



Appeal Decision

Site visit made on 19 December 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2024

Appeal Ref: APP/D0840/W/23/3325917

Penton, Carbean, St Austell PL26 8XJ

- 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 and Mrs Stewart Healey against the decision of Cornwall Council.
 - The application Ref PA22/10207, dated 15 November 2022, was refused by notice dated 19 January 2023.
 - The development proposed is the erection of two dwellings.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Cornwall Council against Mr and Mrs Stewart Healey. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. Planning Practice Guidance 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.
4. 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 (drawing numbers 0001 Rev P01, 0002 Rev P01 and 0003 Rev P01) as indicative only.
5. 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

6. 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

7. Located adjacent to the B3274, the appeal site sits between two residential properties, Penton and Idaho Villa. On the opposite side of the road is a row of terraced dwellings, Carbean Cottages. To the north east of the site is the settlement of Stenalees, while Carthew lies to the south west. Policy 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (LP) does not list Stenalees or Carthew as main towns for the purposes of the LP. In any event, the site is not within or adjoining either of those settlements.
8. Policy 3 enables residential development in areas of the county outside the main towns identified in the policy, but only in identified circumstances. The relevant circumstances where residential development would be acceptable outside a main town include rounding off the settlement and development of previously developed land within or immediately adjoining that settlement, and infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside. Proposals should consider the significance or importance that large gaps can make to the setting of settlements and ensure that this would not be diminished.
9. The Council's Chief Planning Officer's Advice Note: Infill/Rounding Off (2017) provides guidance on establishing if a group of properties are a settlement. The document is clear that it only provides guidance to help reach a decision. 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 the appellant has submitted that the group of properties in which the site is located constitutes a settlement.
10. The properties are set in a group either side of the B3274. The Council states that there are five or six residential properties within the group. The two detached properties are spaced apart and face the road. The remaining properties are a row of terraced dwellings that sit perpendicular with the road and therefore the relationship of the terraced dwellings with the B3274 is limited. I also note that the edge of Stenalees is clearly visible as a separate entity when travelling along the B3274 past the appeal site.
11. Current mapping indicates that the properties do not appear to have a collective name. The name mentioned by the appellant, Carbean, appears to refer to a historic group of dwellings to the west of the site that are shown on the Tithe map but subsequently disappeared due to the nearby china clay works. Furthermore, the group of properties' visual relationship with, and distance from, Stenalees, the small number of properties within that group, and the limited relationship of the terraced properties with the road means that

when travelling along the B3274, the housing is seen as a small amalgamation of dwellings outside Stenalees.

12. As such, the group of properties do not form part of a settlement and are more akin to a low-density straggle of dwellings in the open countryside. The appeal site is not therefore part of a recognisable settlement for the purposes of the LP. Given the site's position within open countryside, the matters of rounding off, infilling and redevelopment of previously developed land are matters that are not determinative in terms of the acceptability of the proposal's location and the proposal conflicts with Policy 3 of the LP.
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 applicable. Policy 7 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. On the opposite side of the B3274 to the appeal site is a pavement that connects the site with Stenalees. This provides a safe walking link into the settlement. However, Stenalees appears to have very limited services and facilities and would not sustain the day-to-day needs of the residents of the proposed development. Therefore, one would have to travel further to Bugle to access the larger array of services and facilities in that settlement. Bugle is a significant distance from the site, and it is likely that the distance would present an unattractive option for people travelling on foot or by bicycle.
15. I have not been provided with substantive details of the site's links to bus routes and I am therefore not convinced that there would be the ability for residents of the proposed development to easily and practicably access necessary day-to-day services and facilities by bus. Furthermore, the limited details on the works to the nearby road network do not convince me that those road improvements would provide a greater ability to access services and facilities without relying on the use of a private motor vehicle.
16. It is likely that residents would need to travel to the services and facilities at Bugle and perhaps further afield to St Austell. As such, 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. As the proposed development would not be sustainably located, there is a conflict with LP Policy 21 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 poor access to services and facilities.
18. My attention has been drawn to two planning permissions granted by the Council. The first permission relates to Trenance, Merry Meeting, Roseworthy¹.

¹ Cornwall Council application reference PA20/02820

The permission was for the erection of a single dwelling on previously developed land. The second permission relates to Bluebell Cottage, Tregaswith². It was an outline permission for a single dwelling. I have been provided with the decision notices and location plans for both permissions, but minimal contextual details have been submitted for those schemes. However, based on the limited information before me, the permissions appear to relate to sites that do not have directly comparable locations to the appeal proposal.

19. For these reasons, I find that the appeal site is not a suitable location for residential development when having regard to the development plan and the poor access to local services and facilities. Consequently, the proposal 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. Additionally, the proposed development would conflict with the Framework, which promotes sustainable development in rural areas and seeks opportunities to identify and pursue the promotion of walking, cycling and public transport use.

Character and appearance

20. The site is within the St Austell or Hensbarrow China Clay Area. The Cornwall Character Area Description (CAD) for this character area sets out that the landscape area is dominated by the china clay works with their overtly visible large scale spoil heaps, and they have a contrasting relationship with the neighbouring enclosed moorland and pastoral farmland. The area is also characterised by distinctive small-scale mining settlements, such as Stenalees and Bugle. The CAD confirms that the small-scale settlements face the threat of expansion beyond their historic core. I also understand that there is a potential harm to the landscape created by the coalescence of settlements resulting from development on farmsteads and within small groups of dwellings in the countryside.
21. The proposed dwellings would be constructed within the garden of Penton. Penton is one of a pair of detached dwellings set within large plots on the opposite side of the road to a short row of terraced dwellings. The plots of the detached dwellings are spacious and relatively undeveloped. The small number of properties within the overall group and their spacious layout are reflective of the properties' rural location, and they contribute positively to the character and appearance of the area.
22. Although the proposal would not result in the encroachment of development into the countryside as it would be contained between two existing dwellings, it would lead to the introduction of two more dwellings to this small group of properties and the characterful separation between the existing dwellings would be lost. As such, there would be an unacceptable change to the spacious and relatively undeveloped nature of the detached dwellings' plots and a harmful erosion of the rural character and appearance of the area.
23. For these reasons, I find that the proposed development would have an unacceptably harmful effect on the character and appearance of the area. Consequently, the proposal would conflict with Policies 2, 12 and 23 of the LP, which collectively seek, in part, to sustain local distinctiveness and character and protect and, where possible, enhance Cornwall's natural environment. The

² Cornwall Council application reference PA22/11253

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 Matters

24. Whilst the proposed development would make a contribution of two dwellings 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.

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