

Appeal Decision

Site visit made on 5 June 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2024

Appeal Ref: APP/D0840/W/23/3326173

Land west of 1-4 Higher Fraddon, Fraddon, St Columb, Cornwall TR9 6NL

- 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 Mr Keith Pascoe (A1 Complete Builders Ltd) against the decision of Cornwall Council.
 - The application Ref is PA23/03650.
 - The development proposed is construction of a residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle (PiP). The consent route for which has 2 stages: the first stage (PiP) establishes whether a site is suitable in-principle and the second ('Technical Details Consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages. The scope for the consideration of a scheme for PiP is limited to location, land use, and the amount of development. I have determined the appeal accordingly.
3. An indicative site plan¹ was submitted at the appeal stage. This plan does not substantially alter the nature of the proposal, and I am satisfied that the parties' interests, including those of interested parties, would not be prejudiced by the plan being considered in this appeal. Therefore, I have considered the plan as part of this appeal.

Main Issue

4. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to the spatial strategy in the development plan.

Reasons

5. The appeal site comprises a parcel of agricultural land, which is part of a much larger field. A short terrace of dwellings is present immediately to the east of the site. I observed that dwellings were under construction on a former pig

¹ Indicative site plan (SP02) July 2023

farm, to the west of the site, which benefits from planning permissions relating to the construction of 7 dwellings².

6. Higher fences could potentially be erected under permitted development rights at the terrace mentioned above, but evidence has not been provided to demonstrate that there would be a real prospect of this occurring in the foreseeable future. Consequently, this appeal has been determined on the basis of the currently prevailing circumstances.
7. The majority of built development near the site is present on the opposite side of the road on which the site is located, and this is where the settlement envelope shown on Large map 4 in the St Enoder Parish Neighbourhood Plan: 2018 – 2030 (made 2021) (Neighbourhood Plan) terminates. As such, the site is outside of the settlement envelope shown on Large map 4 found in the Neighbourhood Plan.
8. Housing Policy 2 of the Neighbourhood Plan provides that, amongst other things, land outside the settlement envelopes is considered to be countryside, and that housing developments outside the settlement envelopes will only be supported where they are consistent with Policies 3, 7, 9 or 21 of the Local Plan as relevant to the development concerned.
9. Policy 3 of the Cornwall Local Plan: Strategic Policies 2010 – 2030 (adopted 2016) (Local Plan) lists the main towns where housing development is expected to take place. Part 3. of Policy 3 of the Local Plan specifies the circumstances where housing is intended to be delivered other than at the main towns identified in Policy 3. Of these circumstances, the main parties have focussed on the rounding off of settlements.
10. Paragraph 1.68 of the Local Plan provides that, amongst other things, rounding off 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) and that it should not visually extend building into the open countryside.
11. The CPOAN³ provides guidance to ensure consistency in the application of the concept of rounding off. The site is part-and-parcel of land which extends towards the open countryside to the south of the site. As the site is located beyond the physical boundaries of a settlement, and the site is part of an expansive area before the next settlement, it falls within the definition of open countryside as given in the CPOAN.
12. Although the CPOAN mentions that suitable sites are likely to be surrounded on at least 2 sides by existing built development, which is the case with the appeal site, the southern boundary of the site does not have an edge that is clearly defined by a physical feature that also acts as a barrier to further growth (such as a road, for example). In this regard, the proposed development would not accord with the definition of rounding off given in paragraph 1.68 of the Local Plan, referred to above. For the same reasons, the proposed development would not be contained within long-standing and enclosing boundary features, as advocated by the CPOAN.

² Local Planning Authority references: PA21/05945; PA23/02997

³ Chief Planning Officer's Advice Note: Infill/Rounding off (December 2017)

13. Notwithstanding the presence of built development either side of the site, due to it being part-and-parcel of land which extends towards the open countryside, and noting that development on the site's side of the road is sparse in the vicinity of the site, the site shares a strong visual and physical connection with the wider countryside, even taking account of the urbanising effect caused by the ongoing development of the former pig farm referred to above and the fencing erected to the boundaries of 1-4 Higher Fraddon which adjoin the site.
14. This is in contrast to the site the subject of appeal decision Ref APP/D0840/W/21/3275410, which according to the site plan is enclosed on 3 sides, including by the A30. The Inspector in appeal decision Ref APP/D0840/W/21/3275410 mentioned that the site in question forms a small discrete parcel of land marooned between existing development, which given the absence of built development to the south of the appeal site, is not the case here.
15. As a result, the proposed residential development on this predominantly undeveloped site would serve to visually extend building into the open countryside, contrary to the definition of rounding off given at paragraph 1.68 of the Local Plan.
16. As the proposed development would not comply with the above-mentioned components of the definition of rounding off as specified at paragraph 1.68 of the Local Plan, the proposed development would not constitute rounding off of a settlement in the terms of Policy 3 of the Local Plan. For the same reasons, it would not comply with Housing Policy 3 of the Neighbourhood Plan, which relates to rounding off in hamlets, and which applies the definitions found at paragraph 1.68 of the Local Plan.
17. I have had regard to the planning permission cited relating to Ivy Cottage, Higher Fraddon⁴. As a single dwelling on a previously developed site, it would not meaningfully alter the relationship of the appeal site with the wider countryside. Moreover, it is clear from the Officer's Report relating to that permission that as that site constituted previously developed land, no conflict was found with part 3. of Policy 3 of the Local Plan. This is not the case for the appeal site, which for the reasons given above, does not fall within any of the circumstances listed within part 3. of Policy 3. Hence, there are fundamental differences in the existing land use status of each site. As that permission is not directly comparable with the proposed development it does not alter my findings above.
18. I therefore find that the site is not suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to the spatial strategy in the development plan. The proposed development would conflict with the 2nd bullet point of part 3. of Policy 3 of the Local Plan which provides that, amongst other things, other than at the main towns identified in Policy 3, housing will be delivered for the remainder of the Community Network Area housing requirement through rounding off of settlements.

⁴ Local Planning Authority reference: PA23/07359

19. The proposed development would conflict with Policy 7 of the Local Plan which provides that, amongst other things, the development of new homes in the open countryside will only be permitted where there are special circumstances, none of which apply to the proposed development. As the proposed development would not be suitably located, it would not comply with part c. of Policy 21 of the Local Plan which relates to appropriate sites to increase building density.
20. The proposed development would conflict with Housing Policy 2 of the Neighbourhood Plan which provides that, amongst other things, housing developments outside the settlement envelopes will only be supported where they are consistent with Policies 3, 7, 9 or 21 of the Local Plan as relevant to the development concerned, and with Housing Policy 3 of the Neighbourhood Plan which provides that, amongst other things, proposed developments of small-scale rounding off will be supported in hamlets, rural settlements and discrete blocks of housing which lie outside the settlement envelopes as identified in Housing Policy 2 of the Neighbourhood Plan.

Planning Balance

21. The National Planning Policy Framework (the Framework) provides at paragraph 15 that, amongst other things, the planning system should be genuinely plan-led. In opposition to this, the proposed development would not be in a suitable location, having particular regard to the spatial strategy in the development plan. It follows that the proposed development would result in harm in achieving the planned strategy for the area.
22. Considering that Housing Policy 2 of the Neighbourhood Plan emphasises that land outside the settlement envelopes is considered to be countryside which should be safeguarded for the diversity of its landscape, the wealth of its natural resources and its ecological, agricultural and recreational value, great weight has been given to the proposed development's conflict with the relevant policies of the development plan.
23. In these circumstances, where a proposed development would conflict with an up-to-date development plan, the Framework advises that planning permission should not usually be granted. However, I must consider whether other material considerations indicate that the plan should not be followed.
24. The proposed development would provide one new dwelling near to services and facilities and accordingly would support the Government's objective of significantly boosting the supply of homes, and to easing the housing crisis in Cornwall.
25. The future occupiers of the proposed new dwelling would likely contribute to the economic and community life of the area. Economic benefits would also accrue to the local area during the construction phase of the proposed development.
26. As the proposed development relates to one dwelling only, the collective benefits arising would however be minimal. Little weight has been given to these, as a result. These benefits would not be sufficient to outweigh the proposed development's conflict with the relevant policies of the development plan, to which great weight has been afforded.

27. The proposed development would conflict with the development plan when considered as a whole. None of the other considerations in this case indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

28. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR