of the countryside.

Reasons

6. The appeal site comprises a small, grassed field that adjoins, in part, a modest cluster of four bungalows facing the busy A390. The site's northern and western boundaries border the properties of Tregenna Barton and Trelawney respectively. Beyond the west boundary is a large agricultural field, while the A390 runs along the site's frontage. It is in an area known as Penstraze, which contains other dwellings, buildings and rural field enclosures located close to the A road.

7. Policy 2 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan) sets out the spatial strategy for development. It seeks to maintain the dispersed development pattern of Cornwall, providing homes and jobs based on the role and function of each place. Based on this strategy, Policy 3 defines how development will be accommodated, with growth focussed on identified main towns.
8. Outside the main towns, Policy 3 says housing growth is to be delivered through the identification of sites through Neighbourhood Plans; rural exception sites; infill schemes; or rounding off of settlements and development of previously developed land (PDL) within or immediately adjoining settlements. The site is not identified for development by the Truro and Kenwyn Neighbourhood Development Plan, 2015-30 (revised February 2023) (Neighbourhood Plan), and the proposal is not presented as a rural exception site. Furthermore, the appellant does not argue that the proposal would constitute infill or development of PDL within or immediately adjoining a settlement. Consequently, the development would only be supported by Policy 3, if it comprised rounding off a settlement.
9. There is no definition of a settlement in Policy 3 or its supporting text. However, both parties have drawn my attention to the Chief Planning Officer's Advice Note (the CPOAN) titled Infill/Rounding Off, which provides additional guidance.
10. The CPOAN advises that a settlement is a place where people collectively live in permanent buildings. Furthermore, it says that well-defined groups of dwellings with a collective name will normally be settlements, and that there is no expectation of services or facilities. The smaller villages and hamlets should have a "form and shape and clearly definable boundaries, not just a low density straggle of development¹". It also states that some linear settlements can meet the test of a clear form and shape suitable for infill and on occasion rounding off.
11. The submitted evidence indicates that Penstraze is annotated on OS maps, has a business park carrying its name and is, according to the appellant, identified locally as Penstraze. I have no reason to disagree that the locality surrounding the site is known by this name.
12. During my site visit I noted, to the north of the appeal site, a row of around 16 dwellings lining the A390's, and due south of its junction with the minor road to Truro Aerodrome. This group of properties forms a long, and largely contiguous series of residential curtilages containing a mix of dwelling styles. There are agricultural fields at either end and beyond the rear boundaries of the properties that distinguish them as a cohesive group with a clear shape and form. Moreover, the group is relatively large compared to the small clusters and the more isolated structures found elsewhere along this part of the A390. Therefore, it is considered that this line of dwellings forms, in my view, a settlement under the terms of Policy 3.
13. A large agricultural field separates the appeal site and the associated cluster from the area I have identified as the settlement. The gap between the cluster and the built-up edge of the settlement is in the region of 150m and represents a significant degree of separation. When looking southeast from the short layby in front of the appeal site, the thick roadside vegetation, that bounds the intervening field, appreciably obscures views of the settlement's edge, and emphasises the lack of visual connection from the cluster. The area around the appeal site and cluster is broadly defined by medium sized agricultural fields enclosed by mature vegetation. This more rural backdrop, to my mind, reinforces the sense of disconnection from

¹ Paragraph 1.68 of the Cornwall Local Plan

the settlement. Therefore, given the separation distance and the appearance of the gap between the appeal site and the settlement it is not within or immediately adjoining it. Consequently, the proposal cannot draw support from Policy 3 as rounding off.

14. I acknowledge that the site is enclosed by built development on two sides, while the landscaped perimeters on its remaining flanks are long standing physical boundaries that are consistent with the guidance on rounding off in the CPOAN. However, the site lies in the countryside beyond what I have judged to be the hamlet, so the proposal would not constitute rounding off of a settlement. Consequently, the proposal would represent residential development in the countryside, which would not accord with the settlement strategy set out in Policies 2 and 3 of the Local Plan.
15. In addition to the cluster surrounding the appeal site, there are other groups of buildings in the locality, including the Penstraze Business Park and the properties to the south of the A390. But those buildings are loosely organised, arranged in small clusters and separated by green fields and undeveloped land. They do not therefore appear well defined or logically arranged in terms of their shape or form, such that I would regard them as forming a settlement.
16. Paragraph 2.33 of the Local Plan defines open countryside as “*the area outside of the physical boundaries of existing settlements (where they have a clear form and shape)*”. In view of my findings, the appeal site lies in such an area. Policy 7 of the Local Plan sets out the limited circumstances in which housing in the countryside is permissible. The appeal scheme would not meet any of the five identified circumstances that would justify an exception to the general constraint applied to housing in the countryside. The proposal would, therefore, conflict with Policy 7.
17. Policy 27 of the Local Plan states, amongst other things, the requirement to locate development so that the need to travel will be minimised and the use of sustainable transport modes can be maximised by prioritising safe access by walking, cycling and public transport to minimise car travel.
18. The appeal site is located around 2-3km from the nearest settlement. This would make walking to obtain day to day goods and services, particularly during inclement weather, unappealing to most occupiers.
19. The nearest bus stop, according to the Council, is around 325m to the south east of the appeal site. There are regular services from here to and from larger service centres. Access by foot to the bus stop is along an unlit grass verge that runs parallel with the busy A390. Although this journey would be short, the route would not be physically segregated from the fast-moving traffic and in low light conditions walking to and from the bus stop would be particularly arduous and unappealing. Moreover, I did not see a pedestrian crossing that would allow occupiers to safely cross the highway to the opposite side of the A390 to access westbound buses.
20. The submitted evidence indicates that a new cycle route will pass the appeal site and connect with the Langarth Garden village and service centres beyond. In the event that the cycle route is permissible for pedestrian use, it would make journeys to the bus stop somewhat safer. However, there is no evidence that the route would be lit, while pedestrians wishing to cross to the opposite bus stop would have to cross a carriageway carrying fast moving traffic. This acts as a significant disincentive to utilise bus transport and access the facilities beyond it. Conversely, the site’s near immediate and highly convenient access to the A390 would enhance the appeal of traveling to essential day to day services available in settlements such as Truro by private car.

21. Future occupiers would have the option of using the cycle lane, once the work to that route is complete. However, transport by bike would not be conducive to all and it would not remove the convenience provided by the private vehicle when accessing services and facilities. Moreover, whilst I do not doubt that the route from Chiverton Bridge to West Langarth, will be completed by Autumn 2023², I have no details of when the future phase connecting the route to Threemilestone, and beyond to Truro, will be finished. Therefore, I am uncertain, should I allow the appeal, whether safe and accessible cycle routes to nearby service centres would be available for future occupiers.
22. In these circumstances, the site would encourage unsustainable means of transport. As such, the proposal would not be sustainably located and would conflict with Local Plan Policy 27 in this regard.
23. The Truro Settlement Edge Landscape Assessment (October 2020) (the TSELA) has informed the Neighbourhood Plan, and decisions that relate to future development around Truro. The appeal site is contained within character area TL16A where land is described as predominantly pastoral and enclosed by Cornish hedges with their associated trees and shrubs. Other land uses consist of scattered farms, cottages and modern dwellings. The landscape is tranquil with good aesthetic appeal and therefore has a high overall landscape sensitivity. Accordingly, it deems the landscape's capacity for housing as low.
24. Although the appeal site is located adjacent to the busy A390 and close to a cluster of dwellings, it forms an attractive field enclosure that enhances the pastoral setting around the cluster. Its character is therefore consistent with aspects of TL16A's character.
25. The development of dwellings on the site would result in some loss of landscaping along the frontage for access purposes, while the scale of the development would be expected to replace the soft grass surface with physical structures, hardstandings, attendant parking and residential paraphernalia, thus intensifying the built form around the cluster and significantly eroding the site's natural, undeveloped appearance. Therefore, the proposal, when viewed from the adjacent highway and neighbouring properties, would unacceptably degrade a typical component of the surrounding pastoral landscape and harm the cluster's attractive rural setting.
26. The area of development is not particularly large, while it would result in the loss of a small field within the wider character area. However, it would impinge on the site's openness and contribute to the incremental erosion of the area's rural appearance through the development of modern housing.
27. The harm in this instance would generally be localised and seen in short to medium range views. From longer distances along the A390, the proposal would typically be seen against the immediate backdrop of the cluster, or be screened by existing landscaping or buildings. Nonetheless, this does not address the unacceptable effects the proposal would have.
28. In this respect, the development of two dwellings at the site would harm the character and appearance of the surrounding countryside and fail to accord with Policies 12, 21 and 23 of the Local Plan and Policies E1, E4 and H1 of the Neighbourhood Plan. Collectively these require proposals to, amongst other things, respect local character and distinctiveness, and integrate well with the surroundings.

² Saints Trail: Chiverton Bridge to West Langarth, Page 18, Appellant's Statement

29. Drawing my findings together, I conclude that the site would be in an unacceptable location having regard to the development plan's spatial strategy for the supply of housing, the character and appearance of the area and the accessibility to services and facilities. It would conflict with Policies 2, 3, 7, 12, 21, 23 and 27 of the Local Plan and Policies E1, E4 and H1 of the Neighbourhood Plan. The proposal would also fail to accord with Paragraphs 8, 80, 110, 112, 130 and 174 of the Framework where it requires schemes to protect and enhance the natural environment, respect local character, be accessible to services, give priority to pedestrian and cycle movements, and as far as possible, facilitate access to high quality public transport.

Other Matters

30. I have been referred to the scheme at Langarth Garden Village³, a large strategic housing development, approved by the Council, that will also include community and employment facilities. The submitted details indicate, that other than highway works, further details require approval through reserved matters.

31. That scheme is several hundred metres from the appeal site and the separation distance maintained does not aid the proposal to achieve compliance with Policy 3. There are public transport improvements listed in the approval notice which could progress the appeal site's accessibility to services and facilities. However, I have not been presented with those details, nor am I certain that they have been granted as part of a reserved matters submission. This does not provide for certainty or allow for an informed assessment of the potential policy compliance of the appeal scheme.

32. I have been referred to several cases which the Council approved in the locality⁴. The dwelling consented at Penventinne, differs to the appeal scheme as it would adjoin the Langarth Garden Village development, and would not appear disconnected or divorced from that settlement. Similarly, the unit approved south east of Ramblers would be contiguous with the south west corner of Langarth Garden Village, while also being built on PDL, as opposed to an open undeveloped field, in the case of the appeal proposal. Regarding the case of Glengarth, although the Council assessed the scheme differently, in the context of Policy 3, it is nonetheless within the line of properties I judged to have a clear shape and form, while also forming part of a contiguous frontage that would be built up to the edge of the Langarth Garden Village development. In contrast the appeal scheme would be within a small, disconnected cluster that would also be further away from local public transport connections. Lastly, and notwithstanding the Council's favourable assessment regarding its accessibility to transport modes, the Truro Airfield development, relates to holiday units and was evaluated, amongst other things, against the Council's tourism policies which contain different assessment criteria. Therefore, this appeal, can be clearly distinguished from the other cases referred to.

33. Further schemes, which are judged by the appellant to be similar, at Chacewater⁵ and Garth Lodge⁶ have been mentioned. However, I have not been presented with details showing their location or the reasons and policy considerations that informed the Council's decision in those cases.

³ Local Planning Authority Ref - PA20/09631, approved 5th April 2022

⁴ Local Planning Authority (LPA) approval Refs: PA20/00494 (Penventinne); PA21/10179 (Glengarth); PA21/111819 (land at Truro Airfield); PA22/07860 (land south east of Ramblers);

⁵ LPA approval Ref - PA18/07295;

⁶ LPA approval Ref PA20/10555.

34. The documents, 'Securing Homes for All: A Plan to meet Cornwall's Housing Crisis' and 'Housing Crisis Plan - Summary of Proposed Key Measures' highlight the acute housing issues facing the county. Whilst I recognise the intent of those documents and their determination to resolve the matter, they are not adopted policy and do not override development plan policies. In any case they both highlight the importance of the development plan in managing and directing residential development to places that are sustainable and will meet current and future local needs.
35. The site is within the influence of Special Areas of Conservation (SACs). There is no dispute that the proposal would, in combination with other projects, have likely significant effects on the SACs through increased recreation. To that end, the appellant has supplied a Unilateral Undertaking and a financial payment to secure necessary mitigation. Had I been minded to allow the appeal, it would have been necessary for me to consider this matter within an Appropriate Assessment. However, as I am dismissing the appeal for other reasons, I have not taken it further.

Planning Balance

36. The Government's objective is to significantly boost the supply of housing and the proposal would provide minor benefits through the provision of two additional dwellings and spending in the local economy.
37. Conversely, the location of the proposal in the countryside, beyond the settlement, would undermine the Council's plan-led approach to the delivery of housing, result in moderate harm to local landscape character, and would not be accessible to a range of transport modes for access to local services and facilities. The totality of those impacts would amount to significant harm. The proposed development would, therefore, be contrary to Policies 2, 3, 7, 12, 21, 23 and 27 of the Local Plan, Policies E1, E4 and H1 of the Neighbourhood Plan, as well as the aforementioned paragraphs of the Framework.
38. The Framework makes it clear at paragraph 12, that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. The minor benefits of the scheme and the other considerations identified would not outweigh this conflict and the associated harm.

Conclusion

39. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR