



Appeal Decision

Site visit made on 28 January 2025

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

Appeal Ref: APP/D0840/W/24/3349940

Land east of Vounder Farmhouse, Meaver Road, Mullion TR12 7DN

- 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 D Peters against the decision of Cornwall Council.
 - The application Ref is PA23/09917.
 - The development proposed is described on the planning application form as 'Proposed development of 6 dwellings (including 4 affordable dwellings), vehicular access, landscaping and associated external works'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 12 December 2024 a revised National Planning Policy Framework (the Framework) was published. The main parties have been given the opportunity to make comments on the implications of the updated Framework for this appeal and I have taken the comments into account in my considerations.

Background and Main Issues

3. There is no dispute between the main parties that the four proposed affordable dwellings would meet an identified local housing need. Equally, there is no dispute that the two open market dwellings proposed are necessary to cross-subsidise the delivery of the affordable dwellings. On the evidence before me, I see no reason to take an alternative view. Therefore, the main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area including the Cornwall National Landscape; and
 - Whether the appeal site is in a suitable location for housing, including affordable housing with regard to the development plan.

Reasons

Character and Appearance

4. The appeal site is located in the Cornwall Character Area (CCA) 07: Mounts Bay as set out in the Cornwall Landscape Character Assessment 2022 (LCA). I found that the appeal site is located within an undulating rural landscape with villages of vernacular design. It comprises of a mix of pastoral and arable agricultural fields of a small to medium scale in an irregular pattern. Defined by established hedgerows

and Cornish banks, this creates a sense of enclosure and compartmentalisation within the landscape. Trees are common features along boundaries.

5. The appeal site also lies within the Cornwall National Landscape (NL). Occupying an elevated location, on the ridge between Mullion and the cluster of houses to the north, which the Council refer to as Meaver, the appeal site comprises an undeveloped field which slopes gently down towards the north from its boundary with the B3296. It is enclosed by established hedgerows which wrap around three sides. It therefore contributes positively to the landscape character of the area, the natural beauty of the NL and the landscape setting of Mullion.
6. The appeal site is not a location devoid of development. Vounder Farmhouse and the converted stone barns lie to the north west of the appeal site and the numerous buildings comprising Mullion School lie roughly opposite. In any event, the appeal site's location within the NL does not preclude development but it does require proposals to be of the highest quality to ensure that the natural beauty of the landscape is protected, as acknowledged in the appellant's Landscape and Visual Impact Assessment (LVIA)¹.
7. The appeal proposes the erection of four semi-detached bungalows along the site frontage with two detached bungalows towards the rear of the site in a roughly symmetrical cul-de-sac arrangement. Served by a central access point from the B3296, five formal parking spaces would be laid out on each side of the access road at the entrance. These would be highly visible from the B3296. The result would be a development which would appear car dominated and suburban in character. This would reflect some of the more modern development on the edge of Mullion which the LCA says has had a negative impact on landscape character. It would not reflect the vernacular character of Mullion or that of the buildings adjacent.
8. Whilst a native tree planting scheme across the appeal site utilising locally prevalent species would assist with screening the development in the long term, increase the localised tree resource and provide enhancements for pollinators, this would be inconsistent with the landscape character in the vicinity of the appeal site which consists of open fields with some trees on the boundaries. A proliferation of trees across the site would not respond positively to the established landscape character.
9. Together, this fails to demonstrate a thorough understanding of the site and how it relates to the landscape. It would not realise the Framework aim of achieving well-designed places.
10. The development by virtue of the layout, design and landscaping proposals would be harmful to the prevailing landscape character of the area and would fail to conserve or enhance the landscape and scenic beauty of the NL, a landscape designation of national importance. The proposal would conflict with Policies 2, 12, 21 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 adopted November 2016 (LP). Collectively, these require that proposals conserve and enhance the landscape character and natural beauty of the NL (formerly the Area of Outstanding Natural Beauty). They also require that development proposals take into account the character of the surrounding area and are of an appropriate

¹ Paragraph 4.4.1 of the Landscape and Visual Impact Assessment by ES Landscape Planning dated October 2023

character and appearance with a clear understanding and response to its landscape setting that sustains local distinctiveness and character.

Location

11. Policies 1, 2 and 3 of the LP set out the spatial strategy for the distribution of housing including rural exception sites. Policy 9 of the LP permits proposals whose primary purpose is to provide affordable housing to meet local needs on sites outside of, but adjacent to, the existing built up area of settlements and would be well related to the physical form of the settlement and appropriate in scale, character and appearance.
12. The appeal site lies to the north of the B3296. The buildings comprising Mullion School on the opposite side of the road are set well back. The school playing fields are located to one side of the school and open fields to the other. Other than Vounder Farmhouse and the adjacent barns, the land to the north of the road consists of open fields. The appeal site is therefore surrounded by open fields to the north, east and south. These intervening open fields disconnect it visually and spatially from both the built form of Mullion and existing development at Meaver. In this respect, development on the appeal site would not be adjacent to the existing built up area of Mullion as required by Policy 9 of the LP.
13. The Chief Planning Officer's Advice Note (CPOAN) on Infill/Rounding Off² says that exception sites should be adjacent to **or** *[my emphasis]* well related to the built up area of the settlement with 'well related' meaning that a site needs to be 'reasonably close and within a short and safe walk' to the built up area of the settlement. The submitted plans include the provision of a pedestrian crossing point and an extension to the existing footway. This would enable future occupiers of the appeal site to walk to the school and the other facilities and services in Mullion on pedestrian footways. In the context of the CPOAN, the appeal site would be reasonably close and within a short and safe walk of the built up area of the settlement.
14. The CPOAN is not adopted policy. They are a series of advice notes produced by the Council to assist with the interpretation of policy, including Policy 9 of the LP, for greater consistency. Whilst they provide useful guidance for decision making purposes, they do not replace or override the policy. Policy 9 clearly requires that a proposal is both adjacent to and well related to the physical form of the settlement. I have found that it would not be adjacent.
15. The Providing Homes CPOAN³ explains that the Council may exceptionally approve proposals with a clear purpose of delivering affordable housing that may not neatly fit with the requirements of Policy 9 of the LP. However, this relates to community led proposals or those which have been the subject of pre-application engagement with the community. There is no evidence before me that the appeal scheme complies with this requirement.
16. Policy 9 of the LP also requires that the proposal is appropriate in character and appearance terms, and I have set out my findings in this respect in the first main issue.

² Dated December 2017

³ Dated May 2023

17. Pulling everything together in respect of Policy 9, I find that the appeal proposal would not be adjacent to the existing built up area of Mullion nor appropriate in character and appearance. The proposed development would therefore introduce new housing into the countryside in a way which would not adhere to the distribution of development policies of the development plan. Accordingly, the proposal would conflict with Policies 1, 2, 3, 7 and 9 of the LP, which seek to restrict new dwellings in the open countryside, permitting rural exception sites where they are adjacent to and well related to the physical form of settlements and appropriate in scale, character and appearance.

Other considerations

18. I have before me a signed and sealed Section 106 Agreement ('planning obligation') under the Town and Country Planning Act 1990 (as amended) to secure the on-site provision of four units of affordable housing. The Council state that the viability of the scheme and local housing need have been assessed and that the scheme would result in more than 50% of the dwellings being affordable in line with the relevant part of Policy 9 of the LP. The information before me also indicates that there is a significant unmet need for affordable housing in the parish.
19. In the particular circumstances of this case, I am satisfied from the information provided that the submitted planning obligation is directly related to the development proposed, fairly and reasonably related in scale and kind, and necessary to make the development acceptable⁴. The provision of affordable housing in this instance is a benefit which attracts significant weight.
20. The Council have indicated that since the publication of the revised Framework in December 2024, they are no longer able to demonstrate a five year housing land supply. The extent of the shortfall is calculated by the appellant to be circa 3.8 years and this has not been disputed by the Council. This is well below Government expectations. The provision of six new dwellings would make a modest contribution to boosting the supply of housing, including affordable housing, as set out in Paragraph 61 of the Framework. There would also be economic benefits arising from the construction and occupation of the dwellings. Together, these benefits attract significant weight. I return to this in the planning balance.

Other Matters

21. I have considered other matters raised by an interested party including, but not limited to, arrangements for foul and surface water but given that I have identified harm in respect of the main issues, these are not matters on which my decision turns.
22. The appeal site lies within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). The interest features of the SAC are considered to be at risk from the effects of recreational disturbance arising from housing growth. As I am dismissing the appeal, an Appropriate Assessment under Regulation 63 of the Habitats Regulations 2017 in terms of the impact of the proposal on the SAC is not required.

⁴ As required by Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010

Planning Balance

23. Notwithstanding the Council's housing land supply position, the presumption in favour of sustainable development in Paragraph 11 d) of the Framework is not engaged. This is because I have also found that the appeal proposal would be harmful to the landscape character of the area which is located in the NL. Framework Paragraph 189 requires that great weight is given to conserving and enhancing landscape and scenic beauty in National Landscapes. Allowing the appeal would not achieve this. This provides a strong reason for refusing the development proposed⁵ and the proposal would conflict with the development plan as a whole.
24. Whilst the benefits of the proposal, including the provision of affordable housing, would be significant, they do not outweigh the conflict with the development plan. I am required to further the purpose of conserving and enhancing the natural beauty of the NL⁶ and allowing this appeal would not achieve this.

Conclusion

25. The proposed development is contrary to the development plan as a whole and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is dismissed.

Alison Fish

INSPECTOR

⁵ Footnote 7 of the National Planning Policy Framework

⁶ Section 245 of the Levelling Up and Regeneration Act 2023