



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: 10 March 2025

Appeal Ref: APP/D0840/W/24/3353175

Land Adj to 20 The Garrack, The Garrack, Ayr, St Ives, Cornwall, TR26 1EJ

- 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 and Mrs Hayward against the decision of Cornwall Council.
 - The application Ref is PA23/09902.
 - The development proposed is construction of a single domestic dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (NPPF) came into force on 12 December 2024. As this included changes in relation 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

3. 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, (b) the effect of the development on the character and appearance of the area, in particular a designated National Landscape, and (c) whether the proposed development would impact negatively on an existing business.

Reasons

Suitability of location

4. The appeal site is located on the north western outskirts of St Ives. It comprises a field that is currently being used on a temporary basis as a construction site for The Garrack Hotel development (Garrack Development). At the time of my visit most of the appeal site was being used to store materials, waste, contractors compounds and parking. Even so, based on my visit, the photographs and other information included in the evidence submitted by both parties, it has been possible to obtain a good understanding of the character of the appeal site prior to its temporary use.
5. To the south is the Garrack Development, comprising retirement apartments. To the south west is a field which appears to exhibit a number of the features that were no doubt present on the appeal site. To the north west is a further field that

- appears to be used for camping and caravans. Further to the north west of this is Carnello Farm, which is surrounded by fields and scrubland. To the north east is a further camping field with plots for caravans and motorhomes. Beyond this, to the north, are further fields and scrubland that lead to the coast and South West Coast Path. I understand the camping fields form part of the Ayr Holiday Park (AHP).
6. The appeal proposal involves the construction of a detached new dwelling on the northern part of the appeal site with access from the internal road that serves the AHP. The southern part of the site is shown as an orchard with areas to the south west and north east of the new dwelling shown as low maintenance gardens and for vegetables, wildflowers and grass. The new dwelling is described as a split level 4-bed property but is essentially two storeys.
 7. Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) sets out the spatial strategy for the area, which in relation to housing seeks to manage the location and scale of new development. This approach is expanded in policy 3 which confirms that housing development 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 eco-communities; and part 3, in areas outside the main towns, through Neighbourhood Plans, rounding off of settlements, previously developed land (see also policy 21 (Best use of land and existing buildings)), infill or rural exception sites.
 8. The appeal site is located beyond but on the edge of the built up area of St Ives. Leaving aside its current temporary use, it is a field that forms part of a patchwork of undeveloped and enclosed fields that define the landscape setting of the north western edge of St Ives. It forms an integral and important part of the undeveloped character of the coastal landscape to the north west of St Ives and the designated Cornwall National Landscape (CNL) (formerly Area of Outstanding Natural Beauty). In visual, functional and physical terms, the appeal site does not form part of the built settlement and lies outside its logical and natural boundary within the open countryside.
 9. The appeal site is not allocated for development, it is not within an identified main town and does not form part of one of the eco-community proposals. In relation to part 3 of policy 3, the site is not allocated for housing in the St Ives Area Neighbourhood Development Plan 2015-2030 (STANDP), the proposal is not being promoted as a rural exception site and it does not fall within the definition of previously developed land as set out in Annex 2 of the NPPF.
 10. In terms of infill and rounding-off, further guidance on this is provided in the Chief Planning Officer's Advice Note (December 2017) (CPOAN17). Whilst this is not a statutory document its purpose is to provide a consistent approach to interpreting part 3 of policy 3. It is, therefore, an important consideration in this appeal and provides helpful guidance on what the Council regard as both infill and rounding-off.
 11. Based on the guidance in the CPOAN17 and in paragraph 1.65 of the CLP, infill is defined as development that fills a small gap in an otherwise continuous frontage "*that does not physically extend the settlement into the open countryside*". The appeal site does not fall within a continuous frontage and would physically extend the settlement in to the countryside. It does not, therefore, fall within the definition of infill.

12. Turning to rounding-off, based again on the CPOAN17 and my observations on site the proposal would not constitute rounding-off in that: it does not include any clearly defined physical edges or features that would act as a firm barrier to future growth; it would not provide for the symmetry or the completion of the settlement whose form and shape is well defined by the Garrack Development; it could facilitate continued incremental growth; it would visually and physically extend built development into the open countryside; it would not represent a logical extension to the built up area of St Ives and would not be surrounded on at least two sides by existing built development.
13. As with all such assessments they require an element of judgement to be applied on a case by case basis, having regard to various considerations. Whilst I note the reference to Cornish Hedging, similar hedging is found on the boundary with the Garrack Development and also enclosing the fields to the north and west. They are, therefore, a common feature of the patchwork of fields that characterise the area. They are not, in my view, a clearly defined physical feature that would act as a firm barrier to future growth. On the other hand, the Garrack Development does provide a clearly defined physical built edge that would be defensible against incremental future growth.
14. The appeal proposal would result in a physical extension and encroachment of the settlement of St Ives into the open countryside. That impact would be accentuated by the fact that the proposed dwelling would be sited towards the northern point of the appeal site, a considerable distance from its southern boundary that marks the built up edge of St Ives and the Garrack Development. The new dwelling would be poorly connected with existing built form and extend development well beyond the established built up limits of St Ives. All of these factors provide further support for my findings that the proposal does not represent rounding-off.
15. I accept that Carnello Farm is located to the north west and that there are other sporadic dwellings within the area. Clusters of buildings or individual buildings are not uncommon features within the countryside and are often the result of historic development or older less restrictive planning policies.
16. The Council have also referred to conflict with policy 7 of the CLP which states that new homes in the countryside will only be permitted where there are “*special circumstances*”. The Appellant has not argued that the proposal falls within any of the exceptions to this policy. The Council state that an essential need for housing to support an existing business has not been shown. Although not referenced, I assume this relates part 5 of the policy. However, part 5 deals with “*Full time agricultural and forestry and rural occupation workers*” and not on-site manager’s accommodation, as the Appellant proposes in this case. I am not convinced that this part of the policy is, therefore, relevant. Even so, overall, the appeal proposal does not fall within any of the policy exceptions.
17. The Appellant has referred to the Chief Planning Officer’s Advice Note on Providing Homes (May 2023) (CPOAN23). This has been produced to assist with the current housing crisis in Cornwall and to assist in delivery, particularly in instances that do not align neatly with the housing policies of the CLP including policy 3. It states that there may be instances where it is necessary to find suitable housing sites outside existing settlements “*to meet identified needs, which could include housing for business employees.*” That statement is repeated later and it then sets out the potential options for housing delivery to address the crisis. Even so, my attention

has not been drawn to any of those potential options as being applicable or being relevant to this appeal. There is a reference to self-build (as proposed in this case) but largely in the context of affordable self-build related to policy 9 of the CLP.

18. Moreover, CPOAN23 refers to the potential to “*meet identified needs*” for business employees. In this case, the Appellant has referred to the evidence set out in its Planning Statement and Addendum. From these, my understanding is that the current owner/manager resides on Burthallan Lane, and that this property will not be available when they retire. The new owner/manager resides on Ayr Terrace but in accommodation that they have now outgrown. This shows that the AHP has and continues to be managed not by an on-site requirement, but by a presence that is close to and convenient to the Park.
19. As the Council emphasise, the proposed dwelling is not on site and they have no objection, in principle, to such accommodation being provided within the AHP, provided a need is demonstrated. That approach would be consistent, in my view, with the statement on “*need*” in the CPOAN23. Within that context, I agree with the Council that there is insufficient evidence to demonstrate that there is an “*identified need*” for on-site management. There are a number of statements to that effect but no firm or compelling evidence has been provided as to why it is essential that a manager needs to reside permanently either in the location proposed or indeed on site.
20. More importantly, there is no substantive evidence before me to show that the Appellant has explored other potential options, for example, in relation to other nearby existing properties or a new build property within the AHP, both of which could deliver the housing required without the need for built development to extend further into a highly designated area of countryside. There is a reference to a new house within the AHP resulting in the loss of holiday accommodation, but no evidence has been submitted to support that statement or to show why that would not be a viable option.
21. Whilst I have had regard to paragraphs 86, 87 and 89 of the NPPF and recognise the importance of tourism to the economy of Cornwall, these considerations do not affect my findings. Even so, in relation to the AHP there is no evidence before me to suggest that the appeal proposal is required to secure the future viability of that business or if it is, that those needs cannot be met in a more suitable location.
22. The Council raised a further point in relation to the extent of the appeal site and that it does not include the AHP, and neither is latter shown as ‘blue’ land. I agree that this aspect is unclear and I note that the application was supported by Certificate B which implies that not all the land within the appeal site (red line) is owned by the Appellant. Even so, this is not a matter that has affected my findings on this issue.
23. Accordingly, I find that the appeal proposal is not suitably located and that there are no special circumstances to justify development in the open countryside. The appeal proposal would be contrary, therefore, to policies 3 ,7 and 21 of the CLP and the corresponding policies of the NPPF.

Character and appearance

24. The appeal site forms an integral and important part of the undeveloped character of the coastal landscape to the north west of St Ives and the designated CNL. I accept that there are fields to the east and north west of the site that are used for

caravans and camping, but these are seasonal, low key, they do not involve permanent built development and the uses are I understand historic. The evidence indicates that the appeal site, irrespective of its agricultural value, was part of an ancient landscape and forms part of a patchwork of fields enclosed by Cornish Hedging, all within a visually prominent coastal setting.

25. The appeal proposal would result in built development encroaching further into the highly designated landscape without any policy justification. As I observed on my site visit, notwithstanding the topography of the site or the fact the building would be cut and filled into the ground or the landscape led approach, the proposal would, in my view, still be visible to the north, north west and east. In some of these views it may be seen in the context of other properties but that does not justify further built development that would cumulatively erode this part of the setting of St Ives. The proposal would encroach further into the CNL, adjacent to a location where a large amount of new development and change has already taken place. In doing so, it would not contribute to or enhance the intrinsic character of the countryside or conserve or enhance the scenic beauty of the designated landscape.
26. The proposal would result in the loss of a field that, together with adjoining fields, make a positive contribution to the character of the landscape. The field would be replaced by a large dwelling, which appears to have been designed and sited so as to benefit from the attractive long range views of the coast and The Island (and vice versa), identified as important vistas in policy OS9 and Appendix 4 of the SIANDP.
27. Policies 1, 2, 5, 12 and 23 of the CLP and policy C1 of the Climate Emergency Development Plan Document (DPD) seek, amongst other requirements, to ensure that new development is of a high quality and appropriate scale to its location, that it maintains and enhances its distinctive natural character, and protects and where possible enhances Cornwall's natural environment and assets, according to their international, national and local significance. A similar approach is set out in policies GD1, LED9 and OS1 of the SIANDP. The proposal would not meet a number of these policy requirements and specifically it would fail to conserve or enhance the designated CNL. The scale and mass of the new dwelling and its built footprint would be significant. Its contemporary design with the strong horizontal emphasis and large areas of glazing would exacerbate the harm, and result in a development that is not characteristic of the landscape and local distinctiveness.
28. Whilst I accept that in certain views the proposal would be less visible, it would be visually prominent within the topography of the site and from public vantage points. Although the design has been landscape led, I am not convinced that the proposed landscaping, orchard and garden areas would mitigate for the harmful visual impact that results from the introduction of such a large new dwelling, with its associated access, outbuilding, patio and other paraphernalia, into an area of undeveloped countryside that positively contributes to the scenic beauty of the area and the patchwork of fields in this part of the CNL. The fact that excavation works appear to be required to cut and fill the dwelling into the topography would add to the level of harm that would result.
29. Although I have had regard to the Appellant's submissions on lighting and accept that this is a matter that could be subject to further approval, it is inevitable that the proposal would result in some light spillage on a site where there is currently no artificial light sources. This would result in harm to dark night skies that remain a positive element to such landscapes.

30. Paragraph 189 of the NPPF states the great weight should be given to conserving and enhancing the landscape and scenic beauty of the National Landscapes, which have the highest level of protection in relation to these issues. As I have found, the appeal proposal fails to do this, contrary to the aims and objectives of the policies referred to above as well as policies PD-P1, PD-P2 and PD-P11 of the Cornwall AONB Management Plan 2022 – 2027 (AONBMP). The latter seek, amongst other measures, to ensure that new development positively responds to conserving and enhancing the designated landscape, considers the cumulative effect of new development, maintains local distinctiveness, responds to and feels part of the landscape context, is appropriately located, respects and does not diminish dark skies, addresses landscape sensitivity and does not compromise the special qualities and characteristics of the CNL.
31. The Council also refer to the 2022 Cornwall Landscape Assessment which includes the appeal site within the Cornwall Character Area (CCA) 02 West Penwith North and West Coastal Strip. The CCA analysis is largely focused on the area further west but it does recognise the pressures and forces for change on the edge of St Ives which could reduce the tranquil character of the area. The appeal proposal represents the type of development that could contribute to that harmful change.
32. Accordingly, I find that the appeal proposal would result in significant harm to the character and appearance of the area and to the intrinsic beauty and character of the countryside and its designated landscape contrary to policies 1, 2, 5, 12 and 23 of the CLP, policy C1 of the DPD, policies PD-P1, PD-P2 and PD-P11 of the AONBMP, policies GD1, LED9, OS1 and OS9 of the SIANDP and the corresponding policies of the NPPF.

Existing boarding kennels

33. In its response to my request for comments on the NPPF the Council provided a copy of an appeal decision issued on 19 February 2025 in relation to Carnello Farm (Ref APP/D0840/W/24/3348575). The appeal was allowed and a condition that limited the occupation of the Farm dwelling to persons employed in the Boarding Kennels was removed, enabling the property to be used for general residential use. In reaching that finding, the Inspector concluded, for various reasons, that the commercial use of the land as a Kennels had been abandoned.
34. In view of this decision and my own findings on the two main issues above, I have not considered it necessary to address this matter further.

Planning balance and conclusions

35. 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, 5, 7, 12, 21, and 23 of the CLP, policy C1 of the DPD and the corresponding policies of the SIANDP and AONBMP are consistent with and remain in general conformity with the NPPF's aims and objectives, namely, promoting sustainable development, restricting new housing in the open countryside, ensuring that new development is appropriately located, responding to and where possible enhancing local character and local distinctiveness, and conserving and enhancing the landscape character and natural beauty of designated landscapes.

36. 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 and rounding-off development remain in general conformity with corresponding policies in the NPPF. This seeks to ensure that development is sympathetic to local character and history, including the surrounding built environment and landscape setting, adds to the overall quality of the area, reflect local needs and is suitably located.
37. In terms of other considerations, there are benefits to the appeal proposal. These include securing a new residential unit and boosting the supply of new homes in line with paragraph 61 of the NPPF, short term employment from construction and biodiversity, wildlife and ecological benefits, all supported by other development plan policies. However, as I have found, the appeal proposal would conflict with policies 1, 2, 3, 5, 7, 12, 21 and 23 of the CLP, policy C1 of the DPD, policies PD-P1, PD-P2 and PD-P11 of the AONBMP and policies GD1, LED9, OS1 and OS9 of the SIANDP. These policies should be accorded significant weight as they remain consistent with and in conformity with the NPPF. Consequently, I find that the appeal proposal would conflict with the development plan as a whole.
38. 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 supply of housing land. In these circumstances paragraph 11 d) of the NPPF requires planning permission to be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed (11 d) i) or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits (11 d) ii). Footnote 7 confirms that the policies referred to in 11 d) i) are those in the NPPF, rather than those in the development plan, and include policies relating to land designated as a National Landscape.
39. The appeal proposal leads to significant harm to the character and appearance of the area and to the intrinsic beauty and character of the countryside and land designated as a National Landscape. Accordingly, the application of the policies in the NPPF that seek to protect land designated as a National Landscape provides a strong reason for refusing the development proposed. The presumption in favour of sustainable development envisaged in the NPPF does not, therefore, 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.
40. 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