



Appeal Decision

Site visit made on 2 January 2024

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 January 2024

Appeal Ref: APP/D0840/W/23/3326149

Land East of Shepherd's Lea, Trenance, Mawgan Porth

- 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 A Barton, Apex Land Ltd against the decision of Cornwall Council.
 - The application Ref PA22/10377, dated 21 November 2022, was refused by notice dated 25 January 2023.
 - The development proposed is the construction of up to nine dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning Practice Guidance (PPG) advises that permission in principle 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.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted.
4. I have taken the description of development in the banner heading above from the application form. However as '*Application for Permission in Principle for*' is not an act of development, I have removed this element.
5. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties have had the opportunity to comment on the implications of this change and where comments have been received, I have taken them into account.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

7. The appeal site is an area of land located to the edge of the settlement of Trenance. The Council's spatial strategy is provided within Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) which seeks to maintain the dispersed development pattern of Cornwall, and to provide housing based on the role and function of each place.
8. LP Policy 3 sets out a hierarchical strategy for the delivery of new housing. Trenance is not a location named within Policy 3(1) and therefore Policy 3(3) provides that, outside these larger named settlements, housing growth is to be delivered through, amongst other criteria, rounding off of settlements.
9. Paragraph 1.68 of the LP defines rounding off as "*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*".
10. My attention has also been drawn to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (The CPOAN). The CPOAN does not form part of the statutory development plan and is to be regarded as informal guidance. However, it does provide some clarity on the locally adopted approach in relation to matters such as rounding off of settlements, and as such I have had regard to it in the determination of this appeal.
11. I am mindful that the CPOAN advises that suitable sites for rounding off must be contained within long standing boundary features (such as a road or Cornish hedge) and are likely to be surrounded on at least two sides by existing built development. In terms of whether the appeal site is 'substantially enclosed', I observed that the appeal site is indeed enclosed by the B3276 to one side, with residential development beyond, residential development to the northern boundary and the other boundaries are formed by Cornish hedges.
12. Notwithstanding, other factors must also be considered in assessing whether a proposal constitutes rounding off, including whether the proposal would visually extend development into the open countryside.
13. The appeal site is within the Cornish Killas National Character Area and traverses the Newquay and Perranporth Coast and Trevoze Head and Coastal Plateau Landscape Character Areas. Key landscape characteristics of these areas include open an exposed landscape with little tree cover, small to medium scale field patterns with a mix of medieval and post-medieval enclosures with Cornish hedges, slate walls and hedgerows, and a number of 20th century nucleated settlements focused on tourism.
14. The appeal site is not within a formally designated protected landscape. However, despite it being an area of scrubby grassland, I observed that it exhibits a number of the key characteristics of the landscape character areas. Even if it is the case that the appeal site is part of a field which has had housing constructed within its historic boundary, its character is nevertheless still one of a small field.
15. Notwithstanding the built form directly adjacent, it is seen as an integral part of the exposed, open and extensive rural landscape of the area. I therefore cannot agree that the Landscape Sensitivity is low as stated within the

appellant's Landscape Visual Impact Assessment (LVIA), but find it is of moderate value and positively contributes to the landscape character of the area.

16. Whilst from within the site, views towards the built form of Trenance are more pronounced than views of the surrounding countryside due to topography and the boundary hedges, this is not the case from outside of the site. I do accept that in a number of more distant viewpoints the appeal site is not visible due to intervening topography or built form. Furthermore, where the proposal would be visible at distance, such as at Viewpoints 5 and 6 as detailed within the LVIA, the proposal would be seen in conjunction with existing built form of Trenance.
17. However, importantly, the site is prominent when viewed from nearby viewpoints such as LVIA Viewpoints 1 and 2. In the general area of Viewpoint 1, contrary to the findings of the LVIA, I observed that the appeal site is not read as being contained from the agricultural landscape beyond, but instead forms an intrinsic part of the small to medium field pattern characteristic of the countryside landscape, which is emphasised by views of the site being framed by built form on each side of the highway.
18. From Viewpoint 2, the northern part of the appeal site does have a close spatial relationship with the urban form of existing dwellings. However, when travelling along the B3276, given the relatively small amount of built form adjacent the appeal site and more generally along the eastern side of the highway, the site as a whole is again perceived to have a greater visual relationship with the surrounding countryside beyond as opposed to the physical built form of the village.
19. Whilst I have found the site to be enclosed by edging features, given the potential scale of the proposal, combined with the character of the appeal site as outlined above, the proposal would inevitably result in residential built form being seen to visually project into the countryside, rather than being seen as a natural rounding off of, or completion of the settlement itself. Whilst noting the conclusions of the LVIA, I do not consider that site level mitigation, or overall detailed design considerations at technical details consent stage would overcome this projection into the countryside.
20. A number of appeal decisions and planning permissions have been cited by the appellant within their planning submission. However, these concern differing sites, which I note appear to have differing relationships with surrounding built form. Moreover, I have limited details of the other cases before me. This limits the equivalence of the other cases to the current proposal. The current appeal proposal has its own circumstances and I have determined it on its own merits.
21. Consequently, I conclude that the site is not suitable for residential development, having regard to its location, the proposed land use, and the amount of development. The proposal would conflict with LP Policies 1, 2, 3, and 23. These policies seek, amongst other things, to take a hierarchical approach to direct development based on the role and function of places while ensuring development does not harm the character of the countryside or its natural resource. Furthermore, the proposal would also be contrary with the provisions of the Framework in relation to achieving sustainable development in rural areas.

Other Matters

22. It is put to me that issues relating to neighbouring occupiers living conditions would be addressed at technical details stage, as well as a CIL payment being made. Even if this is the case, these are ordinary requirements for new development, and does not represent a positive benefit that weighs in favour of the proposal.
23. I have taken into account the appellants suggestion of ensuring, at technical details stage, the proposal is zero-carbon. I have also considered the economic and social benefits of the proposal including the ability for new homes to sustain local services and facilities, the economic benefit in both the short term during the construction phase, and longer term from future occupiers.
24. Furthermore, although the Council have stated that it can demonstrate a 6.6 year supply of housing, the proposal could contribute a potential range of differing types of housing to the housing supply in Cornwall to meet local needs as well as potential contributions to affordable housing. I also recognise that the proposal could support a local SME developer and the development could take place in a timely manner. These are recognised benefits.
25. However, I find that these benefits are modest given the limited scale of the proposal and the Council's current housing land supply, and do not outweigh the conflict I have identified with the development plan, to which I afford substantial weight.
26. A further refusal reason relates to the absence of a mechanism to mitigate the recreation impact on the Penhale Dunes Special Area of Conservation (SAC). The main issue provides a clear reason for dismissing the appeal. Notwithstanding that the Council is in receipt of an obligation and financial contribution towards mitigation, there is no need for me to consider the implications of the development on the integrity of the SAC or the provisions of the Conservation and Habitats and Species Regulations 2017 (as amended). This is as my findings on that issue would not change the appeal outcome.

Conclusion

27. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal is dismissed.

S Harrington

INSPECTOR