



Appeal Decision

Site visit made on 4 February 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/D0840/W/24/3354357

Boswinney, Church Lane, Lelant, Cornwall TR26 3HY

- 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 Dr R Machell against the decision of Cornwall Council.
 - The application Ref is PA24/01386.
 - The development proposed is Construction of Detached Bungalow & Associated Works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline. Matters of appearance, landscaping and layout are reserved for future consideration ('reserved matters'). I have therefore treated any references to reserved matters in documentation as illustrative.
3. I have taken the description of development in the banner heading above from the application form. However as 'Outline Planning Permission, Some Matters Reserved' is not an act of development, I have removed this element.
4. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties have had the opportunity to comment on the implications of this change and no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issues

5. The main issues are:
 - whether the site is a suitable location for the proposal, having particular regard to the local development strategy; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

6. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) sets out a hierarchical strategy for the delivery of new housing based on the role and function of places. This Policy provides that outside larger named settlements, housing growth is to be delivered through, amongst other means, development of previously developed land (PDL) within or immediately adjoining that settlement of a scale appropriate to its size and role.

7. LP para 2.33 defines open countryside as 'the area outside of the physical boundaries of existing settlements (where they have a clear form and shape). Although there is sporadic residential development and a campsite in the area, and a site nearby may have been subject to pre-application support for a hotel complex, the appeal site is predominantly surrounded by open rural land.
8. Moreover, there is notable separation from the edge of built form of Carbis Bay and Lelant, both settlements of which have a clearly definable shape. Consequently, I find the appeal site to be within open countryside and not within or immediately adjoining a settlement. Therefore, even if I were to find the site constituted PDL, the proposal would not gain support through LP Policy 3.
9. In countryside locations such as the appeal site, LP Policy 7 is permissive of new dwellings in certain defined special circumstances, none of which have been put forward in relation to the proposal before me.
10. Moreover, although the provisions of LP Policy 21(c) have been brought to my attention, future occupiers would be required to walk some distance along a rural lane with no street lighting or footpath to access services and facilities. Walking from the site, particularly in the dark, inclement weather or in colder months, would be unattractive to most future occupiers. Instead, occupiers would be likely to rely heavily on the use of private vehicles to access those services and facilities that are reasonably required for everyday living.
11. Subsequently, I conclude that the proposal would not be in a suitable location, having particular regard to the local development strategy. It would conflict with LP Policies 1, 2, 3, 7, 21 and 27 and Policy C1 of the Climate Emergency Development Plan Document 2023 (CEDPD). These policies, amongst other things, seek to promote sustainable patterns of development and locate development so that the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Character and appearance

12. The area that surrounds the site has a strong rural character that despite sporadic developments, has the perception of being within open countryside and provides a rural corridor between the built form of Carbis Bay and Lelant. The site itself is an area of land associated with Boswinney, which has the appearance of domestic garden and contains a domestic outbuilding.
13. As the proposal is in outline form, no final details are before me of the reserved matters. However, the proposal would inevitably result in the construction of a new dwelling and associated garden area. This would be evident from Church Lane despite mature boundaries and would be more prominent than the existing outbuilding due to the outbuilding's small scale and low roof height.
14. The proposal would not appear as an entirely unexpected or incompatible element in the landscape given existing residential development near the appeal site. However, the erection of residential built form would result in further additional sporadic urban development and associated residential activity within the open countryside, harmfully eroding the rural character of the area.
15. Whilst the appeal site may well be of a size that is physically capable of accommodating a modest dwelling and associated garden area, I find that the

proposal would nevertheless lead to harm to the character and appearance of the area. It would therefore conflict with LP Policies 12 and 23, CEDPD Policy C1, and policies GD1 and BE17 of the St Ives Area Neighbourhood Development Plan 2015 – 2030 (NP). These policies, amongst other things, seek to ensure that development is well designed and that it preserves existing character and the natural environment.

Planning Balance

16. The Council have stated that they are unable to demonstrate a five-year housing land supply (5YHLS). In these circumstances the Framework indicates that 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. It continues that 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
17. The proposal would achieve an increase in housing supply in an area with an acknowledged lack of housing provision. Nevertheless, the benefit to housing delivery is modest given the small scale of the proposal for a single dwelling. Furthermore, there would be modest short term economic benefits from the construction of the proposal and further modest economic and social benefits from the future occupation of the dwelling and associated spending in the locality.
18. However, the proposal would be in a location where future occupiers would rely heavily on the use of private vehicles to access services and facilities that are reasonably required for everyday living, as well as harming the character and appearance of the area. The proposal is therefore contrary to LP policies 1, 2, 3, 7, 12, 21, 23 and 27, CEDPD Policy C1 and NP policies GD1 and BE17, and conflicts with the development plan as a whole.
19. The Framework is clear that new development should be directed to sustainable locations and add to the overall quality of an area. It highlights that development should be visually attractive and sympathetic to local character and the surrounding built environment. The development plan policies that the scheme conflicts with are broadly consistent with the Framework. As such, and due to the degree of harm I have identified, I give the conflict with these policies substantial weight.
20. While the proposal would align with the objectives of the Framework which seek to significantly boost housing supply and promote the effective use of land, I have found the contribution to housing supply to be a modest benefit alongside other modest benefits. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

21. For the reasons given above, I find that the proposed development would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, outweigh the identified harm and associated development plan conflict. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR