



Appeal Decision

Site visit made on 30 August 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal Ref: APP/D0840/W/23/3319413

Land at Dinas, Dinas, Padstow PL28 8LU

- 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 Ms K Norris against the decision of Cornwall Council.
 - The application Ref PA22/04255, dated 2 May 2022, was refused by notice dated 7 November 2022.
 - The development proposed is the erection of up to five dwellings, all matters reserved other than access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been submitted in outline with all matters, except for access, reserved for future consideration. I have dealt with the proposal on that basis, treating details such as those on the proposed site plan for illustrative purposes only and as an indication of the dwellings that would likely be erected on the site.
3. I understand that when the application was submitted to the Council the Padstow Neighbourhood Plan (PNP) had not been made. The PNP was made in September 2022, prior to the decision of the Council to refuse the application. As such, the PNP forms part of the adopted development plan. Given when it was made, neither party would be prejudiced by me taking into account the policy requirements of the PNP in determining the appeal.

Main Issue

4. The main issue is whether the proposal for residential development in this location and the mix of dwelling types proposed accord with the development strategy for the area.

Reasons

5. The appeal site is an agricultural field located on the edge of Padstow. The site is bordered on three of its boundaries by existing residential properties. The southern boundary is partially bordered by another residential property, and there is an agricultural building within the remaining gap in that boundary.
6. Given that the appeal site is outside, but adjoins, the defined development boundary of Padstow, as shown on Map 9 of the Padstow Neighbourhood Plan (PNP), Policy PAD7 of the PNP applies. The Council's reason for refusal references a conflict with Part 4 of Policy PAD7, which states that proposals for new dwellings on sites adjoining Padstow's Settlement Area Boundary will be

supported if a mix of dwelling types is provided that is reflective of the most up to date assessment of housing needs.

7. Paragraph 8.29 of the PNP states that Policy PAD7 provides conditional support to development proposals outside of, but adjoining, the defined settlement area of Padstow that is not within the AONB, as long as they deliver dwellings to ensure the local housing market is properly served and/or community facilities or services for which there is clear evidence of need. Additionally, it advises that any housing development proposal under this policy must refer to Cornwall Council's Housing Needs Register in support of the proposal.
8. The appellant has not provided substantive information on the types of dwellings proposed and how they would respond to the latest housing needs assessment. Instead, the appellant has suggested that this is a matter that could be resolved at the reserved matters stage.
9. I acknowledge that the finer details of the scheme, such as layout and scale, would be decided at the reserved matters stage. However, Policy PAD7 is clear in its requirements and the proposal being for up to five dwellings and the size of the site leaves minimal potential for variation in the housing types going forward. The submitted plans indicate that the five dwellings would be large and set within substantial plots. The appellant has not sufficiently demonstrated how the proposal could be varied at the reserved matters to accommodate the necessary mix of housing types. In the absence of this information, I cannot be certain that the proposal would adequately address the requirements of Policy PAD7.
10. The Council mention in their reason for refusal conflicts with policies of the Cornwall Local Plan (CLP). Policy 3 confirms that Padstow is not a main town for the purposes of the CLP. The policy enables residential and employment development in areas of the county outside the main towns identified in the policy, but only in certain circumstances.
11. The certain circumstances where residential development would be acceptable outside a main town includes the rounding off of the settlement. Paragraph 1.68 of the CLP defines rounding off as applying to 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 been drawn to the Council's Chief Planning Officer's Advice Note: Infill/Rounding Off (2017). The document is clear that it only provides guidance to help reach a decision and should not be used as a reason for refusal. The note does not substitute the policies of the adopted development plan and can only be afforded limited weight. Nevertheless, I have had regard to the guidance when determining the appeal as it demonstrates what the Council typically considers to be acceptable in terms of rounding off.
13. The site is substantially enclosed in visual terms due to the presence of existing residential properties around three of the four site boundaries. The visual line of the settlement edge has a natural line along the southern boundary of the site as the residential built form of the settlement also runs along part of that boundary.

14. The residential property on the southern side of the site leaves a small gap of agricultural land on that boundary, which is currently occupied by an agricultural building. There is therefore a substantial visual and physical barrier to further incremental growth on the only boundary that abuts the open countryside. Furthermore, I consider that the proposed housing would not visually extend the built form of the settlement into the open countryside.
15. I am satisfied that the proposal constitutes the rounding off of the existing settlement of Padstow. As such, the site is suitable for residential development in accordance with the settlement policies of the development plan. In turn, the proposal would not conflict with Policy 7 of the CLP as I consider that applies to proposals for development in the open countryside that cannot be demonstrated as compliant with Policy 3. Moreover, open countryside is defined in the background to the policy as being outside the physical boundaries of settlements, where they have a clear form and shape. In this case, there is not a clear form or shape to the boundary of this part of Padstow given the surroundings of the site that I have already described.
16. The Council have also stated that they consider the site to be a rural exception site and Policy 9 of the CLP therefore applies. Rural exception sites are defined in Paragraph 1.68 as affordable housing led developments adjoining, or physically well related to, the built form of existing settlements. Policy 9 itself is clear that a rural exception site is a site that comes forward for development as an affordable housing led scheme. Although the site is outside of but adjacent to the existing built-up area of Padstow, as it is not an affordable housing led scheme, it is not a rural exception site and Policy 9 is not applicable in this case.
17. Having regard to all of the above, the proposal is considered to be a rounding off of the settlement of Padstow and therefore there is no conflict with Policies 3 and 7 of the CLP. However, the limited evidence submitted by the appellant to demonstrate that the indicated mix of housing is, or that a reserved matters scheme would be, reflective of the latest housing needs assessment for the local area means that the requirements of Policy PAD7 of the PNP have not been satisfied. Consequently, the proposal conflicts with the development plan when taken as a whole. The indicative proposal would undermine the housing strategy of the PNP as it would fail to optimise a site on the edge of the settlement to provide the housing most needed by the local community.
18. Additionally, the proposal would conflict with the National Planning Policy Framework (the Framework), which states, amongst other things, that in rural areas, planning decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Conclusion

19. For the above reasons, and having regard to all other matters raised, whilst the proposed development would constitute rounding off of the settlement, the proposal would not respond to the most up-to-date housing needs assessment and therefore conflicts with the development plan, when taken as a whole, and the Framework. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR