



Appeal Decision

Site visit made on 3 December 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: 12 February 2025

Appeal Ref: APP/D0840/W/24/3344191

Land Adjacent to Woodford Cottages, Red Lane, Rosudgeon, Penzance Cornwall TR20 9PU.

- 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 Tucker against the decision of Cornwall Council.
 - The application Ref is PA23/09106.
 - The development proposed is the erection of one dwelling.
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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 proposal is for permission in principle. Planning Practice Guidance 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.
4. 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.
5. In December 2024, the Government published a revised National Planning Policy Framework (the Framework). Both parties have had the opportunity to comment on the revisions to the Framework, and I have considered the amended advice in my consideration of the appeal.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location and the proposed land use.

Reasons for the Recommendation

7. The application site is a grass field located in the open countryside beyond the established limits of the settlement of Rosudgeon. It is adjacent to an existing pair of cottages to the east but is separated from the settlement of Rosudgeon by open fields and is not closely related to it. The site is bounded on all sides by Cornish hedging with one existing small building and access gate to its northern aspect. The site itself is accessed by a single unmetalled track off Red Lane, the other side of which, and somewhat offset towards Red Lane, is further development.
8. The appellant refers to a number of applications and appeals in the surrounding area and their treatment of the area as a dispersed settlement, amongst other things. However, they relate to applications and appeals determined prior to the adoption of the Perranuthnoe Neighbourhood Development Plan 2019-2030 (adopted August 2023) (the NDP) which is part of the development plan. Whilst these decisions pre-date the adoption of the NDP they are, nevertheless, instructive as to how Planning Inspectors and the Council have viewed proposals within this section of Red Lane and whether it falls to be considered within a settlement.
9. Nonetheless, the fact remains that the appeal site is not adjacent to the built form of the settlement, being separated from it by open fields. Even if I considered the development north of the unmetalled track to be part of a dispersed settlement, it is not adjacent to it and it is separated from it by the unmetalled track which acts as a barrier to further development. Therefore, I conclude that the location of the appeal site is not comparable to the location of the sites considered in the appeals and planning applications as referred to me by the appellant and, for the above reasons, I find that the appeal site is located outside the physical boundary of the settlement and within the open countryside.
10. The Council's main settlement strategy is contained within Policies 2 and 3 of the Cornwall Local Plan Strategic Policies (2010-2030) (the Local Plan). Policy 2 sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing housing based on the role and function of each place. Policy 3 defines how development is to be accommodated, based on a hierarchy, seeking to steer the majority of new housing towards the main towns or to identified sites through Neighbourhood Plans. The appeal site is not in a main town, nor is it identified as a site required by the NDP.
11. Policy 3 of the Local Plan also allows for rounding off settlements within or immediately adjoining a settlement of a scale appropriate to its size and role. Paragraph 1.68 of the Local Plan defines rounding off 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.'*
12. The Chief Planning Officer's Advice Note (the CPOAN), titled Infill/Rounding Off, provides additional guidance on rounding off. This note advises that proposals for rounding off must be adjacent to existing development and be contained within long standing and enclosing boundary features, for example a road, Cornish Hedge, or stream. It also says that suitable sites are likely to be

- surrounded on at least two sides by existing development, and that proposals should provide a symmetry or completion to a settlement boundary. The CPOAN clarifies that Policy 3 is not intended to facilitate continued incremental growth. Consequently, development resulting in the creation of a further site for rounding off is unlikely to be rounding off in itself.
13. Having development on one side, the proposal site is not substantially enclosed by development. It is bounded by Cornish hedging and there is an unmetalled track to the north; however, it would not provide symmetry to, nor would it complete, a settlement boundary. As such, I conclude that the proposal would visually extend development into the countryside.
 14. In this location outside of main towns, Policy 3 of the Local Plan also supports the use of previously developed land (PDL) within or immediately adjoining the settlement. Furthermore, paragraph 125 of the Framework provides that substantial weight should be given to using suitable brownfield land within settlements for homes. Even in the event that the site is considered to be PDL, for the reasons given above I find that the site is not located within or immediately adjoins the settlement. Consequently, the proposal does not gain support from either Policy 3 of the Local Plan nor from paragraph 125 of the Framework.
 15. Policy 7 of the Local Plan considers when new homes in the countryside would be acceptable. The proposal is not a replacement dwelling, or a conversion of the existing building on site and does not meet any of the criteria to comply with this Policy.
 16. The appellant maintains that the proposal would gain support from NDP Policy HTA2(ii), which supports proposals for the replacement of existing buildings. However, HTA2ii(iii) states: *'The replacement building will be sited in the same or a less prominent position to the original building, broadly comparable to the size, scale and bulk of the dwelling being replaced and of an appropriate scale and character to their location.'* The small building at the appeal site is not a dwelling and therefore the proposal would not gain support from Policy HTA2ii.
 17. The appellant also suggests that the proposal gains support from Policy 21 of the Local Plan, which supports proposals that make use of PDL provided the site is not of high environmental or historic value. I shall turn to consider the historic value of the site below.
 18. The site lies within the Cornish Mining World Heritage Site (the WHS). The Framework requires that great weight should be given to the conservation of heritage assets and the more important the asset, the greater the weight should be. The WHS Office has commented that the proposal site relates to part of a former mineworkers' smallholding and that as such it has significance in the context of the WHS as being one of the seven key attributes that expresses the Outstanding Universal Value (OUV) of the WHS.
 19. Whilst the appellant's submissions and mapping show that some of the fields within the surrounding area have been developed, extended or subdivided, it appears that the appeal site has retained the historic shape and pattern as shown on the provided map dated 1875-1901. Consequently, based on the information provided and observations made during the visit, the appeal site appears to form part of a former mineworkers' smallholding, and development of the site would overwrite a historical feature that is integral to the OUV of the

- WHS, resulting in harm to the significance of the heritage asset. Given the harm identified, the proposal would not gain support from Policy 21, even in the event that the site represents PDL.
20. The harm would be localised, so would be less than substantial. The Framework requires that where a proposal would lead to less than substantial harm, the harm should be weighed against the benefits of the development.
21. The development would provide one dwelling which would contribute to the housing stock in Cornwall. The Framework seeks to significantly boost the supply of homes and advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. There would also be economic benefits through the creation of employment during construction, and through the ongoing spend of future residents, and their support for local services in the area. However, the limited scale of the development means that these benefits only carry limited weight. As the Framework requires that great weight should be given to the heritage asset's conservation, I conclude that the benefits would not outweigh the harm that would be caused to the significance of the WHS.
22. Accordingly, I conclude that the site is not suitable for residential development, having regard to its location and the proposed land use. The proposal would fail to comply with Policies 3, 7, 21, and 24 of the Local Plan, Policies HTA1, HTA2, HCA1, HCA3 and CW5 of the NDP, Policy C1 of the Climate Emergency Development Plan Document (February 2023), Policies P3 and C9 of the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020 – 2025, and the relevant paragraphs of the Framework, insofar as they seek suitably located sustainable development that avoids harm to the significance of the WHS, amongst other things.
23. The Framework was updated in December 2024, and I consulted the parties to this appeal. The appellant drew my attention to the Council's inability to meet their 5-year housing land supply and consequently the appellant maintains that the Council cannot meet their housing delivery requirements. The Council maintain that only Policy 2a of the Local Plan is considered out of date and consequently the detailed locational aspects would be considered out of date as a housing supply policy. However, the Council maintain that the more generic locational guidance such as understanding settlement extent and identifying opportunities for infilling and rounding off remain in general conformity with the Framework and continue to be afforded full weight.
24. Where the development plan is considered to be out of date for the policies most relevant to the determination, paragraph 11(d) requires that permission be granted unless the application of policies in the Framework that protect assets of particular importance provides a strong reason for refusing the development proposed. For the purposes of paragraph 11(d) of the Framework, the WHS is a designated heritage asset of particular importance as denoted by footnote 7. The proposal would result in harm to the OUV of the WHS. The application of policies of the Framework which concern the conservation and enhancement of the historic environment provide a strong reason for refusing the development. Even in the event that the policies of the Framework did not provide a strong reason for refusing the proposal, the adverse impacts of the

proposal would significantly and demonstrably outweigh the limited benefits the proposal would bring as described above.

Other Matters

25. The Council have included NDP Policy HTA3 in their reason for refusal. This policy concerns proposals for affordable housing. Given that the proposal is not for affordable housing, the proposed scheme would not conflict with, nor would gain support from, this Policy.

Conclusion and Recommendation

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

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

27. 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