



Appeal Decision

Site visit made on 15 March 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2024

Appeal Ref: APP/D0840/W/23/3328852

Land north of Pengersick Estate, Pengersick Lane, Praa Sands, TR20 9RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Edwards against the decision of Cornwall Council.
 - The application Ref PA23/03689, dated 2 May 2023, was refused by notice dated 8 June 2023.
 - The development proposed is described as application for permission in principle for proposed residential development for minimum of 8 dwellings and maximum 9 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the appeal application was refused the National Planning Policy Framework 2021 has been replaced by the National Planning Policy Framework December 2023. Whilst it introduces a range of changes, they have not been material to my consideration of the merits of the proposal. For the avoidance of any doubt, I confirm that in this decision I have referred to the National Planning Policy Framework December 2023 (Framework).

Main Issue

3. 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

4. This appeal relates to an application for permission in principle. As advised in the Planning Practice Guidance (PPG), permission in principle is an alternative way of obtaining planning permission for housing led development. It establishes whether a site is suitable in-principle and if permitted the detailed development proposals are then considered later at the technical details consent stage. For this reason, the scope of the matters in the consideration of the appeal proposal is limited to location, land use and amount of development.
5. Policies 1 and 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP), policy C1 of the Cornwall Climate Emergency Development Plan Document 2023 (DPD) and paragraph 8 of the Framework all promote sustainable development. Amongst other things, when considering whether a development is sustainable, account will be taken of its location and use against the

- economic, social and environmental objectives. CLP Policy 2 supports the dispersed pattern of development in Cornwall and seeks to provide homes in a proportional manner based on the role and function of each place.
6. It is noted that the Council's housing crisis document - Securing Homes for All: A Plan to address Cornwall's Housing Crisis, relies on the development plan policies to help tackle a range of housing issues such as homelessness, affordable homes and increased availability of homes for local people. The council has an up-to-date supply of deliverable housing sites and the CLP contains sufficient flexibility to deliver a range of affordable housing projects.
 7. Germoe Cross Roads is a relatively modern small and irregularly shaped settlement which straddles the A394. The appeal site is located on the eastern side of the village where it sits outside the northeastern part of the defined development boundary as set out in the Breage Neighbourhood Plan (BNP). Accordingly, the appeal site falls within the countryside for planning policy purposes. It is also within the South Coast Western section of the Area of Outstanding Natural Beauty, where planning policies at all levels seek to conserve and enhance their natural beauty. This includes CLP Policy 23 and section 15 of the Framework,
 8. In the past the site has been the subject of mining activity and as a result has been despoiled. However, the site is now covered with unmanaged grassland and scrub and any structures have blended into the landscape. Therefore, I find that the site currently does not comprise previously developed land as defined in the Framework, or land that has a degrading impact on the environment.
 9. Section 7 of the BNP sets out the local spatial strategy for development, which seeks to protect the open countryside from incursion by built development and to retain the intrinsic nature of the villages and hamlets within the parish. As part of the spatial strategy BNP Policy S1 allows for small scale rounding off, infilling and the development of previously developed land, on sites within the identified development boundaries.
 10. BNP Policy S3 states that development in the countryside and outside the development boundaries will not normally be supported. BNP Policy H1 seeks to steer new market housing to within the development boundaries of larger settlements. The proposal would fail to comply with the above BNP policies as well as the categories of development allowable in the countryside under CLP Policy 7.
 11. Strategic Policy 3(3) of the Cornwall Local Plan Strategic Policies 2010–2030 adopted 2016 (CLP), differs from BNP Policy S1 in that it allows for rounding off settlements on land immediately adjoining settlements. At paragraph 1.68 the supporting text to this policy advises that such land should be substantially enclosed and the rounding off should not visually extend buildings into the countryside.
 12. Amongst other things the Chief Planning Officer's Advice Note: Infill/Rounding Off (CPOAN), advises that rounding off should provide a symmetry of completion to a settlement boundary and should be contained within longstanding and enclosing boundary features. The site should be surrounded on at least two sides by existing built development and is not intended to facilitate further incremental growth.

13. Currently the southern boundary of the site adjoins built development, other than an open strip of land adjacent to the site access. To the west a significant proportion of the site abuts undeveloped land and to the north are a number of dispersed buildings that project into the open countryside. A previously approved infill dwelling to the northwest of the appeal site is enclosed between dwellings and the A394. Whilst an affordable-led housing scheme has been approved on land to the northeast of the appeal site, the permission has yet to be implemented. If built that development would be clearly seen as physically outside the main built-up area of the settlement. This is not unusual for rural affordable-led schemes which are assessed against different policies and guidance.
14. For these reasons I find that the appeal site is not surrounded on at least two sides by built development and that the proposal would facilitate further incremental growth. The development would result in two isolated pockets of rural land between the appeal site and the rear of the dwellings fronting Pengersick Lane, along with pockets and gaps of land between the northern boundary of the site and the A394.
15. The appeal site is located to the rear of a row of dwellings that front onto Pengersick Lane and on land that rises to the east and northwest. The site is visible between the dwellings that front onto Pengersick Lane, the A394 and from the junction area around the two roads, where it seen as an integral part of and contributes to the open countryside to the east of the settlement. Most of the dwellings to the south of the appeal site are screened from the A394 by the topography of the land and the few dwellings that are visible appear as sparsely sited dwellings on the edge of the settlement.
16. For these reasons the proposal would be seen as extending rather than rounding off the settlement and would encroach into the open countryside. It would conflict with the raft of development plan policies referred to above which refer to location and use, as well as the CPOAN and the policies relating to the location of housing and the protection of the countryside contained in the Framework.
17. As advised by the appellant planning permission was granted over 20 years ago for the development of the site for a community centre, sports and other facilities. Both due to its age and nature this former approval is not comparable to the appeal proposal and I give little weight to it.
18. As stated in paragraph 47 of the Framework, Planning law requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance there are no material considerations which would outweigh the locational and use conflict set out above.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be dismissed.

Elizabeth Lawrence

INSPECTOR