



Appeal Decision

Site visit made on 6 June 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

Appeal Ref: APP/D0840/W/23/3332994

Penhalls Farm, Penhalls Way, Playing Place, Cornwall TR3 6EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Graham and Petrina Curtis against the decision of Cornwall Council.
 - The application Ref is PA23/00428.
 - The development proposed is the proposed construction of up to 5 houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for outline planning permission with all matters reserved. As such, where the proposed site plans show any information relating to these matters, I have treated this as illustrative for the purposes of making my decision.

Main Issues

3. The main issues are: (i) whether the site is in a suitable location, taking account of development plan policies; and (ii) whether a financial contribution should be provided for education facilities.

Reasons

Whether the site is in a suitable location

4. The appeal site is an undeveloped greenfield site on the edge of Playing Place. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) sets out that, outside of the named settlements, housing will only be permitted in certain circumstances. One such circumstance is where a proposal would have the effect of rounding off a settlement. Paragraph 1.68 defines rounding off as being 'development on land that is substantially enclosed but outside of the urban form of the settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth'.
5. Furthermore, the Council Chief Planning Officer's Advice Note on Rounding Off (the Advice Note) sets out that rounding off development should not visually extend development into the open countryside, that suitable sites are likely to be surrounded on at least two sides by existing built form, and that judgements on the suitability of sites should be considered on a case-by-case basis taking account of their individual characteristics.

6. In this instance, I found the site visit to be particularly instructive. The existing boundary of the settlement is fairly well defined by the presence of a brick wall and wooden fence which demarks the end of the rear gardens associated with the houses on Penhalls Way. Recent developments have taken place to the north of the site, namely the construction of four dwellings as well as a barn conversion to form one dwelling. Nevertheless, when standing within the site, the four new homes can only be glimpsed, while the barn conversion and associated outbuilding are of a fairly modest size. As a result, the northern boundary of the appeal site still feels relatively open. To the south, there are lengthy rear gardens that adjoin the appeal site, but they are well shielded by existing trees which adds to the perceived openness.
7. The topography of the site is also of relevance. Indeed, the land slopes gently away from the existing dwellings on Penhalls Way and this provides a very strong visual relationship between the appeal site and the rolling countryside immediately beyond. As a result, the site does not feel 'substantially enclosed' by existing development as required by paragraph 1.68 of the LP. Indeed, I am of the view that the feeling of openness associated with the site means that it must be considered to be outside of the settlement limits, and that any development on the site would provide the clear visual perception of impinging upon the start of the open countryside.
8. I acknowledge that the Advice Note states that the development of land which does not fit entirely within the definition of rounding off will be acceptable where it would be located within the form and shape of the settlement. However, I have set out why this would not be the case in this instance.
9. As such, the proposed development cannot be regarded as rounding off a settlement and it would therefore conflict with LP Policies 2, 3, 7 and 23. Taken together, the relevant aspects of these policies seek to direct new development to suitable locations, including by protecting the character of rural settlements and that of the open countryside.

Financial Contribution

10. The lack of a suitable planning obligation to provide a financial contribution towards education formed a further reason for refusal. I note that the appellant has provided a draft agreement as part of their final comments. It is likely that, had I been minded to allow this appeal, this planning obligation could have been agreed between the main parties.
11. However, in the absence of any evidence to suggest that the Council is supportive of the draft obligation, I must conclude that suitable arrangements have not been made to provide the necessary financial contribution. As such, there is conflict with LP Policy 28 which seeks to ensure the provision of required infrastructure.

Conclusion

12. The proposed development conflicts with the development plan when considered as a whole. Whilst the provision of up to five new dwellings would add to the local housing stock and have some economic benefits for the local area, given the small-scale nature of the scheme, any such benefits are likely to be limited.

13. While I recognise that the Council has declared a housing crisis, there is no indication that they are currently unable to identify a suitable supply of sites, or that previous housing delivery has been unsatisfactory.
14. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR