



Appeal Decision

Site visit made on 17 September 2024 by S Wilson LL.B. MSc MRTPI

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

an Inspector appointed by the Secretary of State

Decision date: 27 November 2024

Appeal Ref: APP/D0840/W/24/3338538

Land North of Chy-An-Brea, Castle Gate, Ludgvan, Penzance, TR20 8BG

- 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 M Leah against the decision of Cornwall Council.
 - The application Ref is PA23/07987.
 - The development proposed is the construction of two open market bungalows & associated works.
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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. During the application process the description of development changed from that stated on the application form. I have not been provided with any confirmation that this change was agreed by the parties. Therefore, I have used the original description which is, in any case, sufficient for the purposes of identifying the works to which the appeal relates.
4. Areas of Outstanding Natural Beauty (AONB) are now known as National Landscapes. This change in terminology has not affected the reasons for their designation or the fundamental aspects of their special qualities. I have accordingly referred to the Cornwall AONB as the Cornwall National Landscape (CNL) in my recommendation.
5. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) 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 two stages.
6. The scope of the considerations for permission in principle is limited to location, land use and the amount of development. All other matters are considered as

part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

7. 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.

Reasons for the Recommendation

8. The application site is an agricultural field located in the open countryside beyond the established built-up limits of the hamlet of Castle Gate. It is common ground that Castle Gate has been deemed a hamlet; however, the main parties dispute whether the appeal site is located within or outside of that hamlet.
9. The appellant's submission states that the Ludgvan Parish Neighbourhood Development Plan 2020 (NDP) identifies the appeal site as within the settlement pattern at page 18. However, the NDP specifically identifies defined settlements, towards which it steers the provision of new housing and provides detailed plans of their boundaries. For the other settlement areas without defined settlement boundaries, which Castle Gate is one, there is a specific Policy for development proposals, LUD6. For clarity, the NDP defines Castle Gate as a hamlet, as did the Inspector in APP/D0840/A/14/2225689.
10. Amongst other matters, Policy LUD6 sets out that proposals in settlement areas without a defined boundary will be supported if they are infill within an existing continuous built-up frontage.
11. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies (2010-2030) (the Local Plan). It sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing jobs in a proportional manner based on the role and function of each place.
12. Policy 3 of the Local Plan 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. It 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.
13. The hamlet of Castle Gate is clearly semi-rural and appears to have been built up over time on one side of the B3311. It is characterised by a continuous line of dwelling houses adjacent to one another in the rural countryside. Upon my visit it was clear that Chy-an-Brea was the book end of the hamlet of Castle Gate. Whilst there are two further isolated dwelling houses beyond Chy-an-Brea, when travelling north-east along the B3311, these are clearly isolated dwellings in the open countryside and are separated by large gaps that are agricultural fields. Those fields punctuate the hamlet of Castle Gate allowing it to be read as transitioning to open countryside. As such their character and appearance are important to the principle of development insofar as they contribute to the landscape for which the CNL is designated.
14. The appeal site is a large field that fronts onto the B3311, which forms a natural barrier to residential development to the east. At its southern end the

site is adjacent to Chy-an-Brae and at its northern end is the isolated dwelling house known as Ailsa. The appeal site is therefore bordered on two sides by development and restricted eastwards by the B3311. However, there is no built development to the west or any form of long-standing, enclosing boundary feature, just another open field, typical of the area. Even if I considered Ailsa to be part of the hamlet of Castle Gate, given the size of the site overall and the number of dwellings, they would not occupy a space, or gap in this case, that could be reasonably considered as small.

15. Consequently, the proposal would not fill a small gap in an otherwise continuous frontage and, therefore, would fail to accord with the definition of infill as provided within the Chief Planning Officer Advice Note (CPOAN), to which I have had regard. The proposed development would incrementally extend built form into the countryside and 'creep' towards Ailsa, casually eroding the more open feel to land as it moves away from the built-up hamlet of Castle Gate. Therefore, the proposal would not be infill.
16. Rounding off is defined at paragraph 1.68 of the Local Plan 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 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.
17. The appeal site is accessed by the B3311, which forms a clear barrier to the south-east boundary. The appeal site could be considered adjacent to the hamlet on its most south westerly boundary, whilst Ailsa constrains the site to the north. To the west are open fields typical of the area, separated by a hedgerow, beyond which are more open fields. The appeal site has a natural affinity with these open fields in character and appearance terms and, as assessed above, the gap in the frontage allows the hamlet of Castle Gate to be read as a transition from urban to rural, important to the CNL designation. Consequently, its development would have a clear role in visually extending the settlement into the open countryside of the CNL. Thus, it could not be defined as rounding off. Furthermore, the intrusion of new development into the countryside at this location would be harmful to the landscape beauty of the CNL.
18. In regard to accessibility of the location, the rural position of the site is not in question. There is a bus stop nearby, however there are no footways as part of the highway and access to the bus stop would require walking on the unlit highway where the national speed limit applies. Consequently, it would be highly likely that future users would be mostly reliant on the private motor vehicle. That is not to say the location would not preclude travel through cycling entirely. The local highway network could be cycled, unattractive though this option may be for those less abled.
19. The Climate Emergency Development Plan 2023 (CEDPD) Policy C1(6) sets out that different modes of transport and active travel should be considered. It

requires development to maximise the ability to make trips by public transport, sustainable and active modes of transport in *all* (my emphasis) developments through careful design and mix of uses that actively support walking and cycling rather than car use for day-to-day living.

20. CEDPD Policy T1 (2) aims to integrate existing settlements through inclusive, active travel networks ensuring easy and sustainable connections to community facilities and infrastructure. The occupants of the proposal would be predominantly, if not wholly, reliant on the private motor vehicle, likely resulting in increased journeys by private vehicle contrary to the sustainable transport aims and objectives of Policies C1 and T1 which, amongst other things, seek to reduce harmful greenhouse gases.
21. Policy 7 of the Local Plan permits housing in the open countryside where it is shown that special circumstances exist. A number of criteria are listed against which proposals may be assessed, and the proposal fails to accord with any of these criteria. The proposal would also conflict with Policies 1, 2, 3, 12 and 23 of the Local Plan, policies LUD1, LUD6 and LUD7 of the NDP, Policies C1 and T1 of the CEDPD, Policies PD-P1, PD-P2 and PD-P11 of the Cornwall AONB Management Plan 2022 – 2027 and the relevant paragraphs of the National Planning Policy Framework, insofar as they seek high quality design that is sustainably located and conserves and enhances the natural landscape. Furthermore, for the reasons given above regarding the likelihood of future occupants of the proposal being heavily reliant on private motor vehicles to access services and facilities, the proposal would not gain support from Policy 21c) of the Local Plan.

Other Matters

22. A different application was cited by the appellant as evidence within the statement of case. That application site was on land at Chy-an-Brea, not a frontage site, and considered to be in its curtilage. The current proposal is for residential development on agricultural land outside of a settlement. Consequently, I do not find that the matters are comparable.

Conclusion and Recommendation

23. 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

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

Mr A Spencer-Peet

INSPECTOR