



Appeal Decision

Site visit made on 16 July 2024 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/D0840/W/24/3340236

Land East of Dean House, Trenerth Road, Hayle

- 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 S Edwards (Penmellyn Ltd) against the decision of Cornwall Council.
 - The application Ref is PA23/08478.
 - The development proposed is the erection of 5 dwellings.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for Costs

3. An application for an award of costs was made by Mr S. Edwards (Penmellyn Ltd) against Cornwall Council. This is the subject of a separate decision.

Main Issue

4. The main issue is the principle of the proposed development with specific regard to its location and the character and appearance of the area.

Reasons for the Recommendation

5. Since the appeal site is outside of the defined Leedstown development boundary, the scheme would not be supported by Policy HT1 of the Crowan Parish Neighbourhood Development Plan 2018-2030 (NDP). Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (2016) (LP) sets out the locational strategy for the delivery of housing based on the role and function of each place. It seeks to steer the majority of new housing towards the main towns.
6. Policy 3 also allows for the rounding off of settlements within or immediately adjoining that settlement of a scale appropriate to its size and role. It also considers the potential for infill, which is defined as a small gap in an otherwise continuous built frontage that would not physically extend the settlement into the open countryside. It is common ground that the scale of the proposed development would be appropriate to the size and role of Leedstown and I have no reason to disagree with the appeal site being immediately adjoining

the settlement. It therefore depends on whether the proposed development could be rounding off or infill. I shall address these in turn.

7. Rounding off is defined as 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. The Chief Planning Officer's Advice Note 2017 (CPOAN), suggests that rounding off provides a symmetry or completion to a development boundary. It is not intended to facilitate continued incremental growth and it should not visually extend development into the open countryside. Furthermore, proposals must be adjacent to existing development and be contained within long standing and enclosing boundary features, for example, a road or stream. The CPOAN says that suitable sites are likely to be surrounded on at least two sides by existing built development.
8. The appeal site is accessed by a public right of way which forms a clear barrier to the west and south-west boundary. On the other side of this boundary is residential development. The appeal site could be considered adjacent to the settlement in its most north easterly boundary; however, that part of the development boundary is contained by the public right of way. To the north is a track with the rifle club on the other side. Whilst there are areas of built development adjacent to the site, to the east and south-east are open fields separated by hedgerow, and beyond those fields are more fields. The appeal site has a natural affinity with these in character and appearance terms.
9. At the time of my site visit the appeal site was being machine cleared of vegetation; however, the hedgerow to the east and the scrub to the southeast was still intact. Regardless, the site is beyond an existing barrier to development and is not substantially enclosed by a physical feature that would act as a barrier to further growth to the east and south-east. Moreover, there is further open land beyond it to the east, which is as open and undeveloped, emphasising the appeal site's feel as distinctly more rural than urban and underlining the appreciation that its development would have a clear role in visually extending the settlement into the open countryside. Thus, it could not be defined as rounding off.
10. The appeal site fronts onto the public byway and there is development being constructed to the north-west and some to the south. However, there is no built development to the south-east of the appeal site, just another open field. There is a much larger open field to the east and one beyond that. Hence my views on the character and appearance of the area which I have expanded on below. Given the size of the site overall, the scale of the proposals, the dwelling types, associated curtilages and spacing of the units, they would not occupy a space, or gap in this case, that could be reasonably considered as small. The layout of the proposals both as the scheme itself and built form around and to its rear would be stretching the definition of a continuous built up frontage and, as I shall come onto, the appeal scheme would have the effect of physically extending the settlement into the open countryside. It would not therefore be infill.
11. The appeal site is approached via a verdant public byway which forms a natural barrier to residential development to the west. There is new development occurring to the north-east and there is a railed yard and buildings known as

the rifle club to the north. To the east and south-east are open fields, which again lead to open fields. The site sits comfortably alongside these, separated only by a hedgerow and a field access. In this regard the site can be considered as semi-rural, forming a positive transition between the rural elements to the east and the commercial/residential elements to the north and west.

12. The proposed development would therefore, and incrementally, extend built form into this space and 'creep' towards the other open fields to the east. Casually eroding the more open feel to land as it moves away from the built up village and into the countryside. It would unacceptably urbanise the area in a form akin to a self contained estate that would appear more bolted on than integrated. Whilst the larger immediate area would be contained in a fashion by other development and further natural and artificial barriers to the north, this would not be sufficient to release the appeal site for the development of the nature and scale proposed for the reasons I have explained.
13. The principle of the proposed development would thus be unacceptable. It would also cause harm to the character and appearance of the area. Accordingly it would conflict with Policies 1, 2, 3, 7, 12 and 23 of the LP, Policies HT1 and HT4 of the NDP, Policy C1 of the Climate Emergency Development Plan Document 2023, Policy 1 of the Cornwall Site Allocations Development Plan Document 2019 and paragraphs 8, 135 and 180 of the National Planning Policy Framework 2023, insofar as they seek, amongst other things, a hierarchical approach to housing distribution, control the delivery of windfall development, high quality and contextually appropriate design which supports local distinctiveness and to protect the open countryside from unsustainable development.

Other Matters

14. Appeal references APP/D0840/W/22/3301617 and APP/D0840/W/22/3309314 are materially different to the scheme here. In the case of the former it was found that the appeal site was substantially enclosed in terms of paragraph 1.68 of the LP. For the latter, the site was immediately adjacent to the settlement boundary and the Inspector concluded that it had a greater affinity with the existing residential development. They do not therefore have a determinative bearing on the scheme before me.
15. It is argued that the proposal would align with Policy 21(c) of the LP in that it would increase building density in an appropriate place, taking into account the character of the surrounding area and access to services and facilities to ensure an efficient use of land within the form and shape of that settlement. Whilst the appeal site would be within easy access of services and facilities it would not be within the settlement boundary. It would also fail to align acceptably with the character of the immediate area and would introduce unsustainable development into the open countryside as I have explained. Any perceived compliance here therefore would not be sufficient against these and the other harms I have found.
16. The appeal site is located within the Tregonning and Gwinear Mining District of the World Heritage Site (WHS). I note that the relevant body were consulted as part of the planning application when it was deposited with the Council. No objections were raised, and the Council found that the scale, nature and location of the proposed development would not have a harmful impact on features that contribute to the outstanding universal value of the WHS. There is

no compelling evidence from any party that would lead me to a different conclusion.

Conclusion and Recommendation

17. For the reasons given above, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight which would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR