



Appeal Decision

Site visit made on 14 January 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 February 2025

Appeal Ref: APP/D0840/W/24/3345642

Quaker House, Penstraze, Chacewater, Cornwall TR4 8PE

- 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 Mrs Terri Gilbert against the decision of Cornwall Council.
 - The application Ref is PA24/00397.
 - The development proposed is demolition of existing block-built barns, construction of dwelling and associated works.
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Decision

1. The appeal is allowed and Permission in Principle is granted for the demolition of existing block-built barns, construction of dwelling and associated works at Quaker House, Penstraze, Chacewater, Cornwall TR4 8PE in accordance with the terms of the application, Ref PA24/00397.

Preliminary Matters

2. The proposal is for Permission in Principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. This has two stages. The first establishes whether a site is suitable in-principle. The second stage, for Technical Details Consent (TDC), is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations at this stage is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if Permission in Principle is granted. In this case, permission is sought for one dwelling, and I have determined the appeal on this basis, having regard to the relevant legislation and the PPG. Although plans and elevations of the proposal have been provided to me, I have treated these as illustrative.
4. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published. The main parties have had the opportunity to comment on this. I have determined the appeal on the basis of the current planning policy position.

Main Issues

5. The main issues are (1) whether the proposal and its location, land use and amount would comply with the spatial strategy of the Development Plan in respect of the accessibility of the site to services and facilities, and (2) the effect of the

proposal on the Fal and Helford, and Penhale Dunes Areas of Conservation (SACs).

Reasons

Services and Facilities

6. The appeal site consists of land and an existing building, located between a barn and a house. The proposal seeks to demolish the existing building and to erect a new dwelling. Outside of the main towns, Policy 3 of the Cornwall Local Plan (CLP), adopted November 2016, only permits new housing in specific circumstances. These include where the site is within or immediately adjoining a settlement. There are other dwellings close to the appeal site, such that the proposal would not be isolated.
7. However, there is no identified collective name for the area around the site, which consists of a small number of buildings at a road junction. Its address is Pensraze, but from Ordinance Survey mapping this covers a wider area. The small grouping of buildings here has no coherent form, shape or clearly definable boundaries. Nor is it within a settlement identified at Appendix 5 of the Chacewater Parish Neighbourhood Development Plan (NP), dated November 2018. Although NP Appendix 5 is headed 'main' settlements, the policy and its supporting text establish that these are the settlements relevant for Policy NH1.
8. I will consider the connectivity of the site to other locations below. Nevertheless, for the reasons given, even if considered as infilling or rounding-off, the proposal does not lie within a settlement, as defined by CLP Policy 3 and the Chief Planning Officer Advice Note on Infill and Rounding Off (CPOAN), December 2017. It would also conflict with CLP Policy 7, which relates to the area outside of existing settlements and only allows new housing in circumstances that do not apply here. Similarly, the proposal would not accord with NP Policy NH1, which in this context only allows new housing within its settlement boundaries.
9. CLP Policy 3 also permits new housing on previously developed land. The Framework definition of this excludes land last occupied by agricultural buildings. The evidence before me is that the building on the site is a redundant barn, approved for agricultural use in 2021. In 2022, it was identified as being within a site used for rearing calves. Consequently, I conclude that the site and building does not constitute previously developed land and so this does not justify the proposal. It does not therefore accord with CLP Policy 3.
10. However, in respect of access to services and facilities, the CLP identifies the relevance of the proximity of a new development to larger settlements with more significant community facilities, such as a primary school. The nearest such location is Chacewater, which has a convenience store, a Post Office, a primary school and a public house. Threemilestone has several shops, restaurants and community facilities. Access to these settlements involves using busy, steep roads with little footway or verge suitable for walking. Both are beyond the normal walking distances identified within Manual For Streets 1. As such, occupiers of the proposal, particularly those of limited mobility, would be reliant on private cars to reach services and facilities.
11. Nevertheless, the site is a fairly short distance from bus stops on the A390. These provide frequent, regular bus services to Redruth, Truro, St Austell and St Ives

amongst other places. Although getting to the bus stops would require a short walk on road partly without footway, and crossing the busy A390, buses may provide an alternative mode of transport for some people and journeys.

12. Furthermore, the CPOAN recognises that it is unrealistic for public transport, walking and cycling to meet all transport needs and that considerations include opportunities to minimise the number or length of car trips. Given the relatively short distance to Chacewater, less than a mile away, and Threemilestone, the proposal would require car journeys of short duration to access services and facilities. As such, in the context of its rural location, it would be reasonably sustainable.
13. For the reasons given above, the location, land use and amount of the proposal would not comply with the spatial strategy of the Development Plan in respect of the accessibility of the site to services and facilities. It would therefore conflict with CLP policies 3 and 7, and NP Policy HN1. It would also conflict with CLP Policy 21, which seeks to increase building density where appropriate, taking into account access to services and facilities. However, I will give weight to this conflict below.

Special Areas of Conservation

14. The site is within the zones of influence of the SACs, which are protected pursuant to the Conservation of Habitats Regulations 2017 as amended (the Habitats Regulations). The qualifying features include sandbanks, estuaries, mudflats and sandflats. The conservation objectives include maintaining or restoring the extent, distribution, structure, population and function of the qualifying species and their habitats.
15. The proposal would result in additional residential population at the appeal site. This may result in greater visitor trampling, erosion and dog fouling within the SACs. As such, alone and in combination with other development, a likely significant effect to the SACs cannot be ruled out. Consequently, in accordance with the Habitats Regulations and as competent authority in the context of this appeal, I must undertake an Appropriate Assessment (AA).
16. Mitigation has been developed in the form of Strategic Mitigation Plans to manage the behaviour of people, such as signposting and beach cleaning, to reduce the pressure from recreational uses. These measures are funded through proportionate developer contributions. In this case, an undertaking under s111 of the Local Government Act 1972 secures a financial contribution towards these mitigation measures.
17. The Council and Natural England have confirmed that the contribution and mitigation would be sufficient. In undertaking the AA, the information before me indicates that the mitigation would reduce the impact of the proposal on the integrity of the SACs to a de minimis level. It would therefore accord with the Habitats Regulations. As such, this matter is neutral in the planning balance.

Other Considerations

18. Following publication of the new Framework, the Council accepts that it cannot currently demonstrate an adequate supply of housing land, with around 3.8 years of supply. Consequently, it is necessary for me to determine whether the adverse

impacts of the proposal would significantly and demonstrably outweigh its benefits, to assist the Council in addressing its undersupply, as set out in Paragraph 11 of the Framework. It states that particular regard should be given to key policies such as paragraphs 110 and 115 for directing development to sustainable locations.

19. Cited recent appeal decisions¹ have found that the generic locational aspects of CLP Policy 3 remain consistent with the Framework, as do CLP Policies 7 and 21. The Council's draft Interim Policy Position Statement takes a similar view. Even so, Framework paragraphs 110 and 115 make clear that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that such modes should be prioritised taking into account location. Accordingly, and in light of my findings above, I give only moderate weight to the conflict with CLP policies 3, 7 and 21, and NP Policy HN1.
20. Against this conflict, the proposal would make a small but positive contribution to the supply of housing in the area, by the addition of a further much-needed dwelling. I give this benefit significant weight.

Other Matters

21. As a Permission in Principle, details of the bulk, massing or roof line of the proposal are not for consideration at this stage. It would be between two buildings, one an existing dwelling, and would not encroach into fields. It would not therefore inherently harm the character or appearance of the area. The site lies within the Cornish Mining World Heritage Site but no harm to its outstanding universal values have been identified. As the proposal is not for a conversion, these policies as referred to by the Parish Council do not apply.

Planning Balance and Conclusion

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications, and therefore appeals, must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
23. The proposal benefits from the presumption of sustainable development as outlined in Paragraph 11 of the Framework. I have found that the adverse impacts of granting permission in principle would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, despite the conflict with the Development Plan, when read as a whole, material considerations indicate that Permission in Principle should be granted. Accordingly, I allow the appeal.

O Marigold

INSPECTOR

¹ PINS references APP/D0840/W/24/3337862 and APP/D0840/W/24/3348094