



Appeal Decision

Site visit made on 24 October 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2023

Appeal Ref: APP/D0840/W/23/3316504

Adjacent to Tamarisk House, Mawgan Porth, Newquay TR8 4AL

- 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 & Mrs Turner against the decision of Cornwall Council.
 - The application Ref PA22/07603, dated 18 August 2022, was refused by notice dated 16 December 2022.
 - The development proposed is the construction of a new family dwelling with associated access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. My attention has been drawn to the fact that the settlement name and postcode entered on the application form and replicated on the decision notice is incorrect. I have therefore included the confirmed postcode and the settlement where the appeal site is located in the above banner head.
3. The Council referred to the National Planning Policy Framework 2021 (the Framework) on the decision notice. A new version of the Framework came into effect in September 2023, and I have determined the appeal in accordance with it. As the Framework's policy content insofar as it relates to the main issues is unchanged, no party would be prejudiced as a result of this approach.

Main Issues

4. The main issues are:
 - whether the location of the development would be appropriate having regard to local planning policies on the location of housing; and
 - the effect of the development on the character and appearance of the area, with specific regard to the Watergate and Lanherne Area of Great Landscape Value (the AGLV).

Reasons

Location

5. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) sets out that the location of new development, including housing, should be based on the role and function of a place, establishing a hierarchy of places where new development should be directed. The appeal site is located outside the main towns identified in Policy 3, in an area where housing growth may be

delivered in specific circumstances. Of these circumstances, the main parties' dispute relates to whether the development would round off the settlement of Mawgan Porth. Furthermore, whilst there is no dispute that Mawgan Porth is a settlement for the purposes of the Local Plan, to be considered as rounding off development, a site will, by definition, be located outside it. The main parties, however, do not agree if the appeal site is located within the settlement.

6. In the absence of settlement boundary mapping in the Local Plan, the supporting text to Policy 3 defines rounding off as development on land that is substantially enclosed but outside the main urban form of a settlement. Additionally, a settlement edge should also be clearly defined by a physical feature that acts as a barrier to further growth and prevents development from visually extending into the open countryside. This is further supported by the Chief Planning Officer's Advice Note: Infill/Rounding Off (the CPOAN). Although not a formally adopted document, the CPOAN provides guidance to assist decision-makers in interpreting the Local Plan's strategic policies, including Policy 3, in a consistent manner.
7. No absolute definition for settlements beyond the main towns is set out in the Local Plan or the CPOAN, only that they should have a form and shape with clearly definable boundaries, not just a low-density straggle of development. Its relationship with the signposts of the settlement is not a determinative consideration for this planning judgement.
8. The site is located alongside a principal route (the B3276) that runs down to Mawgan Porth Beach before continuing up the other side of the valley. Clusters of existing properties are located close to the site on one side of the road, separated by large gaps in built form which permit views across the valley. However, the majority of existing development associated with Mawgan Porth is located on the higher ground on the other side of the valley. Due to the surrounding topography, the site is located on the side of the valley which is physically and visually separated from the majority of development associated with the settlement.
9. Whilst I note that the CPOAN recognises that local residents are well placed to assist with defining a settlement boundary, given the small number of supportive submissions from local residents I cannot conclude with certainty these views are representative of the local population. I have been referred to the Restormel Local Plan which identified a settlement boundary for Mawgan Porth, however, this no longer forms part of the development plan. Regardless, the specific location of the settlement boundary is not a matter for me to define in this appeal. Instead, the CPOAN indicates that a judgement will be required on a case-by-case basis whether a site has the appearance of being within the physical boundaries of a settlement.
10. Based on the evidence before me and my visit to the site and the surrounding area, it is my judgement that the site does not have the appearance of being within the physical boundaries of the settlement of Mawgan Porth, nor its built envelope. Therefore, for the purposes of the Local Plan, the site is not located within a settlement, even if the pre-application advice provided in response to another scheme comprising a larger quantum of development on the site¹ referred to it as such.

¹ Council ref: PA18/02052/PREAPP dated 12 November 2018

11. Turning to whether the development constitutes rounding off, the CPOAN provides further amplification to the definition set out in the Local Plan, including that it would provide a symmetry or completion to a settlement boundary. Additionally, proposals must be adjacent to existing development and be contained within long-standing and enclosing boundary features.
12. Two of the appeal site's boundaries are clearly defined by the B3276 and the residential properties of Tamarisk Lodge and part of the garden of Tamarisk House, both located on the other side of substantial, dense hedgerows from the site. However, due to the downward slope of the site and the area of overgrown scrub located towards its boundary with the garage at Tamarisk House, the landscape features on this edge merge into the wider valley landscape. On the remaining site boundary, a sparse Cornish hedge lines the adjacent access lane to Tamarisk House. Although the lane divides the gap between Tamarisk Lodge and The Lookout, its informal surface and sunken level in comparison with the site and the adjoining field means it has an impermanent character that does not provide a clear barrier to development.
13. Therefore, it is my judgement that the site is not substantially enclosed nor clearly defined by physical features that act as a barrier to further growth. Development of the site would not round off the settlement of Mawgan Porth in a logical manner and it would lead to built form extending into the countryside gap between existing properties.
14. I conclude that the location of the proposed development would not be appropriate having regard to the local planning policies on the location of housing. As identified above, it would be contrary to Policy 3 of the Local Plan in this regard.

Character and appearance

15. Whilst not covered by statutory landscape, biodiversity or heritage designations, nonetheless the appeal site is located within an AGLV, a locally designated landscape. As such, the Framework sets out that decision-making should protect and enhance valued landscapes in a manner commensurate with the identified quality. The landscape characteristics of the site and its surroundings reflect those identified in the Newquay and Perranporth Coast Landscape Character Area² comprising undulating narrow valleys to the sea with open and exposed landscape.
16. Located on a steeply sloping valley side, the topography of the site enables views from the B3276 towards the valley floor and its opposite side. The design of the proposed dwelling responds to the sloping topography through a stepped and partially submersed form that would maintain these views by sitting below the height of the existing Cornish hedgerow. Nevertheless, whilst much of the dwelling would be hidden from the B3276, the presence of built form, including the dwelling's associated domestic paraphernalia, would be evident, particularly via the lane and proposed driveway.
17. From the valley floor and opposite slope, the gap between The Lookout and Tamarisk Lodge is readily identifiable. Combined with the rugged landscape features on the site, this gap merges with the areas of scrubland on the lower slopes which extends along the valley into the wider countryside.

² LCA15 of the Cornwall and Isles of Scilly Landscape Character Study

Notwithstanding the proposed local vernacular and a height, scale and roof room reflective of neighbouring properties, the proposed dwelling would significantly reduce this gap. Whilst the siting and colour of the relatively recently constructed garage at Tamarisk House reduces the definition of the gap, this is primarily experienced from the beach car park and the lower slopes of the opposite side of the valley. Moreover, the presence of the garage does not justify the further encroachment of development into the countryside.

18. In views from the beach car park and the other side of the valley, the proposed dwelling would be visible above the existing garage. From higher ground, views of the undeveloped nature of the site are more prominent with the site's role in maintaining the gap in built form intrinsic to the character of the area. I acknowledge that the ability to view the development does not automatically mean it would be harmful and the retention of the majority of the site's natural features and the use of muted materials would soften the development. Similarly, the limited visual relationship between the site and the beach does not demonstrate an absence of harm. Consequently, the development would intrude into the landscape, diminishing the existing rugged landscape character of the valley slopes.
19. A detailed landscaping scheme could be required by condition were I minded to allow the appeal. However, any landscaping scheme would take time to mature and, given the sloping topography of the site and the low-level scrub features characteristic of the area, I do not consider new planting would mitigate the harm I have identified above.
20. I conclude that the proposed development would unacceptably harm the character and appearance of the area, with specific regard to the AGLV. It would be contrary to policies 1, 2, 12 and 23 of the Local Plan which, amongst other provisions, require proposals to maintain, respect and respond to the special landscape character, setting and natural environment of Cornwall. I also find conflict with the Framework, specifically paragraphs 8, 130 and 174 which also seek to protect and enhance the natural environment, including locally designated landscapes.

Other Matters

21. I have been referred to Policy 2a of the Local Plan which sets a requirement for the delivery of at least 2,625 dwellings per annum up to 2030. Whilst the development would contribute to this requirement, the provision of one net dwelling would be of limited benefit. Furthermore, the evidence before me indicates that the Council can demonstrate a 6.6-year supply of deliverable housing sites³ and has already met the Local Plan housing target for the sub-area within which the site is located⁴. Whilst acknowledging that these are minimum targets, the degree to which they have been exceeded is not inconsequential. Therefore, the development's compliance with Policy 2a is a neutral factor in my decision.
22. The development would contribute to the Council's core objectives to sustain and enhance the role of local communities and to provide housing which meets local needs, including that of the appellant's family. Notwithstanding this, any social or economic benefits from the construction and occupation of a single

³ Cornwall 5 Year Housing Land Supply Statement, dated 1 June 2023

⁴ Cornwall Local Plan Housing Implementation Strategy 2023, dated 1 June 2023

dwelling would be limited. Similarly, any environmental benefits derived from the development would also be small given its scale. Overall, these modest benefits do not outweigh the harm and associated development plan conflict I have identified above.

23. My attention has been drawn to Policy 21c of the Local Plan which encourages proposals to increase building density where appropriate and taking into account the character of the surrounding area. However, as I have found that the location of the development would not be appropriate, and the appeal scheme would harm the character and appearance of the area, the provisions set out in Policy 21c would not be met. Similarly, the fact that the Council did not refer to Policy 7 of the Local Plan, which relates to housing in the open countryside, on the decision notice, does not alter the conflict I have identified above.
24. The appeal site is located within the Penhale Dunes Special Area of Conservation (SAC), a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017. The Council's decision notice included a reason for refusal relating to the SAC as it had not been demonstrated that the proposed development would not cause harm to this site through an increase in recreational activity. I note that the appellant has submitted a financial contribution to the Council to secure recreational mitigation, in accordance with Policy 22 of the Local Plan and the European Sites Mitigation Supplementary Planning Document. If the circumstances leading to the grant of planning permission had been present, it would have been incumbent on me as the competent authority to consider whether the development would be likely to have a significant effect on the integrity of the SAC. However, as I am dismissing the appeal on the main issues above, I have not found it necessary to consider this matter further as this would not alter the outcome of the appeal.
25. Even if I were to conclude that the development would not result in harm to the living conditions of neighbouring occupiers and the proposed access would not prejudice highway safety, these are neutral factors.

Conclusion

26. The development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, that suggest a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

Juliet Rogers

INSPECTOR