



Appeal Decision

Site visit made on 10 February 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal Ref: APP/D0840/W/24/3350459

Croft House, Road from Foxcote to the A3047 at Whitecross, Wheal Rose, Scorrier, Cornwall, TR16 5DH

- 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 Ian Taylor against the decision of Cornwall Council.
 - The application Ref is PA23/08960
 - The development proposed is eco-dwelling, for occupancy by the applicant on land owned by the applicant, adjacent to the applicants current residence. Access to be determined but could, if necessary, be via the existing vehicular access, which would become shared.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address and description of development from the application form.
3. The application seeks outline planning permission for one dwelling with all matters reserved for future approval. The application form indicates that it would be a self-build 2 bedroom dwelling. I have determined the appeal on that basis.
4. A revised National Planning Policy Framework (NPPF) came into force on 12 December 2024. As this included changes to housing provision and supply I invited both parties to comment further. I have taken the responses received into account in determining the appeal.

Main Issues

5. The main issues are: (a) whether the proposed development would be acceptable having regard to local and national planning policies on the location of new housing and (b) the effect of the development on the character and appearance of the area.

Reasons

Suitability of location

6. The appeal site comprises part of an extended area of garden to the property known as Croft House, located on the western side of a minor County road (the C0025). The site benefits from planning permission granted in October 2020 to be used for sustainable living use (fruit trees, vegetables, fruit beds and beekeeping). The appeal proposal seeks outline planning permission, with all matters reserved for future approval, for one new dwelling.

7. Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) sets out the spatial strategy and seeks to manage the location and scale of new housing. This approach is expanded in policy 3 which confirms that new housing will be accommodated in accordance with a hierarchy, with part 1 delivered through a Site Allocations Development Plan Document or Neighbourhood Plan for the identified main towns; part 2 through specific eco-communities; and part 3, for areas outside the main towns, through Neighbourhood Plans, infill, rounding-off, previously developed land or rural exception sites.
8. These policies need to be read in conjunction with policies 1 and 7 of the CLP and policies 1, 4 and 7 of the St Agnes Neighbourhood Development Plan 2018-2030 (NDP). Policy 1 and Map F define a settlement boundary for Wheal Rose where development, within those boundaries, will be supported provided it accords with other Plan policies. Policy 4 states that self-build housing will be supported as infill. Policy 7 confirms that small scale infill will be supported within the settlement boundary of Wheal Rose and in other settlements where the scheme fills a small gap in an otherwise continuous frontage (subject also to criteria relating to scale, character and appearance and residential amenity).
9. The appeal site is not located within or adjacent to the defined settlement boundary for Wheal Rose. Map F confirms that the site is located a significant distance to the north of the defined boundary. The Appellant refers to the nearby bus stops, speed limits, the owners perception of being in Wheal Close and the Parish Council's consultation response. However, none of these considerations provide a sound planning basis to suggest that the appeal site is within Wheal Rose. The boundary defined in the NDP is very clear and results from a recently adopted Plan.
10. The Appellant has drawn attention to section 4 of the NDP and the reference to "*Etherington's farm shop at the north-west end of the settlement.*" The Appellant contends this is acceptance that this shop is within the settlement of Wheal Rose and that the appeal site, to the north, is also within the settlement. I do not agree. As I interpret that text it does not say that the shop is within or adjacent to the settlement. The latter is supported by the fact the shop is located some distance outside of the defined settlement boundary in Map F.
11. I note that the Appellant also suggests that the appeal site and properties around it, are collectively known as Westway and are thus a small hamlet. My attention has not been drawn to any substantive evidence to support that statement or any reference in the NDP to this effect. The appeal site and its neighbours represent, in my judgement, a "*low density straggle of development*" that is commonly found in the open countryside. There is no form or shape to the properties and there are no clearly definable boundaries. In physical, functional and visual terms the appeal site does not form part of a recognisable settlement.
12. It has also been suggested that there are no fields separating Wheal Rose from the appeal site. I do not agree. As you head north the road becomes distinctly rural and is bounded on both sides by open fields and mature hedging/trees. I accept that the latter is not continuous and that there are properties along the road, but most are scattered or physically separated from each other. The Trevenna Cross appeal decision, referred to by the Appellant, is not, in my view, comparable and does not affect my findings on this issue. As is required, I have determined the appeal on its individual merits having regard to its local context and to the specific circumstances of the case.

13. I find, therefore, that the appeal site is located within the open countryside. This finding is supported by the definition of open countryside set out, in particular, in paragraph 2.33 (to policy 7) of the CLP.
14. Within this context, the appeal site is not allocated for development, it is not within an identified main town and does not form one of the eco-community proposals. In relation to part 3 of policy 3 to the CLP and policies 4 and 7 of the NDP, the appeal site is well outside the settlement boundary of Wheal Rose and does not fall within the definition of “*other settlements*”. The proposal is not being promoted as a rural exception site (in line with policy 9 of the CLP) and it does not meet any of the special circumstances in policy 7 of the CLP, where new dwellings will be permitted in the open countryside.
15. I accept that the appeal site is previously developed land (pdl) but part 3 of policy 3 of the CLP states that new housing can be delivered through the rounding off of settlements and the development of pdl “*within or immediately adjoining that settlement*”. As I have found, the appeal site does not fall within or adjacent to a defined or recognisable settlement and this part of the policy does not therefore apply. In relation to infill, part 3 of policy 3 states that this applies to schemes that infill a small gap in a continuous frontage that do not physically extend the settlement into the open countryside. A similar approach is set out in policies 4 and 7 of the NDP by reference to “*other settlements*”. As the appeal site is not within or adjacent to a settlement, neither of these policy provisions apply.
16. Moreover, I agree with the Council that the appeal site would not in any case fall within the definition of a small gap within an otherwise continuous frontage as the proposal would be sited in front of and not in between the host property and the property to the south.
17. Policy 1 of the CLP and policies C1 and T1 of the DPD seek amongst other matters to ensure that new development is sustainably located, minimises the need to travel and supports a modal hierarchy which prioritises walking, then cycling, then public transport, then car clubs, electric vehicles and lastly private fossil-fuelled vehicles. As I observed on my visit, the appeal site is not well located in relation to day to day services and facilities. There is a farm shop to the south, but its range is limited, as are the facilities in Wheal Rose. In relation to the latter, it's likely that the occupiers would not access those facilities by walking or cycling due to the distance involved, the lack of pavements and street lighting. Whilst there are bus stops to the north, the evidence before me indicates that the service is limited, particularly in the evening.
18. On balance, I find that the accessibility of the appeal site is limited and that it's likely that future occupants would be reliant on the use of the private car. As such, I find that the appeal proposal would not constitute sustainable development.
19. Accordingly, I find that the appeal proposal would be contrary to policies 1, 2, 3 and 7 of the CLP, policies 4 and 7 of the NDP, policies C1 and T1 of the DPD and the corresponding policies of the NPPF.

Character and appearance

20. As you approach the appeal site from either direction the character of the road is distinctly rural, even with the presence of the host and other properties found in the area. Most of these properties, including the host, are set well back from the road

within spacious plots. Their frontages include a mixture of gardens and off-street parking, well screened from the road by mature hedging and trees. Beyond these frontages are attractive grass verges that vary in terms of their depth, with the verge to the appeal site narrower than some of its neighbours. Even so, the result is an area that has an open and rural feel which is a positive aspect of its character.

21. As the appeal site is located in front of the host property and its neighbour to the south and extends close to the edge of the road it is highly visible from public vantage points. I agree with the Council that the site, enclosed by hedging with mowed grass, small trees and vegetable patches, has a greater physical and visual association with the character of the road setting, rather than the built form to its rear. Even though the application is in outline, a new dwelling in this location would be very prominent and would harm the open character and mature landscape of this part of the road. In addition, sited in front of the host and neighbour it would appear visually detached from and out of keeping with the prevailing built form.
22. The proposal would also result in built development encroaching further into the open countryside. It would harm the contribution that the appeal site makes to the open rural character of the road. I accept that the site is not located within a designated landscape. However, policies 2, 12 and 23 of the CLP policy C1 of the DPD and policy 6 of the NDP, seek to protect and enhance the intrinsic character, beauty, openness and local distinctiveness of such areas. They also confirm that where new development is to be permitted it should protect and where possible enhance Cornwall's natural environment and its landscape character, both designated and un-designated. All of those policies are consistent with paragraphs 8, 135 and 187 of the NPPF. The appeal proposal would conflict with a number of these policy requirements and as such it would have a harmful impact on the intrinsic character of the area.
23. Accordingly, I find that the appeal proposal would result in harm to the character and appearance of the area contrary to policies 2, 12 and 23 of the CLP, policy C1 of the DPD, policy 6 of the NDP and the corresponding policies of the NPPF.

Other Matters

24. The Council's Delegated Report indicates that the appeal site falls within the zone of influence for Penhale Dunes and Fal and Helford Special Areas of Conservation (SAC) where a financial contribution is sought from all new housing to fund agreed mitigation measures. The Delegated Report states that the Appellant has already signed an undertaking pursuant to section 111 of the Local Government Act 1972 and paid its contribution. Even so, in view of my findings on the main issues, I have not considered the implications of the appeal proposal on the SAC's further.

Planning balance and conclusions

25. The NPPF states that existing development plan policies should not be considered out of date simply because they were adopted prior to the NPPF's publication. Each policy should be assessed and due weight given to it based on its general conformity with the NPPF. In this respect, policies 1, 2, 7, 12 and 23 of the CLP, policies C1 and T1 of the DPD and policies 4, 6 and 7 of the NDP are consistent with and remain in generally conformity with the NPPF's aims and objectives of promoting sustainable development, restricting new housing within the open countryside, responding to and where possible enhancing local character and

- distinctiveness, conserving and enhancing valued landscapes and promoting access on foot, by cycling and public transport.
26. Turning to policy 3 of the CLP, whilst its detailed locational aspects may be out of date in relation to housing supply, its more generic locational guidance in relation to understanding the extent of settlements and identifying opportunities for infill, pdl and rounding-off development remain in general conformity with corresponding the policies in the NPPF, which seek to ensure that development responds to local character including the surrounding built environment and landscape setting.
27. Even so, the Council have now confirmed in the Cornwall Interim Policy Position Statement – Draft for Consultation (January 2025) that following the publication of the NPPF they can no longer demonstrate a five year housing land supply. As such, paragraph 11 d) ii of the NPPF is, therefore, engaged and requires planning permission to be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this 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.”*
28. The appeal proposal would boost housing supply, generate short term employment during construction and increase local spend from new residents. Whilst these benefits are supported by other policies in the development plan and NPPF, I would only accord them moderate weight. The contribution to housing supply is small and the proposal is not seeking to address an identified affordable need.
29. On the other hand, as I have found, the appeal proposal would not be sustainable, it would be located in the open countryside without any justification, it would not contribute to or enhance the natural and local environment and would have a significant impact on the character and appearance of the area. These adverse impacts lead to conflict with a number of development plan policies which remain up to date as they are consistent with those in the NPPF and thus should be accorded significant weight.
30. In my view, the harm I have identified would significantly and demonstrably outweigh the moderate benefits of the appeal scheme when assessed against the policies in the NPPF, taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the NPPF does not apply in this instance. The NPPF is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.
31. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR