



Appeal Decision

Site visit made on 25 February 2025

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/D0840/W/24/3349247

Land to the rear of Homefield, Greenbottom, Truro, Cornwall TR4 8QL

- 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 & Mrs G Bennetts against the decision of Cornwall Council.
 - The application Ref is PA23/09691.
 - The development proposed is the proposed erection of up to 2 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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 consent 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 the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters, including the size of the dwellings, effect on living conditions, flood risk and drainage, any construction impacts, highway and pedestrian safety, matters related to biodiversity, ecology, and the scale and appearance of the proposal, are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted. I have therefore determined the appeal accordingly and have treated the Proposed Indicative Site Layout² and Proposed Section through site as indicative only.
4. During the course of the appeal an updated version of The National Planning Policy Framework (the Framework) was published on the 12 December 2024. In light of this, the main parties were given the opportunity to comment on any implications for the appeal. I have taken the responses into account.
5. The description of development in the banner heading above is taken from the application form as neither party has provided written confirmation that a revised description has been agreed.
6. The site falls within close proximity to the Penhale Dunes and the Fal and Helford Special Areas of Conservation (SAC). The Council has adopted the Cornwall European Sites Mitigation Supplementary Planning Document July 2021 (SPD) that seeks contributions from development towards mitigation measures to address impacts from development upon the SAC. I will return to this below.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

² Drawing No. 2117-02 and part of 2117-03

Main Issue

7. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

8. The appeal site is located to the southern side of Greenbottom and comprises a store and grassed area to the rear of the residential dwellings of Homefield and The Old Sunday School. The site adjoins the access to a gym to the east and further open land to the south alongside land and buildings associated with the gym. There is a narrow access adjacent to the planted boundary to the west beyond which are open fields. There are residential properties on the opposite side of the road following the predominately loose knit form of detached dwellings in the immediate area. The southern and western site boundaries are defined by mature hedge and tree planting with some views out to the countryside beyond that give the site a semi-rural verdant context and appearance.
9. Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) set out a hierarchical strategy for development based on their role and function. Greenbottom is not a location named within the settlement hierarchy of Policy 3(1) and therefore Policy 3(3) provides that, outside of the larger 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 (PDL); 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.
10. In relation to the above, my attention has been drawn to a Chief Planning Officer's Advice Note: Infill Rounding Off (Advice Note). The Advice Note is not part of the adopted Development Plan, but it is used for development management purposes. The Advice Note provides some clarity on the locally adopted approach in relation to matters such as infill, rounding off of settlements and PDL, and as such I have had regard to it in the determination of this appeal.
11. There is no dispute between the main parties that Greenbottom is a 'settlement' for policy purposes. I have no reason to disagree. Furthermore, from the evidence before me the site does not have planning permission for residential development and has not been identified for development through the Truro and Kenwyn Neighbourhood Plan 2023 (NP). NP Policy H1 states that outside of the Urban Extent Boundary for Truro, development will be expected to be driven by meeting local housing need, round off or infill the Urban Extent Area, be well integrated with the defined Urban Extent Area, and prioritises the redevelopment of PDL within Truro, Threemilestone or Shortlanesend. The site is a considerable distance from these named settlements outside of the defined Urban Extent Area. In this regard, even if the proposal were able to demonstrate that it meets a local identified need, it does not gain support from NP Policy H1.
12. Notwithstanding this, as the proposal would be appropriate to the size and role of the settlement and is not for the provision of affordable housing, I have assessed if the proposal can be considered to be rounding off of the settlement, infill development or PDL.
13. 'Rounding off' is defined in the Advice Note as providing a 'symmetry or completion to a settlement boundary', it is not intended to facilitate continued incremental growth. The Advice Note states that 'A judgement will be required on a case by case basis whether a site has the appearance of being within the physical boundaries of that settlement'.
14. In this regard, while the building to the eastern site boundary has a visual association with the settlement and nearby buildings, this only occupies a small part of the site. The majority of the site appears as a grassed area providing an open verdant backdrop to nearby development and is generally undeveloped in nature. The site includes hedges and trees to its southern and western boundaries with access to the south clearly associating it

with the open countryside to the south and west. Furthermore, the site is clearly separated from the land and buildings associated with The Old Sunday School by its boundary treatment. These features provide clear physical and visual delineation between the appeal site and the built development of the settlement. It is noteworthy in this regard that visually the majority of the site appears separate from the rear of Homefield served by an independent access.

15. These features are important in providing part of the verdant setting and semi-rural character to the settlement. Furthermore, the large open and generally unspoilt qualities of the appeal site set it apart from the more developed form of the settlement and the outdoor areas immediately adjacent to Homefield and The Old Sunday School
16. I acknowledge that the site adjoins housing to its north, development associated with the gym to the east and part of its southern boundary, an access to the west and is predominately enclosed by landscape features to its southern and western boundaries. Nonetheless, it is also experienced in the context of fields to the west and by open land to the south that clearly separate the site from the next settlement. Given this, and by reason of the open grassed verdant nature of the site, it does not have the appearance of being within the physical boundaries of the settlement. Development would therefore visually extend built form into the countryside, particularly when viewed from the dwellings adjoining the site, the land to the south, the adjacent access lane and from within the site.
17. As a result, and despite retention of the boundary planting, built development would have an urbanising effect undermining the verdant and semi-rural appearance of the area that is important in defining the character of this part of the settlement. As a result, the appeal site falls outside of a clearly defined boundary of built form and the settlement limit for Greenbottom and would not be rounding off in the context of CLP Policy 3(3). Furthermore, for the same reasons it would not provide a positive impact as required by NP Policy E6.
18. 'Infill' is defined in the Advice Note as 'development that would fill a gap in an otherwise continuous frontage which will normally be a road frontage.' Paragraph 1.65 of the CLP states that 'For the purposes of this policy, 'infilling' is defined as the filling of a small gap in an otherwise continuously built up frontage that does not physically extend the settlement into the open countryside'. Given the location of the site to the rear of dwellings, other than its small narrow access it does not have a road frontage. As the site is located to the rear of dwellings, it does not fill a small gap in a continuous built up frontage. As a result, development would extend the settlement further south beyond the existing built form provided by the frontage dwellings and does not represent 'in-fill'.
19. Turning to whether the site is PDL, there is disagreement between the parties in relation to this. While I have had regard to the appellants case that a site can be PDL in the absence of a planning permission or certificate of lawfulness, in light of the majority of the site not appearing to function as a garden, its physical/visual separation from the main outdoor space associated with the adjacent dwellings, and in the absence of a related planning permission or certificate of lawfulness demonstrating otherwise, I cannot conclude that the appeal site comprises PDL. My finding in this regard is supported by the storage building on the site having been granted planning permission³ as a 'New agricultural storage building' with the associated land covering a significant part of the appeal site. Annex 2 to the Framework clarifies that the definition of PDL excludes land that is or was last occupied by agricultural or forestry buildings. Whether the appeal site is suitable or not for agriculture is not relevant to its status as PDL.
20. I have had regard to the Advice Note stating that 'The development of other land which does not entirely fit the definition of infilling (part of continual frontage) or rounding off, but would be within the form and shape of the settlement, will be acceptable where there is no significant harm arising to social, environmental or economic considerations'. The Advice

³ C1/PA14/1018/10B

Note continues that 'Development in this respect would accord with Policy 21 c) which encourages proposals to increase building density where appropriate, taking into account the character of the surrounding area and access to services and facilities to ensure an efficient use of land'. However, I have found above that the appeal site does not fall within the form or shape of the settlement. Furthermore, there are limited day to day services and facilities within close vicinity of the appeal site, even acknowledging the location on a bus route adjacent to a gym. The main road does not benefit from formal footways or lighting close to the site and is a considerable distance from a range of services and facilities at Threemilestone and Truro. This would make the route to a range of services and facilities by foot or bicycle unattractive for most. As a result, the proposal does not find support from this part of the Advice Note.

21. It follows that I conclude that the proposal is not suitable for residential development, having regard to its location, the proposed land use and the amount of development. As such, it is contrary to CLP Policies 1, 2, 3, 12, 21 and 23, and NP Policies H1 and E6. Amongst other things, these seek to achieve sustainable development and take a hierarchical approach to direct development based on the role and function of places, maintain and enhance Cornwall's distinctive natural character, use previously developed land, respect landscape character of both designated and undesignated landscapes, respect the special character and wider setting of the settlements of Truro, Threemilestone and Shortlanesend providing a positive impact and round off or infill the Urban Extent Area. The proposal would also be contrary to the Framework that seeks to achieve well-designed places and protects and enhances the natural environment.
22. The reason for refusal references CLP Policies 7 and 9. However, as the proposal is not for a replacement dwelling, subdivision, reuse of a building, for a rural/agriculture/forestry/ business or a rural exception site, these policies are not determinative in this appeal.

Other Considerations

23. My attention has been drawn to the grant of planning permission on nearby sites⁴ but I have limited information in relation to these developments to be sure that they are directly comparable. Furthermore, I am required to consider the appeal proposal on its merits. I therefore give these matters limited weight.
24. The proposal would result in the provision of two dwellings at the time that the Council have declared a 'Housing Crisis' and when I have been advised that three large housing schemes identified in the NP have been stalled. The proposal would provide economic benefit and jobs to the local economy and rural community from construction, boost the supply and type of housing, provide biodiversity benefits and increased spend from occupiers in accordance with paragraphs 115a) and 129a) of the Framework in particular. It could also be built out quickly and add to the continuation of schools and public transport from additional residents. These benefits weigh in favour of the proposal, but I give them moderate weight due to its small scale.
25. In contrast, I have found that the appeal proposal is not suitable for residential development, having regard to its location, the proposed land use and the amount of development. The relevant policies in these regards are largely consistent with the Framework where it states that planning decisions should reflect the character of an area, safeguard the environment and promote sustainable transport. Therefore, the proposed development is contrary to the development plan as a whole.
26. The Council cannot demonstrate a five-year supply of deliverable housing sites, and I have no reason to disagree. In light of the submission of the UU referenced above and given that the Council have received the related payment, I have no reason to conclude that this would not adequately mitigate any likely significant effects on the SAC. As a result, these

⁴ PA17/11582, PA18/01506 and PA21/12065

matters do not provide a strong reason for refusing the development proposed under paragraph 11d) i. of the Framework and paragraph 11d) ii. is engaged.

27. I have had regard to the Cornwall Interim Policy Position Statement Draft for Consultation January 2025 (IPPS) that states, amongst other things, that LP Policies 2a and 3 are out of date, particularly in terms of restricting growth to certain named settlements. The IPPS states that the Framework is clear that development should be directed to sustainable locations. It further states that LP Policies 2 and 3 clarify how decision takers should determine the most sustainable locations for growth by maintaining the dispersed development pattern and providing homes based on the role and function of each place. I have also had regard to the stated housing land supply of approximately 3.8 years.
28. The appeal proposal would be of a scale and density appropriate to the settlement, represent an effective and efficient use of the land where a suitable design could be achieved, and it could be delivered quickly. In these regards the proposal accords with the positive approach expected from development proposals as outlined in Section 5.3 of the IPPS. As stated above, the appeal proposal would also provide economic benefits and jobs to the local economy and rural community from construction, support for schools and public transport, boost the supply and type of housing, provide biodiversity benefits and increased spend from occupiers.
29. In contrast however, the appeal site is not sustainably located or highly accessible by safe pedestrian and cycle links to the larger settlements of Threemilestone and Truro that comprise a range of services and facilities. As stated above, the distance from the site to a range of services and facilities, combined with a lack of footpaths and road lighting near to the site, would not encourage walking or cycling. This would be the case even considering the close location of bus stops/services and the gym. As a result, the location of the site would not significantly reduce car dependence. I give this significant weight.
30. I therefore find that the adverse impacts of granting permission would significantly and demonstrably outweigh those benefits when assessed against the policies in the Framework taken as a whole, having particular regard to policies in the Framework for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable housing, individually or in combination. This is because paragraphs 110, 115b), 129d) and e), 135 and 139 of the Framework require that developments are directed to sustainable locations, are sympathetic to local character and as I have found above that the proposal would not achieve this resulting in significant harm in this regard.
31. The proposal does not therefore benefit from the presumption in favour of sustainable development given by paragraph 11 of the Framework.

Conclusion

32. It has not been demonstrated that the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development. As a result, there is conflict with the development plan when taken as a whole. This is not outweighed by any other considerations, including the Framework. Therefore, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR