



Appeal Decision

Site visit made on 30 July 2024

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

Appeal Ref: APP/D0840/W/23/3330271

Land east of West Beckon Close, Shop, Morwenstow, EX23 9SF

- 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 and Mrs Wickett against the decision of Cornwall Council.
 - The application Ref is: PA23/04221.
 - The development proposed is the construction of five detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes. There has been no change to the legal designation and policy status of these areas, but I have replaced reference to the Cornwall AONB with the Cornwall National Landscape in my decision to reflect this change.

Main Issue

3. The main issue in this appeal is whether or not the proposed development would be in a suitable location having regard to Local and National Planning Policy, and to its effect on the character and appearance of the surrounding area with particular regard to the Heritage Coast and to the landscape and scenic beauty of the Cornwall National Landscape (the CNL).

Reasons

4. The appeal site comprises part of a gently sloping field that is agricultural in character and appearance, and which is bounded to the south and west by residential development. To the east of the site is a large agricultural field. The evidence before me confirms that the remaining northern section of the field that the appeal site forms part of, was granted planning permission as a rural exceptions site in 2018 (the Approved Site). Access to the appeal site would be through the Approved Site. At the date of my site visit, other than noting that a small trench had been excavated, no other construction works for the permitted scheme at the Approved Site appeared to have taken place. The site is located outside of, but adjacent to, the settlement at Shop. The appeal site is also located within the CNL and Heritage Coast.
5. Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall, providing jobs in a proportional

manner based on the role and function of each place. The supporting text to Policy 2 of the Local Plan advises that Policy 3 of the Local Plan provides *"additional guidance on how the spatial strategy will be implemented across Cornwall, and how the growth required will be split to achieve the sustainable growth required by Policies 1 and 2"*.

6. Policy 3 of the Local Plan seeks to control the distribution of new dwellings across Cornwall and provides that other than at the named larger settlements, housing growth will be delivered through; the identification of sites within neighbourhood plans, infill schemes, rural exceptions sites or rounding off of settlements and development of previously developed land (PDL) within or immediately adjoining that settlement of a scale appropriate to its size and role.
7. As noted above, the appeal site is outside of but adjacent to Shop. In such circumstances, Policy 3 of the Local Plan provides support for development of PDL, rural exceptions sites or the rounding off of the settlement. The site is not PDL, and the scheme does not propose to provide affordable housing. Consequently, consideration is needed as to whether development of the appeal site would represent rounding off of the settlement appropriate to its size and scale.
8. The supporting text to Policy 3 of the Local Plan, defines rounding off as being development *"on land that is substantially enclosed but outside 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 further confirms that rounding off of settlements *"should not visually extend building into the open countryside"*. The supporting text to Policy 7 of the Local Plan provides that open countryside is the area outside the physical boundaries of existing settlements.
9. The main parties have drawn my attention to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (the CPOAN) which, whilst being informal guidance, provides clarity on the approach to be adopted in relation to rounding off of settlements, and as such I have had regard to this advice. The CPOAN advises that rounding off provides a symmetry or completion to a settlement boundary, that it is not intended to facilitate continued incremental growth, and that rounding off development should not visually extend development into the countryside. The CPOAN goes on to provide that proposals must be adjacent to existing development and that suitable sites are likely to be surrounded on at least two sides by existing built development.
10. In terms of rounding off of the settlement, whilst the appeal site is bounded to the west and south by housing, in my view it is not substantially enclosed as referred to within the supporting text of Policy 3 of the Local Plan. Based on the details before me and on the observations made on my visit, the proposed development would alter the agricultural character and appearance of the site which is located outside of the physical boundary of the settlement, resulting in an extension of built form into the open countryside.
11. I have noted that pre-application advice in respect of the Approved Site referred to the appeal site as falling within the definition of rounding off. However, while I acknowledge and sympathise with the Appellants' frustrations in that regard, pre-application advice is not binding. Furthermore, the fact that

- development south of the appeal site was approved as rounding off, does not alter the position with regards to the appeal proposal.
12. I also acknowledge the Appellants' submissions that development at the Approved Site would enclose the appeal site to the north. However, as noted above, other than a small trench, no construction works for the permitted scheme at the Approved Site appears to have taken place. Whilst the Approved Site may be developed, it does not aid the appeal scheme to achieve compliance with Policy 3 of the Local Plan with regards to rounding off in the here and now.
 13. As noted above, the Approved Site was granted permission as an exceptions site in terms of the development plan. The Cornwall Council Housing Supplementary Planning Document (February 2020) (the SPD) provides that the Local Plan does not support the subdivision of sites in terms of circumventing affordable housing requirements. The SPD goes on to advise that the subdivision provisions of the Local Plan apply to Policy 9 exceptions sites and that this will include scrutinising whether schemes have been contrived to seek to create future infill development.
 14. With regards to the question of whether the appeal proposal and the scheme at the Approved Site could be considered to form part of a single larger development, the Council has referred me to the Brandlord Judgement¹ which provides three criteria which can be used in determining whether a proposal constitutes a phased development of a larger scheme. Whilst the three criteria referred to within that judgement can be a useful guide, it has been established that it is a matter of judgement based on the evidence of the case, as to whether a proposal constitutes an extension or later phase to another development.
 15. In this instance, the appeal proposal and the development at the Approved Site would be located immediately adjacent to each other within the same agricultural field, would share the same access onto West Beckon Close and would share an internal access road. The evidence before me indicates that the appeal site and the land at the Approved Site are in the same ownership. In those respects, the appeal proposal could be regarded as part of, or a continuation of, the permitted scheme at the Approved Site.
 16. However, it is apparent from the evidence before me that the subdivision of the plot resulted from the requirements of the Council to ensure that the Approved Site could be considered to be an exceptions site. In that respect, it is clear that the scheme at the Approved Site was not contrived by the Appellants to seek to create future infill or rounding off development. As a result of the Council's requirement to subdivide the field, and based on the specific circumstances of this case, I find that the appeal proposal could not now be considered to constitute an extension or later phase to another development.
 17. The appeal scheme would not be substantially enclosed nor provide symmetry or completion to the settlement boundary, and would extend the settlement into the open countryside, albeit the initial part adjoining Shop. The proposal is not an affordable housing led scheme and therefore gains no support from Policy 9 of the Local Plan. As such and for the reasons given above, the appeal scheme would not fall within any of the identified methods of delivery as set

¹ R(Westminster City Council v First Secretary of State and Brandlord Limited [2003]JPL 1066)

out in Policy 3 of the Local Plan. Furthermore, the proposed development would fail to accord with any of the criteria for housing in the countryside as provided for under Policy 7 of the Local Plan.

18. I shall now consider whether the proposal would represent “*Other development within a settlement*” as defined within the CPOAN. In that regard, as described above I have determined that the site is not located within the settlement. Nonetheless, the CPOAN provides that where the proposal does not entirely fit the definition of rounding off, development of land will be acceptable where there is no significant harm arising to social, economic or environmental considerations. The CPOAN goes on to provide that development in this respect would accord with Policy 21c) of the Local Plan.
19. Policy 21c) of the Local Plan provides that encouragement will be given to 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. In that regard, the evidence before me confirms that Shop includes services and facilities such as a school and access to a rural bus connection. I shall now turn to consider the effect on the character and appearance of the surrounding area.
20. Policy 12 of the Local Plan concerns design and provides that proposals will be judged against a number of design principles to include character and being of an appropriate scale with a clear understanding and response to its landscape, seascape and townscape setting. Policy 23 of the Local Plan sets out that development proposals will need to sustain local distinctiveness and character, with a particular emphasis on the great weight to be given to conserving the landscape and scenic beauty of the CNL. Saved Policy ENV1 of the North Cornwall Local Plan (the NCLP) also sets out the need for proposals not to have any significant adverse effects on the character and appearance of the area, as well as the need to conserve the natural beauty of the landscape in the CNL.
21. The appeal site is located within Cornwall Character Area CCA38 Western Culm Plateau. The Cornwall Character Area Description sets out the key characteristics of the area, and provides that it comprises a high undulating, sparsely populated plateau with the predominant land use being agricultural. One of the current pressures and forces for change listed is the ongoing pressure for development on the edge of settlements, which would impact on the tranquil perceptual qualities and erode the traditional settlement pattern of small, dispersed villages and farmsteads.
22. The appeal scheme would represent an extension of built form into the countryside to a limited degree. However, development at the appeal site would be seen from the east and north in the context of nearby housing and against the backdrop of the village. Additional landscaping could be secured by planning condition. The appeal proposal would not therefore harm the character and appearance of the area and would further the purpose of conserving the landscape and scenic beauty of the CNL. Consequently, the appeal proposal would not conflict with Policies 12 or 23 of the Local Plan or Policy ENV1 of the NCLP, nor would fail to accord with those paragraphs of the National Planning Policy Framework (the Framework) which concern conserving and enhancing the natural environment and achieving well designed places.
23. In light of that conclusion and given the facilities that are available within the settlement at Shop, I consider that the appeal proposal would accord with

Policy 21c) of the Local Plan. However, it is important to note that Policy 21 of the Local Plan only provides “*encouragement*” to sustainably located schemes, and the supporting text to that policy identifies the primacy of Policy 3 of the Local Plan in meeting the plan led objectives of the Local Plan. Consequently, the accordance of the appeal proposal with Policy 21 of the Local Plan in this instance, does not remedy the overall conflict with the Local Plan’s spatial strategy as provided within Policies 2, 3 and 7 of the Local Plan.

24. In summary of the above, the appeal proposal is not for affordable housing and therefore gains no support from Policies 8 or 9 of the Local Plan. Whilst I have found no significant harm to the character and appearance of the area and that the appeal scheme would gain some support from Policy 21 of the Local Plan, I conclude that the site would not be suitable for the appeal proposal having regard to the spatial strategy contained within the Local Plan for the delivery of housing. As such, the appeal proposal would conflict with the provisions and aims of Policies 1, 2, 3 and 7 of the Local Plan.
25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
26. The appeal scheme would conflict with the spatial strategy of the Local Plan and therefore would bring the proposal into conflict with the development plan when taken as a whole. I attach significant weight to that conflict in the determination of this appeal.
27. Against that conflict, the proposal would make a contribution towards housing supply in a location with access to services and facilities and without harm to the character and appearance of the area including the CNL and Heritage Coast. The Framework seeks to significantly boost the supply of homes and advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. There would be very limited economic benefits in terms of employment opportunities during construction and from the future spend of residents within the area. Given the very modest quantum of development, the benefits of housing at this location would be of only limited weight. As such the cumulative benefits of the appeal scheme would not outweigh the conflict with the policies development plan identified above.

Other Matters

28. Interested parties raise additional objections to the appeal proposal on the grounds of flooding and drainage provision. I have taken into account all of the evidence before me regarding this important matter. However, given my findings in relation to the main issue above, this is not a matter that has been critical to my decision.

Conclusion

29. For the reasons given above the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR