



Appeal Decision

Site visit made on 8 August 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2023

Appeal Ref: APP/D0840/W/22/3312076

Land at Lambourne Lodge, Cocks Hill, Perranzabuloe, Perranporth TR4 9LQ

- 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 R Cook against the decision of Cornwall Council.
 - The application Ref PA22/03803, dated 19 April 2022, was refused by notice dated 24 June 2022.
 - The development proposed is permission in principle for the construction of no more than two detached dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the construction of no more than two detached dwellings on land at Lambourne Lodge, Cocks Hill, Perranzabuloe, Perranporth TR4 9LQ in accordance with the terms of the application Ref PA22/03803, dated 19 April 2022.

Preliminary Matters

2. The proposal is for a Permission in Principle. This consent route has two stages. The first stage establishes whether a site is suitable in principle, and the second stage, for Technical Details Consent, is where the detailed development proposals are assessed. The proposal is at the first stage and therefore I have considered the principle of the scheme.
3. The scope of the first stage is limited to location, land use and amount of development. Permission in principle has been sought for up to two dwellings and I have determined the appeal on that basis, having regard to the relevant legislation and the Planning Practice Guidance (PPG).
4. During the appeal, the appellant has made an undertaking pursuant to s111 of the Local Government Act 1972 (the s111 undertaking). This makes a financial contribution towards Strategic Access Management and Monitoring (SAMM) of the Fal and Helford and Penhale Dunes Special Areas of Conservation. I will consider this further below.

Main Issues

5. The main issues are:
 - whether the proposal would provide a suitable location for housing, having regard to the strategy of the Development Plan, including access to services and facilities, and
 - the effect of the proposal on the Fal and Helford, and Penhale Dunes Special Areas of Conservation (SACs).

Reasons

Suitable location for housing

6. The appeal seeks to erect two dwellings on land confirmed by a Certificate of Lawfulness¹ as being garden associated with Lambourne Lodge. It is common ground that the site constitutes Previously Developed Land (PDL). Policies 2 and 3 of the Cornwall Local Plan (CLP), adopted November 2016, provide the Council's planning policy strategy.
7. Outside of main towns, CLP Policy 3 permits housing including on PDL that immediately adjoins a settlement, where it would be of a scale appropriate to the size and role of the settlement. The main parties dispute whether Perranzabuloe constitutes a settlement for the purposes of the policy. The Council's Chief Planning Officer Advice Note on Infill and Rounding Off (CPOAN), dated December 2017, provides guidance on this.
8. The name Perranzabuloe has a historical basis, including within the Domesday survey of 1086AD. As well as being the parish name for a much wider area, it is also the name given to buildings focused on and around the Church of St Piran, and the junction of Cocks Hill and the A3075. This is evidenced by, for example, mapping produced by Ordnance Survey, and the naming of the bus stops and the church. Some property registers show dwellings around the appeal site as being within Penhallow, but others identify Perranzabuloe as a distinct location or address.
9. Most buildings hereabouts are at or north of the junction. A handful of buildings lie on a road leading off the A3075 to its south, beyond land once used as allotments. The former allotments appear to have now largely blended into the countryside. Even so, Perranzabuloe including the ribbon of dwellings fronting the A3075 to its south side, has a form and shape with clearly definable boundaries. It is therefore not just a low-density straggle of development but constitutes a well-defined nucleus of buildings with a collective name.
10. The CPOAN states that, in defining settlements, there are no expectations of services or facilities, with the only exception being when assessing proposals for infill or rounding off in smaller villages and hamlets. As the development of PDL, it is not necessary that the proposal constitute either infill or rounding off to comply with CLP Policy 3.
11. Even so, there are bus stops not far from the site, with a reasonably good service that provides regular links to larger settlements. These include Goonhavern, Newquay and Redruth and their onward connections, as well as services to schools and colleges. Facilities in Perranzabuloe itself include the church and the former public house, now a restaurant. It therefore has access to a range of services and facilities by means other than the private car, thus broadly complying with Connecting Cornwall 2030, the Local Transport Plan. Taking all these factors into account, I conclude that Perranzabuloe constitutes a settlement for the purposes of CPOAN and CLP Policy 3.
12. The appeal site and Lambourne Lodge itself is divided from Church House and the rest of the settlement by the churchyard. This is identified in the CLP as Local Green Space. Even so, the churchyard contains the built form of paths,

¹ LPA reference PA22/00512

gravestones and memorials. As such, despite the gap formed by the churchyard, I consider that Lambourne Lodge forms a cohesive part of the settlement.

13. By erecting up to two dwellings on the site, the proposal would inevitably extend built development beyond the edge of the settlement formed by Lambourne Lodge and Lambourne Castle Farm opposite. CLP Policy 7 only permits housing in the countryside, which it defines as the area outside of the physical boundaries of a settlement, in circumstances that do not apply here. The proposal would therefore conflict with Policy 7. As such, there is a degree of tension between Policy 3 and Policy 7.
14. However, Policy 3 is more directly relevant to the proposal as housing on PDL adjacent to a settlement. I therefore give greater weight to Policy 3 than to Policy 7, which applies to all housing in the countryside. CLP Policy 21 also supports the use of PDL, where access to services and facilities amongst other things is available. The proposal and its construction and future occupiers would bring economic and social benefits to the settlement. As such, it would be consistent with the advice in the National Planning Policy Framework (the Framework) to locate housing in rural areas, where it would maintain and enhance the viability of rural communities.
15. The emerging Perranzabuloe Neighbourhood Development Plan (eNDP) seeks to define boundaries for settlements that do not include Perranzabuloe itself, and only permits types of housing outside these boundaries that do not include the proposal. It also seeks to reduce the need to travel and the effects of climate change. However, the eNDP is subject to consultation and is currently at pre-examination stage. As such, its policies are subject to change. Having regard to the advice in the Framework, I give these emerging policies only limited weight and so they are not crucial to my decision.
16. For the reasons given above, I therefore conclude that the proposal would provide a suitable location for housing, having regard to the strategy of the Development Plan, including access to services and facilities. Although I have found conflict with CLP Policy 7, it would comply with CLP policies 3 and 21, and with the advice in the Framework.

Special Areas of Conservation

17. The European Sites Mitigation Supplementary Planning Document, dated July 2021, identifies that the site is within the zone of influence of the SACs. Features of interest within the SACs include saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries, reefs, shifting sand dunes and their supporting vegetation. The SACs are protected pursuant to the Conservation of Habitats and Species Regulations 2017 (the Regulations).
18. Recreational pressure, predominantly from those living or staying within the zone of influence, causes harm to the habitats within the SACs. Additional population occupying the proposal could result in adverse effects to the integrity of the SACs. As a result, alone and in combination with other development, the proposal could well have a significant effect on the SACs.
19. Accordingly, as the competent authority in the context of this appeal, I am required to carry out an Appropriate Assessment under the Regulations.

Mitigation has been developed in the form of SAMM, to avoid such adverse effects, funded through proportionate developer contributions. In this case, the appellant has made an s111 undertaking to make a financial contribution towards SAMM. The Council and Natural England has confirmed that the contribution would be sufficient.

20. On this basis, in carrying out the Appropriate Assessment, the adverse effects of the proposal on the integrity of the SACs would be avoided. The undertaking and payment are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind. For these reasons, the proposal would not harm the integrity of the SACs and would have an acceptable effect on them. It would therefore accord with CLP Policy 22 and its requirement that mitigation and management of the SACs is agreed and secured prior to approval of the proposal.

Other Matters and Conditions

21. Both parties have referred to other sites and proposals including those at the settlements of Menagissey, Lamburn and Trevarrian. However, the facts and circumstances are specific to each of these proposals, and I do not have full details of those cases. As such, I have considered the proposal before me on its own merits.
22. I have little reason to doubt that the Council has delivered an adequate supply of housing in the local area. However, its housing target is not a cap or a limit and so this does not provide a reason to resist the proposal. Planning conditions cannot be attached to a grant of permission in principle, as confirmed by the PPG.

Planning Balance and Conclusion

23. For the reasons given, notwithstanding the conflict with CLP Policy 7, the proposal would comply with the Development Plan, when read as a whole. I therefore conclude that the appeal should be allowed.

O Marigold

INSPECTOR