



Appeal Decision

Site visit made on 28 May 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2024

Appeal Ref: APP/D0840/W/23/3335794

Beswetherick Field, Luxulyan PL30 5FB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Furby, Polglaze Ltd against the decision of Cornwall Council.
 - The application Ref is PA23/00781.
 - The development proposed is two detached dwellings with car parking and garages.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be in an appropriate location, having particular regard to the local development strategy and the effect on the character and appearance of the area.

Reasons

3. The appeal site forms part of a larger area of land granted planning permission¹ in December 2009 for a total of nineteen dwellings, with thirteen affordable dwellings and six open market dwellings. Under this consent, the appeal site would have accommodated three affordable dwellings. While the other dwellings were constructed, the three on the appeal site have not been. A subsequent planning application² on the appeal site for 4 dwellings was allowed on appeal³ on the 14 July 2016 but never implemented.
4. As a result of the above, the appeal site is at the southern end of Beswetherick Field to the north-western end of the village and is mainly laid to grass adjoined by further areas of undeveloped grassland to its south. Whilst built form to Luxulyan is visible beyond the site and the adjoining open land, there are views out to the countryside beyond that give the site a semi-rural context and appearance.
5. Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) set out a hierarchical strategy for development based on the role and function of each place. Luxulyan is not a location named within the settlement hierarchy of Policy 3(1) and therefore Policy 3(3) provides that, outside of the larger named settlements, housing growth is to be delivered through the identification of sites through Neighbourhood Plans (NP); rounding off of settlements and development of previously developed land (PDL) within or immediately

¹ C2/08/01791

² PA15/05168

³ APP/D0840/W/16/3145679

adjoining settlements; infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside; and rural exception sites for the provision of affordable housing.

6. In relation to this, my attention has been drawn to a Chief Planning Officer's Advice Note: Infill Rounding Off (Advice Note). The Advice Note is not part of the adopted Development Plan, but it is used for development management purposes. The Advice Note provides some clarity on the locally adopted approach in relation to matters such as infill, rounding off of settlements and PDL, and as such I have had regard to it in the determination of this appeal.
7. Luxulyan benefits from a small range of services and facilities and has a clear form and shape. As a result, I find that it is a 'settlement' for policy purposes with the proposal of an appropriate scale in relation to the settlement. The main parties do not dispute this. Furthermore, the site is not identified for development through the Luxulyan Neighbourhood Development Plan 2018-2030 (LNP), is not PDL as it has not been physically developed, and the proposal is not for the provision of affordable housing. Therefore, I have assessed if the proposal can be considered to be rounding off of the settlement or infill development.
8. The Advice Note states that Neighbourhood Development Plans will normally have considered infilling and rounding off opportunities if preparing a settlement boundary. Although the LNP does not define the settlement boundary, I note that it does propose a limit on the amount of new housing to between 20-25 new dwellings. These are to be provided through affordable housing proposals, housing on farms and housing for older people. The proposal does not comprise one of these forms of development and I further note that the Local Plan target of 900 homes for the St Blazey, Fowey and Lostwithiel Community Network Area is projected to be met and exceeded over the plan period. As a result, the proposal does not gain direct support from any policies within the LNP.
9. 'Rounding off' is defined in the Advice Note as providing a 'symmetry or completion to a settlement boundary, it is not intended to facilitate continued incremental growth'. The AN further states that 'A judgement will be required on a case by case basis whether a site has the appearance of being within the physical boundaries of that settlement' and states that rounding off development should 'be predominantly enclosed by edging features'. I acknowledge that the site adjoins housing development to its north, east and northwest, but it is not predominately enclosed by significant landscape features to its southern or western boundaries that are open and adjoin further open land that separates it from the remainder of the settlement. By virtue of its open nature and views out, this area of land contributes to the character of this part of the settlement providing a semi-rural setting to the site and immediate area. As a result, the site does not have the appearance of being part of the physical boundary of the settlement resulting in the site being outside of a clearly defined boundary of built form.
10. The proposal would introduce built form that would visually extend development into a site that appears, and functions, separate to the built form of the wider settlement. As a result, the proposal would add incremental growth to the built form into an open gap undermining the character of the

area and restricting the existing open views. Furthermore, due to the open land and access road that would be retained between the western boundary of the appeal site and number 6 Beswetherick Field, it would result in a candidate for creation of a further site for rounding off that the Advice Note clarifies that in such circumstances is unlikely to be rounding off in itself. The proposal would not, therefore, provide a symmetry or completion to the settlement boundary, but would have the potential to facilitate continued incremental growth. Consequently, the proposal would not be rounding off in the context of Policy 3(3) of the CLP leading to the introduction of built form into a countryside gap between existing properties.

11. 'Infill' is defined in the Advice Note as 'development that would fill a gap in an otherwise continuous frontage which would normally be a road frontage.' Paragraph 1.65 of the CLP states that 'For the purposes of this policy, 'infilling' is defined as the filling of a small gap in an otherwise continuously built-up frontage that does not physically extend the settlement into the open countryside'. Due to Beswetherick Field being comprised of linear development either side of the road and given the position of the appeal site at the head of the road, the development would not fill a gap in an otherwise continuous road frontage.
12. Furthermore, I have found above that the appeal site has a greater affinity with the adjoining open land than with the clear form and shape of Luxulyan being outside of its physical boundaries. In accordance with the definition of open countryside in paragraph 2.33 of the CLP, the appeal site can be defined as open countryside. As a result, the proposal would not be infill in the context of Policy 3(3) of the CLP.
13. I have had regard to the Advice Note stating that 'The development of other land which does not entirely fit the definition of infilling (part of continual frontage) or rounding off, but would be within the form and shape of the settlement, will be acceptable where there is no significant harm arising to social, environmental or economic considerations'. The Advice Note continues that 'Development in this respect would accord with Policy 21(c) which encourages proposals to 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'. However, I have found above that the appeal site does not fall within the form or shape of the settlement and as a result, the appeal proposal does not gain support from this part of the Advice Note.
14. The aims of the hierarchical strategy for development in the CLP are not only to focus growth on the main towns and support organic growth of other settlements, but to ensure that development is of a scale and nature appropriate to the character of the local area and to protect the countryside from encroachment. In this regard, I have found above that the proposal would extend built form into the countryside visible from the road undermining the character of this part of the settlement partly formed by the undeveloped area of land separating the built form. Therefore, by virtue of the introduction of considerable built form onto an open site resulting in the loss of the open nature of the site and open views beyond, the proposal would result in an urbanising effect on the open land at the end of the road. This would be harmful to the character and appearance of the area. This would be the case

despite the suitable two-storey appearance and scale of the dwellings in isolation.

15. I acknowledge that Section 11 of the National Planning Policy Framework (the Framework) promotes an efficient use of land but it states that this should be achieved while safeguarding and improving the environment which the proposal would fail to achieve.
16. In light of the above, and despite the location of the site close to a limited range of services and facilities, the proposal is not supported by policies in the LNP or by the policies in the CLP dealing with the hierarchical strategy for development based on the role and function of each place and would undermine the character and appearance of the area. As a result, the proposal does not represent sustainable development.
17. It follows that I conclude that the proposed development is not in an appropriate location, having particular regard to the local development strategy. As such, the proposal is contrary to Policies 1, 2, 3, 7, 9, 12, 21 and 23 of the CLP and Policies LH1 and LH2 of the LNP. Amongst other things, these seek to focus most growth in the main towns and support organic growth of smaller settlements, whilst restricting residential development in the open countryside to where there are special circumstances, maintain and enhance Cornwall's distinctive natural character, respect landscape character of both designated and undesignated landscapes, and conserve and enhance the natural environment according to its local significance.

Other Considerations

18. I have had regard to the planning history for the site as detailed above. Nonetheless, the 2009 permission is a considerable time ago, determined under different development plan policies and was granted due to the significant benefits related to the provision of affordable housing. The 2016 appeal was also granted before the adoption of the LNP and CLP at a time when the Council could not demonstrate a five-year supply of deliverable housing sites. Furthermore, the Inspector considered the proposal to be in the countryside, gave substantial weight to the provision of 50% affordable housing, and this consent has now lapsed. As such, these proposals are not directly comparable to the appeal proposal for open market housing that I must consider against current adopted development plan policies.
19. I have also had regard to the appellants evidence demonstrating a lack of interest in providing the three remaining units as affordable housing under the 2009 consent by registered providers due to its marginal viability and small scale. However, given the evidence provided by the Council and Parish Council stating that they are seeking to provide the three affordable units on the site supported by interest expressed by the Community Land Trust, I cannot conclude that there is no clear prospect that the three affordable housing units, at a time when there is a considerable need for affordable housing in the area, would not be constructed. I therefore give this limited weight in my consideration. I also give limited weight to the fallback position of constructing the three affordable dwellings given that the appeal proposal is for open market dwellings considered under different development plan policies and not providing the significant benefit related to the provision of affordable housing.

20. I do not have definitive information before me confirming whether or not the three units consented on the site in 2009 are included within the Council's housing land supply figures. Even if they are, and even if the three affordable units did not come forward, in light of the Council being able to demonstrate supply in excess of five-years, dismissing the appeal would not result in a significant impact to the overall housing provision.
21. Although I note that 55% affordable housing provision has been provided in relation to the 2009 consent in excess of current requirements in CLP Policies 8 and 9, this development was built out some time ago with a decision taken to exclude the appeal site. Moreover, as I have found above that the site is not in a suitable location for open market housing and given that I must consider the appeal on its own merits, I give this limited weight in my consideration.
22. I saw the development constructed under planning application reference PA21/09387 at the time of my site visit. However, this site is adjoined on all sides by residential development and the access road such that the Council considered it to represent infill development. As the appeal site is not adjoined on all sides by housing and the access road, and as I have determined that the appeal proposal is not infill development, the two proposals are not directly comparable.
23. I note the use of soft landscaping proposed to reduce surface-water run-off, suitable drainage provision, provision of recycling spaces, street lighting and compliance with building regulations with regard to energy efficiency and compliance with the national space standards. Nonetheless, as these are requirements of local planning policies and national guidance and legislation, they are neutral in my consideration.
24. The Framework makes it clear at paragraph 12, that the presumption in favour of sustainable development does not change the statutory status of the development plan, and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. The benefits associated from the location of the site close to a limited range of services and facilities and associated economic and employment benefits from construction and additional spend from residents are limited due to the small scale of the proposal. As a result, these matters do not outweigh the conflict that I have found with the settlement policies of the development plan, or the harm to the character and appearance of the area.

Conclusion

25. For the reasons given above I conclude that the proposal conflicts with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework and the planning history for the site, which outweigh this finding. Therefore, the appeal should be dismissed.

C Rose

INSPECTOR