



Appeal Decision

Site visit made on 25 November 2024

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2025

Appeal Ref: APP/D0840/W/24/3342140

Land off Carsize Lane, Leedstown, Hayle, Cornwall TR27 6EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr G Davies against the decision of Cornwall Council.
 - The application Ref is PA22/02800.
 - The development proposed is Outline planning permission with some matters reserved (appearance, landscape, layout and scale) for affordable led housing development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst paragraph numbers have altered, any policies that are material to this decision have not fundamentally changed. I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.

Background and Main Issues

3. The proposal is presented as a 'rural exceptions' site including affordable housing. As such the application and this subsequent appeal consider whether the scheme complies with 'Policy 9: Rural Exceptions Sites' of the Cornwall Local Plan (CLP). Within the appellant's appeal statement, reference is made to the site potentially being considered as 'rounding off' under Policy 3 of the CLP. The Council's responded to this point, however, in their letter dated 26th July 2024 the appellant stated that the site is 'not proposed under the rounding off criteria of Policy 3 of the CLP, but as an exceptions site under Policy 9'. I have therefore proceeded to assess the proposal on this basis.
4. The main issue is whether or not the appeal site is a suitable location for residential development taking into consideration the effect on the character and appearance of the area and the provision of affordable housing.

Reasons

Character and appearance

5. This outline application, with all matters reserved except for access, proposes a rural exception site for 'affordable led' housing. The number of units proposed was not specified on the application form. However, reference is made in the appellant's evidence to 'around 5 dwellings' but this is not conclusive.

6. Centred around a crossroad where the B3280 and B3302 intersect, Leedstown features residential development primarily fronting the roads and lanes meeting at that crossroad. There are examples of cul de sac development off the main roads. In particular there is a more recent housing development, Walters Close, which is visible from the site across the recreation ground.
7. Located at the southwest edge of Leedstown, the appeal site is accessed via a rough surfaced lane with no pavement or street lighting. The lane is bounded by hedges and mature trees. There are some gaps in the hedges where the accesses to properties Ivy Villa and Penstretyn are situated. Despite the recreation field being to the southeast of the lane it is rural in character with the density of dwellings being much lower than in the core of the village.
8. The site is within a gap between the last house on Carsize Lane and an equestrian site located on the corner of an unnamed road. Due to a thick conifer hedge the stables are not highly visible from Carsize Lane when approaching from the B3302.
9. The appeal site has an edge of settlement feeling with the low density of neighbouring housing, verdant boundaries and rough surfacing of the road giving it a distinct rural character.
10. The introduction of housing to the site and changes to Carsize Lane including the surfacing and introduction of passing bays would alter the character of the edge of village location. The scale of development would affect the overall level of impact. As the appeal relates to an outline application there are limited details in respect of the number of dwellings proposed or their scale or layout. Given the scheme is for 'affordable-led' housing it is reasonable to assume at least two dwellings would be proposed.
11. Although part of the site abuts the built edge of the village, the development, as a whole, would not relate well to the physical form of the settlement. The proposal would result in some loss of openness at the edge of Leedstown, marking the transition between the built form of the settlement and the predominantly open countryside to the southwest. Whilst the hedges around the site would provide some screening, the houses would still be visible from the lane. The appeal scheme would encroach into a currently undeveloped area of countryside, which positively contributes to the surrounding landscape and setting of Leedstown.
12. Whilst it is accepted that due to the topography of the site and the surrounding area the impact of the development would be localised, there would still be a harmful impact on the rural character and appearance of the area.

Affordable Housing

13. It is not disputed that the suitability of the site for housing is dependent on it meeting the criteria for a rural exception site, as set out in Policy 9 of the CLP.
14. To comply with Policy 9 development proposals must be adjacent to the existing built-up area of smaller towns, villages and hamlets, whose primary purpose is to provide affordable housing to meet local needs, will be supported where they are clearly affordable housing led; well related to the physical form of the settlement; and would be appropriate in scale, character, and appearance. The policy allows for the inclusion of a maximum of 50% market housing where a financial appraisal demonstrates it to be essential for the successful delivery of the development. This

is also reflected in the wording of Policy HT2 of the Crowan Parish Neighbourhood Development Plan 2018-2030 (CPNP).

15. Given the location of the development boundary defined in the CPNP the proposal would be adjacent to the existing built-up area. In terms of local need, the response from the Affordable Housing Team confirmed that there is a need in the area.
16. Although the scheme is presented as being 'affordable led' at this stage no clear amount of affordable housing has been presented either in the number, type, size or tenure and how this responds to the local need. Furthermore, policy requires that where market housing is proposed it will only be supported where it is essential for the successful delivery of the development based on a detailed financial appraisal. No such appraisal has been provided with the scheme, with the appellant suggesting this can be dealt with at the Reserved Matters Stage. Currently, there is no certainty over the level of affordable housing to be provided and there is no evidence that this will meet local needs in the appropriate manner. As this is a matter relating to the principle of the development it needs to be resolved at the outline stage.
17. In the Council's committee report the officer reported that they sought to secure the affordable housing via a Section 106 agreement. No agreement has been provided in support of the appeal. Therefore, even if it had been possible to demonstrate the need and level of housing referenced above, there is no mechanism before me for the affordable housing to be secured.
18. It would not be appropriate for a condition to be used in this case given the uncertainty over the level of affordable housing provision. Furthermore, the Planning Practice Guide (PPG) advises that a condition that requires an applicant to enter into a planning obligation should only be used in exceptional circumstances and may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. Given the scale of the scheme, and absence of any detailed information to suggest otherwise, the proposal is not a complex or strategically important development. Consequently, the use of a planning condition would not be appropriate.
19. Whilst by their very nature rural exceptions sites are often on the edge of settlements the effect they have on the character of an area is still a consideration. Policy 9 requires proposed developments to be well related to the physical form of a settlement and appropriate in scale and character. Given the findings above this is not considered to be the case.

Conclusion on main issue

20. The proposal is not considered to be a suitable location for housing due to the impact on the rural character of the area due to its location at the edge of the settlement and the change in appearance to Carsize Lane. This would therefore be contrary to Policies 1, 2, 3, 9, 12, 21 and 23 of the CLP and Policies HT2 and HT4 of the CPNP which seek amongst other things, suitably located housing, including affordable, which respects and enhances the quality of space and local distinctiveness.
21. The Council's reason for refusal refers to Local Plan Policy 7 which relates to housing in the countryside, but the proposal does not fall within any of the criteria of

housing supported by this policy. There is also no conflict with Policy HT1 of the CPNP, this policy relates to support for developments within the settlement boundaries which is not the case here. As the scheme has been presented as a rural exception site these policies are not relevant. I do not consider that the considerations listed in the policy are specific to this main issue, therefore I have not referred to them in my conclusion.

22. Policy FAS6 of the CPNP and paragraph 105 of the Framework provides support for improvements to Public Rights of Way. Notwithstanding the visual affects noted above, the improvements to the surfacing of the route would have some benefit, and therefore I do not find that there is conflict with these policies.

Other Matters

23. The appellant queries the inclusion of a number of policies within the reason for refusal including Policy 12 and 21 of the CLP and Policy HT4 of the CPNP. Whilst the proposal is only at outline stage without a detailed design, Policy 12 of the CLP and HT4 of the CPNP reference the Council's commitment to ensuring developments maintain and enhance Cornwall's enduring distinctiveness and therefore are relevant to the impact on the character of the area. Policy 21 relates to the best use of land and reference to increasing densities taking into account of the character of the area is also relevant.
24. Along with other matters Policy 21 also refers to the use of Grade 1,2 and 3a agricultural land. The site is Grade 3 and within the Council's Committee report concluded that the loss of such land is a material consideration which whilst weighing against the scheme the site is not excessive in scale and therefore only amounts to limited weight. Further to this the appellant argues that the site is in equestrian use in any event. The refusal for reason does not specifically refer to the loss of agricultural land and it is not elaborated on further within the Council's evidence at appeal. I have no evidence before me that the use of the site as equestrian is lawful and even if it were this would not prevent it from being used in future for crops. However, given the size of the site I do not find this matter to be determinative.
25. The site lies within the Cornwall and West Devon World Heritage Site (WHS). However, the proposal was not refused on any policies which specifically relate to this designation. The impact on the WHS is considered within the Council's appeal statement. The site is referenced as being within the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan within Area 3, Tregonning and Gwinear. This area is described as a rural mining area with extensive mineworkers' smallholdings and settlements, dispersed or in small groups. Within the Management Plan Policy C9, seeks to maintain historic character and distinctiveness.
26. The Council determined that the site may have been associated with a pair of historic buildings to the north-east as part of a small holding but the construction of intervening building results in the legibility and the significance of the site being lost. The World Heritage Site officer raise no objection to the proposals and they did not consider it would impact the Outstanding Universal Value (OUV) of the World Heritage site, although they did consider that it would harm the rural landscape which defines this part of the WHS. Given the scale of the proposed development, whilst I find that there would be harm to the rural character of the area, this would

be localised and the significance of the heritage asset of the WHS would be preserved.

27. The Committee report also makes reference to planning obligations to secure contributions towards healthcare, public open space and biodiversity net gain, along with the aforementioned affordable housing. As no S106 agreement has been provided with the appeal there is no method for these contributions to be secured. As such these are not benefits that can weigh in favour of the scheme.

Planning Balance and Conclusion

28. The scheme would make efficient use of land in a location close to a settlement consistent with the aims of the Framework. It would also boost housing supply on a small site which could make an important contribution to housing supply where there is a recognised housing need, although I have no evidence before me to suggest that there is less than a 5-year supply of new housing sites to meet the requirements of the Framework. There would also be some economic benefits associated with the construction process and through the additional spending from the new residents. It is also noted that there would be some minor benefits in the improvements to the road surfacing.
29. As the provision of affordable housing and other planning contributions are not secured, these only carry very limited weight in favour of the scheme.
30. The benefits must be set against the harm to the countryside setting of the village and local plan policies which require that developments are sympathetic to local character, including the surrounding built environment and landscape setting. I conclude that the benefits do not outweigh the proposal's conflict with the development plan and there are no other material considerations, including the Framework when read as a whole, which indicate that the proposal should be determined other than in accordance with it. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

H Faulkner

INSPECTOR