



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: 04 March 2024

Appeal Ref: APP/D0840/W/23/3324091

Land at Gilly Gabben, Mawgan, Helston, Cornwall TR12 6BB

- 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 & Mrs King against the decision of Cornwall Council.
 - The application Ref PA23/02705, dated 31 March 2023, was refused by notice dated 19 May 2023.
 - The development proposed is the construction of dwelling.
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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 to the south east of Rose-in-the-Bush. Policy 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (LP) confirms that Rose-in-the-Bush 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.
7. However, the main parties are in agreement that Rose-in-the-Bush constitutes a settlement when having regard to the guidance on settlements set out in the Council's Chief Planning Officer's Advice Note: Infill/Rounding Off (2017). On the basis of the evidence before me, I have no reason to take a different view.
8. The certain circumstances where residential development would be acceptable outside a main town includes development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role. The site has been identified as domestic garden outside of a built-up area and is therefore previously developed land. As such, my main consideration against Policy 3 of the LP is whether the site adjoins the settlement of Rose-in-the-Bush.
9. My attention has been drawn to the *Corbett* judgement¹, where the judge considered the wording of Policy 3 in relation to 'land immediately adjoining a settlement'. The salient points of the judgement are that a road can be regarded as part of the settlement, and when considering 'immediately adjoining' it would be apt to include 'very near to' and 'next to'.
10. In the appeal before me, the road only abuts one of the dwellings of Rose-in-the-Bush and it therefore has a limited physical relationship with the edge of the settlement. As such, the road does not form part of the settlement for the purpose of Policy 3 of the LP.
11. Rose-in-the-Bush has a central grouping around a residential park and a line of outlier dwellings that extend towards the appeal site. Between the settlement and the site is the aforementioned road, which curves around part of the boundary of the site. The site is off-set from the dwellings of Rose-in-the-Bush and is not directly on the opposite side of the road. When travelling along the road, passing between the settlement and the site from the south, the bend in the road means that the site is not seen within the context of the settlement. The site also has limited visual relationship with the southernmost dwelling of Rose-in-the-Bush when travelling in the opposite direction. The road itself forms a significant physical and visual demarcation between the two and the site would not read as very near to or next to the settlement.
12. The site is instead well related to, and immediately adjoining, the group of properties on the same side of the road, known collectively as Gilly Gabben. However, this group does not constitute a settlement due to it being a low-density straggle of development. On this basis, the site is not immediately adjoining the settlement of Rose-in-the-Bush. Therefore, residential development on the site would not be compliant with Policy 3 of the LP.

¹ *Corbett, R (On the Application Of) v The Cornwall Council* [2021] EWHC 1114

13. 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.
14. Rose-in-the-Bush has very limited services, facilities and employment opportunities. Therefore, the occupiers of the proposed development would have to travel further afield to access the necessary services and facilities for day-to-day living. The appellants contend that the settlement of Helston is accessible on foot. However, I have not been provided with sufficient details that demonstrate that there is a relatively direct walking route around the edge of the Culdrose airbase to Helston. I therefore cannot be certain that the site is within easy walking distance of that settlement. In terms of cycling to Helston, again, I have been provided with limited details on the cycling route from the site to that settlement. It is likely to be a significant distance to cycle to Helston, particularly with bulky goods such as food shopping. I am therefore not convinced that cycling represents a practical alternative to using a private motor vehicle to travel to Helston.
15. I have been provided with the No. 35A Falmouth to Helston bus route and timetable. Although it is not clear whether the timetable is for the whole week, it indicates that the service is relatively infrequent. Furthermore, 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. As such, the bus represents a less favourable option to people looking to access services, facilities and employment opportunities in Helston.
16. Based on the evidence before me, it is unlikely the location of the proposal would promote the use of sustainable modes of travel as advocated in the Framework. Instead, it is highly probable that occupants and visitors associated with the proposed development would be reliant upon private motorised transport to get to and from the site.
17. 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, although the site is considered to be previously developed land, it is not an appropriate situation to increase building density due to the poor access to services and facilities.
18. My attention has been drawn to two appeal decisions. The first decision is an allowed appeal for a single dwelling at Sancreed, Penzance². The second decision is also an allowed appeal, but for two dwellings at Harris Mills, Illogan³. I have been provided with limited information on both of those appeals and it is therefore difficult to make a meaningful comparison between those appeals and the appeal before me. This aside, based on the assessment made by the Inspector for the former decision, that proposal would appear to have different locational circumstances due to it adjoining an existing property

² Appeal reference APP/D0840/W/22/3295727

³ Appeal reference APP/D0840/W/21/3275724

within the settlement. In terms of the latter decision, the site is directly opposite three dwellings being constructed within the settlement and the road separating it from the settlement is a narrow lane. It therefore appears to be materially different in terms of the relationship with surrounding built form.

19. I also acknowledge the decision⁴ made by the Council to approve the development that led to the *Corbett* judgement. The Council concluded that the proposal in that case would 'extend the residential setting and function of Trevarrian rather than introducing a new home of a more detached nature'. The appeal before me would not extend the residential setting and function of Rose-in-the-Bush and it would, in fact, result in the extension of the built group of the properties known as Gilly Gabben. As such, I have reached a fundamentally different conclusion based on the locational contexts before me and I am not persuaded that the decision made by the Council alters this conclusion.
20. 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 would also conflict 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.
21. I also find conflict with Policies C1 and T1 of the Climate Emergency Development Plan Document (2023) (CEDPD), which collectively seek, in part, to facilitate sustainable development, minimise travel and support a hierarchy of travel that prioritises walking, cycling and public transport over private motor vehicles.

Character and appearance

22. The appeal site is land associated with one of the residential properties at Gilly Gabben. It is currently undeveloped land that is laid to grass with sporadic planting of trees within the site and a hedgerow around the boundary with the road. On the opposite side of the road is the high perimeter fence of the Culdrose airbase. As such, the site is visually enclosed by existing development with limited connection to the undeveloped agricultural landscape beyond.
23. The existing planting in and around the site would help to break up the massing and bulk of a dwelling and prevent it from being easily noticeable when travelling along the road. Furthermore, a dwelling on the site would be seen in the context of the residential properties at Gilly Gabben and it would appear as the filling in of the gap between those properties and the nearby airbase. As such, it would not appear out of place within its setting, nor would it result in a visually intrusive form of development that would detrimentally impact on the character and appearance of the area.
24. For these reasons, I conclude that the proposed development would not cause harm to the character and appearance of the area. Consequently, the proposal would comply with Policies 2, 12 and 23 of the LP and Policy C1 of the CEDPD,

⁴ Cornwall Council application reference PA19/00624

insofar as they seek to sustain local distinctiveness and character and protect and, where possible, enhance Cornwall's natural environment. The proposal would also comply 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 Matters

25. Whilst the proposal would make a contribution of a single dwelling to the existing housing stock, and there would be associated social and economic benefits, the limited contribution to housing supply and the associated benefits identified, do not outweigh the harm identified in this case.
26. Further, the appellants also have a desire to live in a more suitable home as they get older. However, this is a personal benefit that attracts limited weight and also does not outweigh the identified harm.

Conclusion

27. For the reasons given above, the proposed development would conflict with the development plan, when taken as a whole. It would also conflict 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