



Appeal Decision

Site visit made on 5 December 2023

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/D0840/W/23/3321825

Land East of 1 Sarah's Meadow, Padstow, Cornwall PL28 8LX

- 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 T Bennett against the decision of Cornwall Council.
 - The application Ref PA23/01057, dated 8 February 2023, was refused by notice dated 23 March 2023.
 - The development proposed is the construction of a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two 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 two 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. I have determined the appeal accordingly.
4. My attention has been drawn to a previous appeal decision at this site². National and local planning policy has changed considerably since this decision was made in 2002, however, the character and appearance of the site, and the contribution it makes to its context does not appear to have changed substantially. Nevertheless, I have reached my own conclusions based on the current planning policy context and evidence before me, which includes my site visit.
5. A new National Planning Policy Framework (the Framework) was published on 19 December 2023, with a further update on 20 December 2023. I have consulted the main parties on this, and am satisfied that the changes made to the Framework are not determinative to the present appeal.

¹ Paragraph: 012 Reference ID: 58-012-20180615; Revision date: 15 06 2018

² APP/C0820/A/02/1089820

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.

Reasons

7. The appeal site is an undeveloped parcel of land on Sarah's Meadow, located towards the southern edge of Padstow. It lies within the Settlement Area Boundary as defined in the Padstow Parish Neighbourhood Plan (the Neighbourhood Plan).
8. Policy PAD6 of the Neighbourhood Plan is generally supportive of development within the Settlement Area Boundaries, recognising the need to support the sustainability of the town, in accordance with the spatial strategy described in Policies 2 and 3 of the Cornwall Local Plan (the Local Plan). There are areas of disagreement between the parties over the degree to which individual criteria of Policy 3 of the Local Plan and PAD6 of the Neighbourhood Plan are met. However, in terms of this permission in principle stage application, the parties agree that there is some policy support for residential development in this location. From the evidence before me, I see no reason to disagree.
9. The Council's reason for refusal consequently focusses on the effects of the amount of development proposed, in this case one dwelling, on the character and appearance of the surrounding area.
10. Sarah's Meadow is a discrete cul-de-sac leading off Sarah's View. It comprises relatively large, detached properties sited to the south and west of a short stretch of access road. It has a distinct character from Sarah's View, and the houses are generally set back from the road edge behind driveways and landscaping. The appeal site forms a substantial part of the eastern edge of the cul-de-sac, with its eastern boundary formed by a hedgerow, with paddocks and countryside beyond.
11. The site is evidently not open countryside, and is closely associated with the residential character of the nearby properties which surround the site on three sides. However, whilst it does not hold any designation status, the appeal site has value as part of the spacious, low-density character of development on Sarah's Meadow, and makes a significant contribution to the character and appearance of the area as a result. It also has a strong visual link with the surrounding countryside, emphasised by the steeply sloping topography, which facilitates open views out of the development across the site to the surrounding valley landscape.
12. The appellant has indicated that the design of the proposal would reflect the style and density of development in the area. Design is a matter to be considered at the technical details stage. However, given the small size, irregular shape, and steeply sloping topography of the plot, there is no compelling evidence that a scheme could appropriately reflect the large plot pattern of properties on Sarah's Meadow. Furthermore, the introduction of a dwelling in this location would fundamentally undermine the spacious and low-density character of the area, to which the site itself makes a significant contribution. While a consent may secure positive management of the

boundary hedgerow, this would be of limited value against the overall harm to the character and appearance of the area.

13. The appellant has highlighted similarities between this site and an allowed appeal at The Green, St Petry³. While I do not have full details of this scheme, I note from the Inspector's decision that that site was enclosed by residential development on all sides, and that the site did not provide any visual link to the surrounding countryside. That is not the situation with the current appeal site. Therefore, whilst I have had regard to this decision, I have reached my own conclusions based on the evidence of this case.
14. For the reasons set out above, I therefore conclude that the site is not suitable for residential development, having regard to the amount of development proposed. One dwelling would unacceptably harm the character and appearance of the area, in conflict with Policies 2, 12, 21 and 23 of the Local Plan, and PAD6(4) of the Neighbourhood Plan. Together these policies seek development that is high quality and demonstrates an aesthetic understanding of its location, and which promotes local character and distinctiveness with an appropriate density and layout.
15. There would also be conflict with the aims of the National Planning Policy Framework (the Framework), where it seeks development which is sympathetic to local character and which maintains a strong sense of place, using the arrangement of streets and spaces to create attractive and distinctive places.
16. The appellant has indicated that as a fallback position the land could be fenced off or enclosed through permitted development rights, or that it could be left to become overgrown and unsightly. However, there is no compelling evidence that either of these scenarios is a greater than theoretical possibility, or that if the appeal is dismissed either would be pursued.
17. Even if the site were to be enclosed to the full limit of the available permitted development rights, any fencing would be limited in height, and would not have the same effect on the character and openness of the area as a new dwelling. Neither would lack of maintenance or the encroachment of scrub detract substantially from the spacious quality of the area. As a consequence, I find the suggested fallback position to have little weight in the determination of the appeal.

Planning Balance

18. I have found that the proposed development would conflict with policies of the Local Plan and Neighbourhood Plan, and by extension the development plan as a whole. As planning law requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise, this matter attracts significant weight.
19. Cornwall Council has published papers and made a resolution⁴ to provide interventions to seek to address Cornwall's housing crisis. It is explained in the papers that in the context of the national housing crisis, Cornwall faces particular challenges in relation to the availability and affordability of homes.

³ APP/D0840/W/21/3273614

⁴ Cornwall Council Cabinet paper 15 December 2021 titled Securing Homes for All: A Plan to respond to Cornwall's Housing Crisis and the related appendices.

20. The provision of a dwelling would support the actions to address Cornwall's housing crisis, and would assist the Government's objective to significantly boost the supply of homes. There would also be economic and social benefits both during the build and in the subsequent occupation of a house with convenient access to services and facilities. However, as only a single unit of accommodation would be provided, I attribute these benefits limited weight. They would not outweigh the harm I have identified above.

Conclusion

21. For the reasons given above, I find that the proposal conflicts with the development plan when read as a whole. There are no material considerations that indicate that a decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

K Jones

INSPECTOR