



Appeal Decision

Site visit made on 04 February 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/D0840/W/24/3350397

Land West of Prue on The Hill, St Austell PL25 5AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Graham Broad against the decision of Cornwall Council.
 - The application Ref is PA24/00261.
 - The development proposed is a four bedroom detached house on client owned Land West Of Prue on the Hill, Trenance Road, St Austell, Cornwall PL25 5AP.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made against Mr Graham Broad by Cornwall Council. This application is the subject of a separate decision.

Preliminary Matters

2. A revision to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were given an opportunity to comment on the effect of these changes. This decision is based on the current Framework and has taken account of the representations made on this.

Main Issues

3. The main issues are:
 - whether the proposal is in a suitable location for housing, with regard to the Council's spatial strategy and access to services; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

4. The appeal site comprises a field which is located to the west of a cluster of 3 dwellings, which are visually and physically disconnected from St Austell. This cluster of dwellings appear clearly beyond the settlement, and the site appears to be visually, functionally, and for policy purposes, within the open countryside. The proposal is for the erection of a 2-storey detached dwelling.
5. The Council's overall settlement strategy is set out in Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (2016) (LP). The strategy seeks to

maintain the dispersed development pattern of Cornwall and provide housing based on the role and function of each place.

6. LP Policy 3 provides that, outside of named settlements, housing growth is to be delivered through the identification of sites through Neighbourhood Plans; rounding off of settlements and development of previously developed land within or immediately adjoining settlements; infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside; and rural exception sites for the provision of affordable housing.
7. In relation to this, a Chief Planning Officer's Advice Note: Infill Rounding Off (2017)(Advice Note) has been produced by the Council. The advice note is not part of the adopted Development Plan, but it is used for development management purposes and as such I have had regard to it in the determination of this appeal. The advice note provides some clarity on the locally adopted approach in relation to matters such as settlements and advises that it is firstly necessary for decision makers to identify if the proposal physically relates to a recognisable settlement. The advice note sets out that a settlement is a place where people collectively live in permanent buildings which should have a 'form and shape and clearly definable boundaries, not just a low-density straggle of development'. It goes on to state that well-defined groups of dwellings with a collective name will normally be settlements.
8. The small cluster of dwellings which lie to the east of the appeal site do not appear to have a clearly definable boundary, and it has not been suggested that the grouping of properties is named. There is no clearly recognisable settlement centre and the character of the grouping of buildings is more akin to a dispersed straggle of development which does not have a clear wider settlement form. Consequently, I find that this grouping of buildings is not a settlement for development plan purposes. Therefore, as the site is not adjoining a settlement, the proposal does not comprise the rounding off of a settlement. Similarly, the site does not form a gap in an otherwise continuously built-up frontage and thus cannot be considered as 'infill'. Given this, the proposal doesn't meet the requirements of LP Policy 3.
9. Climate Emergency Development Plan Document (2023) (CEDPD) policy T1 seeks to ensure that development is designed to minimise the need to travel. In this regard I observed at my site visit that, whilst the site is not as isolated, it is physically separated from the services and facilities in St Austell. Access to St Austell involves a steeply sloping, unlit road with no pavement or cycleway and with no apparent opportunities to use public transport. Though traffic levels along this route would appear to be low and the distances involved would not be excessive, given these conditions, there would be a high probability that residents of the new dwelling would drive into St Austell or other nearby settlements, rather than walk or cycle. Thus, future occupiers would be reliant on private motor vehicles, which are the least sustainable form of transport.
10. My attention has been drawn to an application for a new dwelling¹ near to the site. Whilst there are limited details regarding this proposal before me, the Council set out that this relates to a reserved matters application on a site

¹ PA17/06967

which comprised previously developed land within the curtilage of an existing dwelling and that the outline planning permission was approved in a different planning policy context which also preceded the publication of the advice note. Given this, the decision to which my attention has been drawn does not appear to be comparable to the proposal before me. I therefore afford it limited weight in the determination of this appeal.

11. In light of the above, the proposal would not represent a suitable location for housing with regard to the Council's spatial strategy and access to services. Conflict therefore arises with those aims of LP policies 1, 2, 3, 7 and 21 and CEDPD policy T1, which, amongst other things, takes a hierarchical approach, directing development to appropriate locations based on the role and function of places and seek the promotion of sustainable means of transport.

Character and appearance

12. The site comprises a gently sloping undeveloped field which is hedge and tree lined along the site boundaries. The site falls within the St Austell or Hensbarrow China Clay Character Area. The Cornwall Character Area Description CCA27 (2023) identifies that the character area comprises an elevated landform to the northwest of St Austell which includes a varied and dramatic landscape which has been altered by extensive mining activity. The appeal site is located in a part of the character area which contains undulating historic farmland comprised of medieval field patterns enclosed by Cornish hedges. The site's undeveloped, verdant, hedge-lined appearance contributes positively to the rural character of the area.
13. The proposed dwelling would be well screened by existing boundary vegetation in views from the wider landscape and it is stated that the proposal would not result in the removal of any landscape features or trees. The proposal would incorporate a new hedgerow, and tree planting is proposed to compensate for the loss of existing shrubs. Nonetheless, in short distance views, including in those from the access road, the dwelling would be visible above the boundary hedge. In these views the introduction of a dwelling, along with associated hardstanding and formalising of garden areas, would represent a visually prominent urban incursion which would extend built form into the open countryside, altering the verdant rural character of the site. Whilst reasonably localised in its extent, this would result in harm to the established rural character and appearance of the area.
14. In light of the above I find that the proposal would result in harm to the rural character and appearance of the area. Conflict therefore arises with LP policies 23 and 27 which seek to protect and where possible enhance the natural environment and the intrinsic character and openness of the countryside.

Other Matters

15. I note that the appellant is unsatisfied with the Council's handling of the application, in particular in the delay in the determination of the planning application. However, this is not a matter for consideration in this appeal which focusses on the planning merits of the proposal.
16. The Council raised no objections to the design of the proposed dwelling, the effect of the proposal on the living conditions of the occupiers of neighbouring properties or the effect of the proposal on highway safety. Based on the

information before me I see no reason to take a differing view. I also note that the proposed dwelling would be water and energy efficient including the use of on-site renewable energy sources, that future occupiers would be provided with adequate external amenity space, cycle parking and bin storage, and that measures would be taken during construction to protect nesting birds. Nonetheless, compliance with the relevant development plan policies on these matters would be required in any case. Therefore, these matters weigh neutrally, rather than in favour of the proposal.

Planning Balance

17. I am aware that the Council is unable to demonstrate a 5-year housing land supply. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the policies which are most important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. The proposal would provide one additional dwelling on a small site at low risk of flooding. However, the benefits of housing delivery, to which I have attached significant weight, are tempered by the fact that the provision of one additional unit would only make a small difference to housing supply. There would also be some economic benefits during the construction phase as well as any potential Council tax that future occupiers might pay.
19. In this instance, the inappropriate location and the adverse impacts on the character and appearance of the area would significantly and demonstrably outweigh the very modest benefits. As such, the proposal would not constitute a sustainable form of development in terms of the Framework.
20. Consequently, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development.

Conclusion

21. The proposal would conflict with the development plan. Material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

N Robinson

INSPECTOR