



Appeal Decision

Site visit made on 20 February 2024

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 March 2024

Appeal Ref: APP/D0840/W/23/3327622

Land Adj. Valley Lane, Quenchwell Road , Carnon Downs TR3 6LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr & Mrs M & C Yates & Mitchell against the decision of Cornwall Council.
 - The application Ref is PA23/04137.
 - The development proposed is construction of five dwellings and associated works.
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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 permitted . 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 (Framework) was published. The main parties have had the opportunity to make comment on any implications of this change within the appeal timetable.

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 area of land adjoining, but outside the settlement boundary of Carnon Downs, as detailed within the Feock Neighbourhood Development Plan 2017-2030 (NP).
8. NP Policy H1 directly relates to small scale infill and rounding off housing development and is permissive of schemes 'within' settlement boundaries, subject to certain criteria. NP Policy H2 is supportive of affordable housing led schemes on 'exception sites' outside of the settlement boundary. Whilst I note the NP Glossary provides a definition of 'exception sites', the wording of NP Policy H2 is clear that it relates to '*small-scale affordable rural exception schemes*'. Notwithstanding the location of the appeal site outside of the settlement boundary, the proposal is not in relation to an affordable rural exception scheme, and therefore this Policy has limited relevance.
9. However, Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) in setting out a hierarchical strategy for the delivery of new housing, provides that, outside of main identified towns, housing growth is to be delivered through, amongst other criteria, rounding off of settlements. As opposed to NP Policy H1, LP Policy 3 is also permissive of proposals on land '*immediately adjoining*' the settlement, subject to other criteria. As such, whilst NP Policy H1 is not supportive of the proposal as the site is outside of the settlement boundary, the development plan as a whole does support the principle of rounding off where a site immediately adjoins the settlement.
10. 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*". The Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (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, indicating that '*Rounding off provides a symmetry or completion to a settlement boundary*' and '*it is not intended to facilitate continued incremental growth*'.
11. I am mindful that the CPOAN advises that a judgement will be required as to whether a site has the appearance of being within the physical boundaries of that settlement. It further states suitable sites for rounding off must be contained within long standing boundary features (such as a road) 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', the appeal site is enclosed by a highway, a large garden centre complex and residential development.
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. In this regard, LP para 2.33 states that '*open countryside is defined as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape)*', with the CPOAN adding that it '*is part of an expansive area before the next settlement*'.
13. In this regard, the property now known as 'Chylidn' (shown as 'The Willows' within the submitted plans) abuts Valley Lane. However, Valley Lane's character changes to that of a rural byway as opposed to a residential street

adjacent Chyldin, and this change visually disconnects Chyldin from the established form of the settlement. Both Chyldin and nearby property 'The Beeches' are seen as outliers from the established built form of the settlement and are within a distinctly differing semi-rural setting to the higher density urban form within the settlement boundary at this point. Moreover, the garden centre adjacent the appeal site is a large complex of buildings the character of which are typical for this type of enterprise and although sitting low in the landscape, is a prominent feature.

14. However, particularly when travelling towards Carnon Downs from the north, the Garden Centre is seen as being part of sporadic development within the countryside and as being outside of the settlement form of Carnon Downs. This is emphasised by the rural character of Quenchwell Road between the Beeches, and the main built form of the settlement, with the curvature of the road and surrounding mature planting providing a visual separation between countryside and the settlement. Therefore, I find in this location the settlement edge has a clear form and shape following the settlement boundary as defined in the NP, which relates well to the situation on the ground.
15. The illustrative plan for the proposal shows five dwellings across the site. The scale of the development would be appropriate in size and role for the settlement of Carnon Downs. Furthermore, the physical features surrounding the appeal site would act as a significant barrier to further growth and I see no reason why the majority of the existing treescape and boundary hedging could not be retained. Notwithstanding, the proposal would inevitably extend development away from the settlement edge and boundary.
16. The site is within Cornwall Character Area CCA15: Carnon Valley (CCA) which replaced the former Landscape Character Areas, of which the proposal was within Landscape Character Area CA11. The CCA describes the area as a post-medieval mixed farming landscape, with smaller, more sinuous fields of mainly pasture found within sheltered valleys and fingers of woodland creep along tributary stream valleys, hugging the lower valley slopes close to streams. Despite the proximity to nearby built form, the appeal site exhibits these characteristics.
17. Part of the appeal site is also within an area noted as being a 'sensitive edge' within the NP. Although the site is reasonably enclosed, it's verdant and rural quality is distinct from the adjoining built form of the settlement and despite not being subject to specific landscape designation, positively contributes to the rural character of the immediate area.
18. Contrary to the appellant's appeal statement, I observed that the site, particularly during the winter months when I visited, was highly visible from Quenchwell Road and is not perceived in the context of the adjacent urban settlement character but has more affinity with surrounding countryside. Moreover, even if, due to its size, the appeal site itself cannot be described as 'expansive', it is, along with sporadic built form such as the garden centre and the Beeches, a component part of the surrounding countryside landscape.
19. I observed the new development cited by the appellant to the southeast has a differing spatial relationship to the settlement than that of the appeal site, which provides a visual separation between the garden centre and the edge of the settlement. The introduction of residential built form within the appeal site would result in the coalescence of the settlement with the garden centre

complex and The Beeches. It would therefore result in a visual extension of the settlement into countryside that is open, undeveloped and harmfully diminish a rural green gap which is an important part of maintaining the rural character surrounding Carnon Downs. I do not consider that overall detailed design considerations at technical details consent stage would overcome this projection into the countryside.

20. A number of appeal decisions have been cited by the appellant. I note the Inspectors conclusions with regards the relationship of policies of Neighbourhood Plans and the development plan as a whole. However, in terms of the Inspectors final conclusions, although limited detail of the cases is before me, these appeals concern differing sites that appear to have differing relationships with surrounding built form. 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. LP Policy 21(c) seeks to ensure the best use of land and encourage sustainably located proposals that increases building density where appropriate, taking into account the character of the surrounding area and access to services and facilities to ensure an efficient use of land. The appeal site is in a location that could provide future occupiers easy access to services and facilities without the reliance of a private vehicle and is not isolated. Even if I were to find the proposal were an efficient use of land, I have nevertheless found that the proposal would result in harm to the character of the area.
22. 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. There would be conflict with LP Policies 2, 3, 7, 9, 12, 21, 23, 27 and NP Policy H1. 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 ensuring development is sympathetic to local character and landscape setting and contributes to and enhances the natural and local environment.
23. The Council's decision notice refers to NP Policies H2, LS2 and BIO2. However, given the nature of the proposal, NP Policy H2 is of limited relevance. NP Policy LS2 relates to protecting and enhancing the landscape and setting of the Cornwall Area of Outstanding Natural Beauty (now known as Cornwall National Landscape)(CNL). Given the distance of the site from the CNL, this Policy also has limited relevance. Furthermore, NP Policy BIO2 relates to tree and hedgerow protection and management. Given the evidence before me including a Preliminary Ecological Appraisal and the illustrative plans, I see no reason why the proposal, subject to the requirements of technical details consent stage, could not accord with this Policy.

Other Matters

24. I acknowledge the findings of Securing Homes for All: A Plan to respond to Cornwall's Housing Crisis and the contribution that small windfall sites can make to housing supply. The proposal would provide benefits in terms of the contribution of five dwellings towards housing supply in a location with easy access to services and facilities. The proposal would also provide some employment opportunities during the construction phase and future occupiers

would provide further economic and social benefits in terms of future spend within local businesses and use of local services and facilities.

25. Notwithstanding, and noting the Council are able to demonstrate a Framework compliant supply of housing land, the benefits of the proposed scheme would be limited given the scope and scale of the development. Such matters therefore neither individually nor in combination outweigh the identified harm and the associated development plan conflict described above.
26. I note the appellant's comments regarding the Council's 'Confidential Planning Advice' and use of confidential documents. This has little to do with the planning merits of the case, which I have considered on the basis of the evidence before me and a recent site visit.

Conclusion

27. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR