



Appeal Decision

Site visit made on 18 March 2025

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

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/D0840/W/24/3352652

Land north of Hembal Lane Farm, Hembal Road, Trewoon, St Austell, Cornwall, PL25 5TD

- 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 T Lansdowne (Cory Lansdowne Estates Ltd) against the decision of Cornwall Council.
 - The application Ref is PA24/02210.
 - The development proposed is permission in principle for the construction of up to 4 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 2 dwellings and a maximum of 4 dwellings at Land north of Hembal Lane Farm, Hembal Road, Trewoon, St Austell, Cornwall, PL25 5TD, in accordance with the terms of the application, Ref PA24/02210, dated 15 March 2024.

Application for Costs

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

Preliminary Matters

3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing led development. The permission in principle route has 2 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 detailed development proposals are addressed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to the location, land use and amount of development permitted (paragraph 012 of the PPG). All other matters are considered as part of a subsequent Technical Details Consent application, if permission in principle is granted. I have determined the appeal accordingly.
5. 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 both parties were invited to comment further on its relevance to their case. I have taken the responses received into account in determining the appeal.

Main Issues

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

Reasons

Suitability of location

7. The appeal site is located on the southern edge of Trewoon and comprises a small field. To the north is the main railway line beyond which are two storey houses on Hembal Road and Hembal Close. To the east are two storey houses accessed from The Green. To the west is Hembal Lane which, as it passes the appeal site, rises to the north to a bridge over the main railway line. As the lane sits at a higher level to most of the western boundary of the appeal site there is a continuous mound that runs along this boundary on top of which is a timber post and rail fence and a line of mature trees.
8. To the south is Hembal Lane Farm (HLM), a large residential barn conversion on two floors. Immediately abutting the southern boundary of the appeal site, close to the HLM access onto Hembal Lane, are the remnants of a corrugated structure that benefits from planning permission granted in 2024 for a large replacement building. I understand the latter is for the garaging of vehicles and equestrian equipment for the keeping of recreational horses. To the east of this is a single storey garage that is under construction and beyond a detached single storey residential annex. The remaining part of the southern boundary is formed by a well-established hedgerow. There are also other outbuildings and an annex within the curtilage of HLM.
9. The appeal proposal seeks permission in principle for the construction of up to four dwellings (minimum of two dwellings maximum of four dwellings). Other than a Location Plan no further details have been provided.
10. The spatial strategy for the area is set out in policy 2 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP). In relation to housing it 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 (pdl), infill or rural exception sites.
11. These policies need to be considered in conjunction with policy 1 of the St Mewan Parish Neighbourhood Plan 2016 – 2030 (PNP) which states that new development within the defined settlement boundaries will be permitted. Policy 2 also provides additional local criteria to policy 9 of the CLP, for rural exception sites.
12. The parties agree that the appeal site falls outside the defined settlement boundary (DSB) for Trewoon in the PNP. The policy map for Trewoon shows that the appeal site lies adjacent to the DSB, which, on the northern boundary, runs along the northern side of the railway line and then crosses the railway line to run along the eastern boundary of the appeal site. The appeal site is, therefore, a greenfield site

within the countryside. I understand that it has been used for grazing horses and was previously in agricultural use, which the Appellant contends was of a poor quality. There is no substantive evidence before me to suggest otherwise or to indicate that the land is of any high agricultural value.

13. As the appeal proposal is not being promoted as a rural exception site, in line with policy 9 of the CLP, policy 2 of the PNP is not, in my view, relevant. Leaving aside the policy submissions in its Statement of Case, the Council's Delegated Report (CDR) appears to accept that policies 1 and 2 are silent on the provision of market housing outside but adjacent to the DSB and that any proposals should, therefore, be considered in relation to policy 3 of the CLP. That position is reflected in its reason for refusal, where the Council lead with the contention that the proposal does not represent infill or rounding off and does not accord with policy 3.
14. I accept that the appeal proposal is not supported by policy 1 of the PNP in that it is located outside of the DSB. However, this policy does not stipulate the approach that should be taken to market housing outside of the DSB. My reading of policy 1, on the basis that policy 2 relates to rural exception sites (in line with policy 9 of the CLP) is that it does not prohibit market housing which complies with other development plan policies from taking place outside of the DSB.
15. That finding is supported by the "*Purpose of policy*" (for policy 1) which states that "*Other than in circumstances, as permitted by other policies in the Neighbourhood Development Plan and Cornwall Local Plan, development will not be permitted outside the defined settlement boundaries.*" Also, by the "*Non-Technical Summary*" which states that the CLP focuses on the strategic policies that apply across the County with the PNP focusing on the additional layer of detail at local level. It continues by stating that the PNP policies must be in general conformity with the CLP and that the PNP needs to be read as whole, in conjunction with other policies within the CLP.
16. Given the above, where the PNP is silent on any matters and the development plan should be read as a whole, the relevant policies of the CLP should have full effect.
17. Turning to part 3 of policy 3 of the CLP on infill or rounding-off, further guidance on both is set out in the Chief Planning Officer's Advice Note: Infill/Rounding-off (2017) (CPOAN). Whilst the latter is not a statutory document, its purpose is to provide a consistent approach to interpreting this policy. It is thus an important consideration in this appeal and provides helpful guidance on what the Council regard as both infill and rounding off.
18. Based on the guidance in the CPOAN and 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 Appellant contends that two new dwellings along the western boundary of the appeal site would amount to infill. I am not convinced by this argument as the gap between the HLM and the nearest property in Hembal Road is quite large. As this gap also includes the railway line and bridge over, it does not form the continuous frontage that, in my view, the policy and guidance envisages.
19. Even so, based again on the CPOAN and my observations on site, the proposal would constitute rounding-off in that: it would have existing built development to the north, east and to most of the southern boundary; existing development and

well established boundary features, including the lane and mature hedging, would effectively enclose the site and provide defendable boundaries; it would provide a symmetry of and represent a logical extension to the form/shape of the settlement; it would not extend built development into a large expanse of open countryside; and it would not facilitate the continued incremental growth of the settlement.

20. 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 including the sites relationship to the open countryside and settlement, and the history and nature of the land. In addition, rounding off, by its very nature, will involve greenfield or open fields/land on the edge of existing settlements, as in the case of the appeal site. Whilst the site is a field, I am satisfied that in visual and physical terms it is seen and read in the context of the development that surrounds it on three sides.
21. Moreover, the appeal site does not form part of an expanse of open countryside between two settlements and the proposal would not visually extend development into the open countryside or result in the loss of a site that is of any importance to the character or setting of Trewoon. As to the suggestion that the railway line acts as a physical barrier to the settlement, I am not convinced by that argument. The railway line effectively bisects Trewoon, with half of the settlement sited to its south, including the properties on the eastern boundary of the appeal site. A quick glance at the map to the PNP confirms this and shows that the railway line does not form part of a recognisable or defined feature limiting the extent of the settlement.
22. The Council have referred to conflict with policy 7 of the CLP which states that new homes in the countryside will be permitted where there are “*special circumstances*”. However, the Appellant contends that if the appeal proposal is accepted as being rounding off there is no need to have regard to this policy. I concur with that view. Whilst the Council have referred to paragraph 84 of the NPPF, “*isolated homes*” in the countryside, the appeal site is enclosed by development on three sides and it could not, therefore, fall within the definition of “*isolated*”.
23. Further support for my findings are provided by the PNP’s recognition that Trewoon is an appropriate settlement for new housing development. This is in most part due to the number of local facilities/services that it contains. The evidence before me also indicates that Trewoon is well served by bus stops with regular services to St Austell, Newquay and Truro, and thus to onward connections. The appeal site is also within a short, safe and easy walk from local facilities/services.
24. Accordingly, I find that the appeal proposal would constitute rounding-off and would accord with policy 2 and 3 of the CLP and the guidance within the CPOAN. There would be no conflict with the aims and objectives of policy 7 of the CLP or policies 1 and 2 of the PNP.

Character and appearance

25. As the majority of the appeal site lies below the level of Hembal Lane, to the west and is largely surrounded by development, it is not visually prominent within the local landscape and neither does it make, in my view, any valued contribution to the expanse of open countryside to the south of HLF. There are no prominent views into or out of the appeal site and public views are largely restricted to those from the Lane to the west or from the Public Right of Way to the south east. Even so, those views would be within the context or against the background of surrounding

built development. The appeal proposal would not be viewed in the context of a large expanse of open countryside. I am also satisfied that the appeal site could accommodate the amount of development sought without causing harm to local character and distinctiveness.

26. There is no evidence before me to indicate that the appeal site forms an important or integral part of a valued landscape. Indeed, the evidence available and my observations on site suggest the opposite, with the appeal site comprising a small field that has I understand been used as a paddock for the keeping of recreational horses. There is no evidence of the appeal site having any high agricultural or amenity value.
27. Although the appeal site does not benefit from any designated landscape policy protection it is situated within the St Austell or Hensbarrow China Clay Character Area, CCA27. Its 'key characteristics' are the China Clay workings, undulating historic farmland, enclosed moorland hills and cairns, valley systems and wet moorland. Based on the evidence before, the proposed development would not result in any harm to the key characteristics of this CCA.
28. Policy 23 of the CLP seeks to protect local distinctiveness and confirms that where new development is to be permitted it should protect and where possible enhance Cornwall's natural environment. Policy 21(c) of the CLP seeks to encourage the best use of land and sustainably located proposals, with increased densities where appropriate taking into account the character of the surrounding area. For all the reasons given above, the development would not conflict with these requirements nor would it result in any harm to the natural environment. Accordingly, I find that the appeal proposal would not result in any harm to the character and appearance of the area and would therefore comply with policies 21(c) and 23 of the CLP.

Other matters

29. Concerns have been raised by interested parties in relation to access, flooding, drainage, ecology and layout. As I confirmed earlier, the proposal before me is for permission in principle with this being the first stage to establish whether the appeal site is suitable in-principle. The scope of considerations at this stage are limited to the location, land use and amount of development to be permitted. As I have found above, the appeal site is in a suitable location for new housing, it would not result in any harm to the character and appearance of the area and I am satisfied that the appeal site is capable of accommodating the amount of development that is sought.
30. The second (*'technical details consent'*) stage is when the details of the proposal will be addressed and this includes all the technical and other matters raised by interested parties. The CDR also confirms that these are matters to be considered as part of the Technical Details Consent. For these reasons, I have not addressed these concerns further.

Planning balance and conclusions

31. 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 2, 21 and 23 of the CLP are consistent with and remain in general conformity with the NPPF's aims and objectives of promoting sustainable development, 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.
32. 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 pdl, infill and rounding-off remain in general conformity with corresponding policies in the NPPF. In particular, those NPPF policies seeking to ensure that new development responds to and is sympathetic to local character, including the surrounding built environment and landscape setting.
33. In relation to policies 1 and 2 of the PNP I have already found that these are silent on proposals for market housing outside the DSB's. I also note that given the age of this Plan paragraph 14 of the NPPF would not apply. Even so, the draft Cornwall Interim Policy Position Statement (January 2025) (CIPPS) sets out in section 3.4 the type of housing supply policies in the Neighbourhood plan likely to be affected and this includes those relating to "*Development boundaries*". It continues by stating that their locational aspects may also be out of date as per the other CLP housing supply policies. This would simply leave the DSB as a means of understanding the form of a settlement but could not be used alone to justify the refusal of development. I concur with those statements.
34. In terms of other considerations, there are benefits to the appeal proposal. These include securing new residential units and boosting the supply of new homes in line with paragraph 61 of the NPPF. There would be short term employment during construction and increased spend to support local services, all within a highly accessible and sustainable location that would encourage walking, cycling and the use of public transport. All of these are benefits supported by other development plan policies. I have also found that the appeal proposal would be compliant with policies 2, 3, 21 and 23 of the CLP. These policies should be accorded significant weight as they remain consistent with the NPPF. As a consequence, I find that the appeal proposal would comply with the development plan, when read as a whole.
35. The CIPPS confirms that following the publication of the NPPF the Council can no longer demonstrate a five year supply of housing land. Paragraph 11 d) of the NPPF is, therefore, engaged and requires planning permission to be granted unless the policies of the NPPF that protect areas/assets of particular importance provide strong reasons for refusing development or where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
36. The appeal proposal does not relate to any assets or areas of particular importance and as I have found above, the proposed development would not result in any adverse impacts. The presumption in favour of sustainable development therefore applies and permission in principle should be granted.
37. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR