



Appeal Decision

Site visit made on 19 September 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Ref: APP/D0840/W/24/3342291

Pendower, East Taphouse, Cornwall PL14 4NH

- 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 Mark Cox against the decision of Cornwall Council.
 - The application Ref is PA23/09819.
 - The development proposed is 'permission in principle for the construction of nine dwellings'.
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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.

Preliminary Matters

3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. If permission in principle were to be granted, a following technical details consent stage is required where the detailed development proposals are separately assessed. This appeal and recommendation deals with only the first permission in principle stage.

Main Issue

4. The main issue is whether the appeal site would be suitable for residential development having regard to its location.

Reasons for the Recommendation

5. In the main built-up area of East Taphouse, houses are positioned relatively close to one another at a density which creates a typical village feel. When leaving the main built-up area along the A390 (the road) in the direction of the appeal site, there is a noticeable drop in the building density leading up to the house known as Pendower. The appeal site comprises part of the field that sits beyond Pendower, further from the main built area of the settlement. While there is built development on both sides of the road in the vicinity of the war memorial, this appears separate from the main part of the settlement due to intervening undeveloped land and mature vegetation. Rather than comprising a gateway to the village, the more dispersed pattern of development there adds to the character of open countryside.

6. The Chief Planning Officer's Advice Note on Infill/Rounding Off (Advice Note) supports organic growth, but also highlights that the open countryside may include areas containing groups of dwellings which might not constitute a settlement. The Advice Note therefore supports the fact that the small group of dwellings that form Trago Farm are within the open countryside. I have had regard to the judgement in *Corbett v The Cornwall Council* April [2022] EWCA Civ 1069. This advocates that a site's relationship with a settlement is a matter of judgement that depends on consideration of the particular facts of the site and proposal. In the circumstances of this case, the appeal site appears separate from the built settlement and part of the verdant countryside.
7. Policy 3 part 3 of the Cornwall Local Plan (2016) (Local Plan) establishes the circumstances under which proposals outside of the main towns would be supported. This includes infill schemes that fill a small gap in an otherwise continuous built frontage and does not extend the settlement into open countryside. In this case, the proposal would not occupy the full width of the site, leaving a gap between the proposal and Pendower. As such it would not infill the gap. Moreover, rather than being a small gap in an otherwise continuous frontage, the appeal site comprises a large gap between two houses. Therefore the proposal does not comprise an infill scheme under the terms of Policy 3 part 3.
8. Policy 3 part 3 also supports schemes that would round off a settlement. In this case, the proposal would only occupy part of the field adjoining the road, leaving the rear of the existing field undeveloped. As such, the proposal would not constitute rounding off and would give rise to further rounding off opportunities. The Advice Note also seeks to limit developments that would result in the creation of a further site for rounding off. Therefore the proposal would not round off the settlement under the terms of Policy 3 part 3.
9. In seeking to justify the appeal, the appellant highlights permission for the site at Pendean Parc (Ref PA21/04438). However that was for retention of a dwelling on a site that was considered to be previously developed land. Moreover, although not far from the appeal site, it is more closely related to the main built settlement and was therefore considered to adjoin East Taphouse. Whereas, this appeal relates to undeveloped land that is more remote from the settlement, with the character of open countryside. As such, the planning history of that site is considerably different to the site before me, and therefore bears limited weight on my recommendation.
10. With regard to the permission in principle on land south west of Pendower (Ref PA23/04464), that site was considered to be well enclosed with defined boundary features, preventing further development into open countryside. Whereas, for the reasons given, this appeal would offer potential for further development into open countryside.
11. The appellant also contends that the development on the opposite side of the road (Ref PA22/06849) provides a basis for allowing development here. However, the original permission for that development was granted prior to the most recent Cornwall Local Plan. Therefore the circumstances under which the principle of developing that site was established may have been different and are not before me for comparison. In any event, it appears that that scheme immediately adjoins the main built settlement of East Taphouse. Whereas I have found that this appeal scheme would not. As such, whilst consistency in

decision making is important, the circumstances of those cases are sufficiently different such that they do not alter my reasoning.

12. Accordingly, the appeal site would not be suitable for residential development having regard to its location. For the reasons given it would be outside the settlement boundary and would not constitute infill or rounding off. As such it would not meet any of the criteria for housing growth outside of the main towns under Policy 3 part 3. Given its location outside of the settlement on undeveloped land that has the character of open countryside, it would not make best use of land under the terms of Policy 21 of the Local Plan. Given the conflict with these policies the proposal would also conflict with Policy 1 of the Local Plan. This supports development that accords with policies of the Local Plan, unless material considerations indicate otherwise.

Other Matters

13. Whether or not the Council has indicated support for a larger scheme on this site, my recommendation can only be made on the basis of the proposal before me. The site would provide a maximum of nine new dwellings in a location within walking distance of a range of local services and facilities. It could also provide contributions to affordable housing.
14. The proposed dwellings could be constructed to high environmental standards including in respect of biodiversity, which would form a public benefit in environmental terms. The construction of the dwellings would provide short term benefits to the local and wider economy; and the occupants would be likely to stimulate consumer spending, boost local labour supply and help to support local services, which would all constitute benefits in social and economic terms.
15. However the location of the proposal is contrary to the Local Plan and would undermine the Council's plan-led approach to the delivery of housing. This conflict with the development plan attracts considerable weight. Therefore, the proposed development would conflict with the development plan as a whole and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

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

Rachel Hall

INSPECTOR