



Appeal Decision

Site visit made on 21 May 2024

by C Cresswell BSc (Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal Ref: APP/D0840/W/23/3331100

Land adjacent 37 Troon Moor, Troon Moor, Camborne, Cornwall, TR14 9HX

- 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 Miss Marcia Scott against the decision of Cornwall Council.
 - The application Ref is PA23/05904.
 - The development proposed is minimum 3 and maximum 5 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issue

2. The proposal is for permission in principle. The permission in principle consent route has two stages: the first stage (permission in principle stage) establishes whether a site is suitable in-principle and the second stage (technical details consent) 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 are 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. The main issue is therefore whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

5. Policy 3 of the Local Plan¹ aims to steer the majority of new housing towards the main towns. However, the policy does enable a limited amount of new development to take place outside the main towns in particular circumstances. This includes *infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside*. The policy goes on to state that *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*.
6. In this case, the appeal site is an area of undeveloped land which is situated between a detached house (No 37 Troon Moor) to the north west and a residential barn conversion to the south east. This was approved relatively recently on the basis of permitted development rights. As a permanent feature

¹ Cornwall Local Plan Strategic Policies 2010-2030

along the road frontage, the barn conversion is relevant to my assessment of whether the proposal would constitute infill development.

7. The new housing would effectively bridge the gap between No 37 and the access track for the barn conversion further down the lane. However, having visited the site, it seems to me that the distance between the two existing properties is relatively substantial. Indeed, I note that up to five houses are being proposed in the current scheme. As such, I am not convinced that the site can be said to represent a small gap in an otherwise continuous built frontage in the context of Policy 3. The circumstances are similar to those described in paragraph 1.66 of the Local Plan which says that *many frontages however are not continuously built up and have large gaps, i.e. bigger than one or two dwellings between buildings or groups of buildings.*
8. The appellant argues that infill schemes of more than two dwellings have been approved elsewhere locally. I am not aware of the circumstances of those cases and am therefore unable to determine whether they constitute a precedent. But even if I were to accept that infill can comprise more than two dwellings, the gap between No 37 and the barn conversion is sizeable in my estimation. In this regard, I am mindful of paragraph 1.67 of the Local Plan which says *large gaps often exist between the urban edge of a settlement and other isolated dwellings beyond the edge of the settlement; they are not appropriate locations for infill development, and the development of these gaps would not therefore be considered as infill under the policies of this Local Plan.*
9. Policy 3 also says that infill schemes should not physically extend the settlement into the open countryside. In this case, the appeal site is situated on the edge of the village, with the main built up area of Troon being to the north west of No 37. This part of Troon is characterised by continuous lines of development on either side of the road, whereas the lane in the vicinity of the appeal site is distinctly rural in nature. While there is a school playing field opposite the site, this green and open. There is also a mature hedgerow along its boundary with the road. The frontage of the appeal site is also defined by a leafy hedgerow and, when walking from here towards the barn conversion to the south east, the landscape is more characteristic of the open countryside than a built up area. Although I note the appellant's point that the school playing field could be subject to development in the future, I have assessed the site as it exists at present.
10. At this stage, few details are available on the exact nature of the housing that is being proposed (apart from an illustrative plan). As such, I am unable to fully assess the effect of the proposal on the character and appearance of the area or determine whether there would be any conflict with Policies 12 and 23 of the Local Plan. Amongst other things, these policies seek good standards of design and the protection of distinctive landscapes.
11. The appellant argues that ribbon development is characteristic of the area and draws attention to the rows of housing which line the lanes leading into Troon. However, the test in Policy 3 is simply whether the proposal would *physically extend the settlement into the open countryside*. Given that the proposal is for new housing next to the road, the development would almost certainly be seen from public vantage points. As such, it would physically and visually extend building into the open countryside. When the size of the gap between No 37

and the barn conversion is also taken into account, I am lead to conclude that the proposal would not represent infill as defined by Policy 3.

12. Policy 3 also enables the *rounding off of settlements and development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role*. The term 'rounding off' is not defined in the policy but paragraph 1.68 of the Local Plan says it *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*.
13. The appeal site is enclosed by No 37 along its north west boundary and by the road along its south west boundary, which are both permanent features that are clear barriers to further growth. However, the south east boundary adjoins a mainly open field (which contains the access track for the barn conversion) while the north east boundary adjoins another open agricultural field. Although there are various boundary features around the perimeter of the site, including earth banks and walls, it seems to me that such structures would be relatively easy to remove in the future. As such, they would not necessarily serve as definitive barriers to further growth in the same way that roads or adjacent housing would. Given the openness that exists along the north east and south east boundaries, I do not consider that the site can be said to be substantially enclosed in terms of the Local Plan.
14. Another requirement for rounding off is that it should not visually extend building into the open countryside and I have already found that the development would have this effect. This adds to my view that the proposal would not meet the definition of rounding off. Other elements of Policy 3 which may enable housing development (such as use of previously developed land or allocation in a Neighbourhood Plan) do not apply in this case. Hence, the proposal is conflict with Policy 3 as a whole. While both parties refer to the Chief Planning Officers Advice Note, this is not part of the development plan and I am not aware that it has been subject to any formal public consultation. Consequently, I assign it very little weight in this appeal.
15. The Council refer to Policy 7 in its reasons for refusal. Although this permits certain development in the countryside, it only applies in special circumstances. The evidence indicates that the proposal does not meet any of the special circumstances which are listed in the policy.
16. Policy 21 of the Local Plan encourages *sustainably located proposals that increase 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*. With this mind, I am aware that there are local services in the area which future occupants of the proposed housing could help to support. Other benefits include a small boost to the local economy as a result of the construction process. I am also told that there may be potential for the site access to be used as a passing place for vehicles travelling along the lane. However, these benefits are all relatively modest given the small scale of the development. As such, I am not convinced that the proposed housing would make such a significant contribution to sustainable development that it can be justified on the basis of Policy 21.

17. When taken together, Policies 1, 2 and 3 of the Local Plan distribute new development based on the role and function of places. By permitting infill and rounding off, Policy 3 provides a mechanism for enabling a limited quantity of housing development to take place in smaller settlements. For the reasons provided above, the appeal proposal does not meet the terms of Policy 3 in these respects. While the proposal would provide a small boost to local housing supply, the same benefits could be achieved in locations that are supported by Local Plan housing policies.
18. I therefore conclude that the site is unsuitable for residential development, having regard to its location, the proposed land use and the amount of development.

Conclusion

19. The appeal is dismissed.

C Cresswell

INSPECTOR