



Appeal Decision

Site visit made on 5 December 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal Ref: APP/D0840/W/23/3323623

Land NW of Abercorn, Noonvares Lane, Townshend, Hayle TR27 6AT

- 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 Helen Price against the decision of Cornwall Council.
 - The application Ref PA22/09362, dated 14 October 2022, was refused by notice dated 15 December 2022.
 - The development proposed is residential development comprising up to 3 No. self-build eco-homes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. 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 two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. As such, I have regarded the submitted plans as indicative only.
4. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. An opportunity was provided to the main parties to make further written comment over these changes. This decision is based on the current Framework and has taken account of the further representations made on this.

Main Issues

5. The main issues are:
 - whether the appeal site is a suitable location for new residential development having regard to the development plan and access to local services and facilities; and

- the effect of the proposed development on the character and appearance of the area.

Reasons

Location

6. The appeal site is an agricultural field that is located to the east of Townshend. Policy 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (LP) confirms that Townshend is not a main town for the purposes of the LP. The policy enables residential development in areas of the county outside the main towns identified in the policy, but only in certain circumstances. The certain circumstances where residential development would be acceptable outside a main town includes infilling, or rounding off, the settlement. The development does not constitute infilling as Noonvares Lane does not currently contain a continuous built frontage between the site and the junction with the B3280.
7. Turning to rounding off specifically, Paragraph 1.68 of the LP states that rounding off applies 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. Figure 1 of the Crowan Parish Neighbourhood Development Plan 2018 – 2030 (NP) demonstrates that the appeal site is outside the development boundary of Townshend. The substantial distance of the site from the edge of the settlement means that the proposed development cannot be regarded as rounding off the settlement of Townshend.
8. In reaching the above findings, I have taken account of 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 as it provides an indication of what the Council typically considers to be acceptable in terms of rounding off.
9. The Advice Note also provides guidance on establishing if a group of properties are a settlement. I note that the historic mapping provided by the appellant indicates that the group of properties in this case have historically been collectively known as Noonvares, and that the current Ordnance Survey mapping shows that they are still collectively known as Noonvares. Having regard to this evidence and the other factors mentioned in the Advice Note, such as their close grouping that has a clear form and shape, it is my judgement that the group of properties do form a settlement for the purposes of the LP.
10. The group of properties border the site on its southern boundary and Noonvares Lane is adjacent to the eastern boundary. The other two boundaries of the site are with undeveloped fields. As such, the site is not substantially enclosed by existing built development. In that context, whilst the site is immediately adjoining the settlement, based on my observations rather than rounding off it would result in a significant addition of three dwellings and associated domestic paraphernalia beyond the existing linear ribbon of loose knit development. When viewed from the B3280 the proposal would be of disproportionate scale relative to the size of the existing settlement and would

visually extend the built form of the settlement into the narrow gap of open countryside that separates it from the existing development adjoining that road.

11. In addition to the above, Noonvares Lane would not provide a sufficient barrier to further growth due to it being a low-lying feature within the landscape, whilst the existing hedgerows and landscaping to other boundaries also would not provide a physical barrier to further growth. It follows that, to my mind, such an extension of built form as proposed does not meet the requirements of rounding off of settlements in Policy 3 of the LP and, therefore, conflicts with it.
12. Policy 7 of the LP considers housing in the countryside and as the site is outside the physical boundary of an existing settlement, it is considered to apply. It sets out that development of new homes in the open countryside will only be permitted in special circumstances. The proposal does not meet any of the forms of new dwellings that would be supported as listed in the policy, and therefore, conflicts with it.
13. Although I have concluded that the site is adjacent to a settlement, Noonvares has no services or facilities. Townshend is the nearest other settlement to the appeal site. However, there are limited services and facilities, including a village hall. There is also a farm shop on the opposite side of the junction of Noonvares Lane with the B3280. Whilst this is within reasonable walking distance of the appeal site, the offering available from the shop is limited and would not meet the daily needs of the future occupiers of the proposed development. Having regard to the limited services and facilities in Noonvares and Townshend and the limited offering in the nearby farm shop, the future occupiers of the proposed development would need to travel further afield in order to access a full range of services and facilities, such as shops, doctors and schools, and employment.
14. Due to the considerable distance of the site from the facilities and services, and employment opportunities, in larger settlements, walking or cycling to those settlements is not achievable or practical. I noted that there is a bus stop located in Townshend. Notwithstanding the frequency of the service from this bus stop to the larger towns of Helston and Camborne, I am mindful that the walk to the bus stop is unattractive and potentially unsafe due to the need to walk down a road where there is no pavement or street lighting. The proposal would therefore inevitably result in travel from the site by private vehicle across not insignificant distances on a day-to-day basis.
15. The cumulative effect of allowing developments in locations such as the proposal would be likely to increase the amount of private vehicle journeys made. Whilst greater dependency on private vehicle use is inevitable in rural locations and there are existing residential properties in the immediate vicinity, taking account of Policy 3 of LP setting out the role of function of places, more accessible locations closer to a wider range of local services and facilities should be the priority and focus for housing development.
16. The Council's reason for refusal also references a conflict with Policy 21 of the LP. Policy 21 encourages the best use of land through sustainably located proposals that comply with certain criteria. My finding is that the proposed development would not be sustainably located and therefore there is a conflict with the policy even before considering the criteria set out under the policy. In any event, in terms of the criteria of the policy, I do not have compelling

evidence before me to demonstrate that the site is previously developed land and it is not considered to be an appropriate situation to increase building density due to the poor access to services and facilities.

17. My attention has been drawn to two appeal decisions. The first decision is an allowed appeal for a single dwelling on the edge of St Agnes¹. However, that decision appears to be materially different in terms of the relationship with surrounding built form and features as the appeal site was described as enclosed on all sides. The second decision is also an allowed appeal, but for two dwellings at Trevenna Cross². Again, that appeal is also materially different as it has different locational circumstances based on the location plan provided and it was found to constitute infilling of the settlement.
18. For these reasons, I conclude that the appeal site is not a suitable location for residential development when having regard to the development plan and the poor accessibility of local services and facilities. Consequently, the development would conflict with Policies 1 and 2 of the LP, which collectively seek, in part, to achieve a sustainable approach to development. It would also conflict with Policies 3, 7 and 21 of the LP for the reasons stated above. The proposal also does not meet the requirements of Policy HT1 of the NP, which only supports small scale infill development and development on previously developed land within the development boundaries. The proposal also conflicts with the Framework insofar as it promotes sustainable development in rural areas and seeks opportunities to promote walking, cycling and public transport use to be identified and pursued.
19. The Council have specifically referenced Paragraph 80, now Paragraph 84 of the revised Framework, in their refusal reason. The site is well related to an existing group of residential properties, which I have already identified as a settlement for the purposes of the LP. Having regard to the *Braintree* judgement³, the appeal is not in an isolated location and this paragraph of the Framework is therefore not determinative in my consideration of this appeal.

Character and appearance

20. The existing hedgerow along the eastern boundary of the site helps to screen the site from the B3280, but it would be removed as part of the proposed development. The new planting along the eastern edge of the site would be broken up by driveways. The development would therefore be seen through the new planting and in turn result in it being more visible from the B3280 than the existing adjacent properties, which are not overtly visible from that road due to existing planting and changes in topography along Noonvares Lane. It therefore follows that the proposed development would potentially not be seen in the context of the existing built form on the lane and instead appear as development encroaching into the countryside. It would therefore be at odds with the existing built form visible from the B3280 as existing properties visible from that road are located in a linear fashion along the road.
21. Noonvares Lane also accommodates a public bridleway and the development would be easily visible to users of this public right of way. Illustrative plans have been submitted with the proposal which indicate a strip of hardstanding

¹ Appeal reference APP/D0840/W/19/3242527

² Appeal reference APP/D0840/W/19/3237217

³ *Braintree DC v Secretary of State for Communities and Local Government, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610

would be formed along the frontage of the site with new planting behind. I am mindful that a detailed scheme as part of a technical details consent application could alter the proposed development to assimilate more closely with the landscaping of frontages of existing properties along Noonvares Lane. Nevertheless, the introduction of the dwellings and associated driveways would in any case, inevitably result in an urbanising of the existing site and a consequent loss of rural character and appearance as observed along the lane.

22. The site is within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS), which is a heritage asset of highest significance internationally recognised to be of Outstanding Universal Value. The harm identified above is localised in nature and the development of this particular site in principle when viewed in the wider landscape amongst other built form nearby would not undermine the significance of the WHS as a whole. However, this does not alter my above finding that the development would cause harm to the character and appearance of the area.
23. For these reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area. Consequently, the proposal would also conflict with Policies 2, 12 and 23 of the LP and Policy HT4 of the NP, which collectively seek, in part, to sustain local distinctiveness and character and protect and, where possible, enhance Cornwall's natural environment. The proposal would also conflict with the Framework insofar as it seeks to recognise the intrinsic character and beauty of the countryside in order for development to contribute to and enhance the natural and local environment.

Other Matter

24. Whilst it would make a contribution of three self-build eco-friendly dwellings to the existing housing stock, and there would be associated social and economic benefits, the limited contribution to housing supply, the eco-friendly credentials and the associated benefits identified, do not outweigh the harm identified in this case.

Conclusion

25. For the reasons given above, the proposed development would conflict with the development plan, when taken as a whole. It also conflicts with the Framework and other material considerations do not indicate that I should take a decision otherwise than in accordance with the development plan. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR