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## Appeal Decision

Site visit made on 23 April 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

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**Appeal Ref: APP/D0840/W/24/3353068**

**Land at Woodland View, Maenporth Road, Falmouth TR11 5HJ**

- 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 Samuel Collins and Chloe Elliot against the decision of Cornwall Council.
  - The application Ref is PA24/03590.
  - The development proposed is construction of one dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was made in outline with all matters reserved for future consideration (the 'reserved matters'). I have therefore treated any references to reserved matters in documentation as illustrative.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties have had the opportunity to comment on the implications of this change and no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

### Main Issues

4. The main issues are:
  - whether the appeal site would be a suitable location for new dwellings with specific regard to the local development strategy and accessibility to services and facilities; and
  - the effect of the proposal on the character and appearance of the area, with particular regard to the location of the site within the Cornwall National Landscape (CNL).

### Reasons

#### *Location*

5. The Council's local development strategy is set out within policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP). The strategy seeks to maintain the dispersed development pattern of Cornwall, and provide housing based on the role and function of each place. The appeal site is outside of any settlement boundary as defined by Policy H1 and Map 1 of the Budock Neighbourhood Development Plan 2019-2030 (NP). In such locations NP Policy

H2 permits residential development only where it is to deliver affordable housing to meet an identified local need, which is not the case with the proposal before me.

6. Nevertheless, LP Policy 3 also provides that housing growth, outside of identified main towns is to be delivered through, amongst other criteria, rounding off of settlements.
7. The LP defines rounding off as 'development on land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by physical features that also acts as barrier to further growth. It should not visually extend building into the open countryside'. Furthermore, LP para 2.33 states that 'open countryside is defined as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape)'.
8. The Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) also provides guidance on matters such as rounding off, indicating that 'rounding off provides a symmetry or completion to a settlement boundary'.
9. In this instance, I observed that Roscarrack includes a scattered group of dwellings resulting in a somewhat dispersed hamlet which accords with the settlement pattern described within the Buldock Parish - Local Landscape Character Area Description for Roscarrack (LLCA). Nevertheless, the adjacent Maen Valley Park, as well as other holiday accommodation development form an overall close spatial relationship with other buildings at Roscarrack, providing a settlement form and shape.
10. However, whilst the appeal site is partially enclosed by the access track of Woodland View, Tremaen, and access road to Maen Valley Park, it is visually seen as an open field and maintains a relationship with larger open fields on the opposing side of the access road to Maen Valley Park, and Pennance Hill.
11. Furthermore, the nearby dwellings Woodland View and Tyane are visually read as sporadic development and outliers of the settlement form due to their spatial relationship with surrounding woodland, agricultural land, and long access tracks, thus not forming part of the clear form and shape of Roscarrack. The proposal would also result in part of the existing field between the appeal site and extended garden of Woodland View remaining undeveloped, with no barrier to further growth into the remaining field.
12. As such, the proposal would inevitably be seen to extend residential development away from the settlement edge and into open countryside and would not provide symmetry or completion to the settlement form and shape. Therefore, I find that the proposal cannot be considered rounding off.
13. The nearest services and facilities to the appeal site required for day-to day living are located in Budock Water and Falmouth. Whilst it appears that bus services formerly travelled along Pennance Hill, the evidence before me indicates that this route has been discontinued and is no longer operational. As such the nearest public transport services to the appeal site is located at the junction of Brickland Water Road and Swanpool Road.
14. The route to services, facilities and public transport stops lacks footways and streetlighting along part. Whilst this isn't particularly unusual in a rural environment, this, in combination with the distance would discourage pedestrian

use, particularly during hours of darkness or inclement weather. Indeed, examples of routes provided by the appellant indicate that whilst travel time to the Budock Water Village shop and Falmouth Primary School maybe 5 minutes in a car, these distances are 1.4 and 1.5 miles from the appeal site.

15. Consequently, although future occupiers could at times walk or cycle to the surrounding services, I find that they would be likely to travel by private vehicle for employment, schooling, and to meet their general day-to-day needs. In the absence of nearby stops for regular public transport, an increase in travel by private car would be a likely inevitable consequence of the proposal.
16. To conclude on this main issue, the proposal would not be in an appropriate location with regard the local development strategy and accessibility to services and facilities. The proposal conflicts with LP policies 1, 2, 3, 7, 21 and NP Policy H1. These policies seek, amongst other matters, to take a hierarchical approach to direct development based on the role and function of places and promote sustainable patterns of development.

### *Character and appearance*

17. The CNL is an area designated for its landscape and scenic beauty. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in such areas, which have the highest status of protection in relation to these issues.
18. Section 85 of the Countryside and Rights of Way Act 2000 placed a duty on relevant authorities to have regard to the purposes of the designation. The Levelling Up and Regeneration Act 2023 amended this such that relevant authorities are now required to seek to further the purposes of the designation.
19. The surrounding area has a strong rural character, influenced by mature hedge boundaries enclosing both a network of small to medium sized fields and rural lanes, as well as areas of woodland. Despite the presence of nearby built form and domestic gardens, the appeal site retains the character of a small rural field with mature boundaries characteristic of the surrounding countryside.
20. Furthermore, given the steeply sloping topography of the area the built form of Maen Valley Park, Tremaen and Roscarrack as a whole are less prominent from Pennance Hill due to their position on ground descending down the valley side. However, the appeal site is of more prominence due to its position near the top of the valley and proximity to highway, and retains more visual affinity with the surrounding countryside. It therefore positively contributes to the surrounding strong rural character and landscape beauty.
21. I see no reason why existing mature planted boundaries or trees could not be retained, and therefore the contribution these make to the wider character would also be retained. However, although the proposal is in outline form so no details are before me of the reserved matters, I observed that, despite the mature boundary screening, residential built form would nevertheless be evident and prominent from the adjoining highway and access point, even more so during winter months when foliage is not in leaf.
22. The degree of change to the site as a result of the proposal would be discernible in the context of the character of the site as well as the wider landscape

characteristics of the CNL. The erection of residential built form and introduction of associated domestic paraphernalia would inevitably give rise to the introduction of a domestic character to the appeal site, and a visual urbanisation of the site. Whilst there is some sporadic development near the appeal site, the proposal would result in development encroaching into countryside away from the main grouping of buildings at Roscarrack, harmfully eroding the rural character of the area.

23. For the above reasons, the proposal would result in harm to the character and appearance of the area and would fail to conserve and enhance the landscape and scenic beauty of the CNL. As such, the proposal is contrary to LP policies 1, 2, 3, 12, 21 and 23 which seek, amongst other matters, to ensure development leads to the protection and enhancement of the distinctive landscape and natural character and conserves the landscape character and natural beauty of the CNL.
24. The proposal would also conflict with policies PD-P1 and PD-P11 of the Cornwall Nationally Protected Landscape Management Plan 2022-2027, insofar as they seek to conserve and enhance the natural beauty of the CNL.

### **Other Matters**

25. If the appeal proposal were to be dismissed, the appellant has put forward a fallback position in that the appeal site is likely to be utilised for the siting of two additional park homes under planning permission W2/90/00765/F (the permission). Nevertheless, the appellant's appeal statement states '*it is believed*' that the site has an extant permission, and whilst I am aware of the online planning register mapping for the permission, I have not been provided with any substantive evidence relating to this permission such as approved plans (including location plan), or indeed any decision notice or associated planning conditions.
26. It is not a matter for me to determine in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990 as to whether a potential future use or operation is lawful given the planning history of the site. Given the limited and largely anecdotal evidence before me as to if planning permission exists and prospect of it being implemented, I only afford very modest weight to this fallback position.
27. The Council are unable to demonstrate a five-year housing land supply of deliverable housing sites and have stated that their supply is circa 3.8 years. Where the development plan is considered to be out of date for the policies most relevant to the determination, paragraph 11(d) of the Framework requires that presumption in favour of sustainable development is applied unless the application of policies in the Framework that protect assets of particular importance provides a strong reason for refusing the development proposed. For the purposes of paragraph 11, the CNL is an asset of particular importance as denoted by footnote 7.
28. The Framework seeks to conserve and enhance the landscape and scenic beauty of National Landscapes. In contrast, the proposal would cause harm to the CNL, and paragraph 189 of the Framework provides a strong reason for refusing the proposal. Consequently, the provisions of paragraph 11d)ii) of the Framework are not engaged in this instance.

29. Nevertheless, the proposal's benefits include the provision of a new dwelling to the housing supply, short term economic benefits due to employment during construction, and an ongoing benefit from future occupants supporting local businesses, services, and the community. Notwithstanding, given the scope and scale of the development, I find the benefits would be modest.
30. The appeal site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). Designated features of the SAC include saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs. Within the vicinity of the SAC, new residential development would lead to increased levels of recreational activity. This would be likely to have a significant effect on the designated features of the SAC either on its own or cumulatively with other similar development, without avoidance measures.
31. The application had been accompanied by a financial contribution and associated legal agreement to seek to mitigate recreational impact of the proposal on the SAC. Notwithstanding, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal.
32. Given my conclusions on the main issues above, it is not necessary for me to consider this matter any further as the proposal would not take place and would not affect the SAC. Moreover, even if I were to find that suitable mitigation had been appropriately secured, a lack of harm would only be a neutral factor.

### **Conclusion**

33. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

*S Harrington*

INSPECTOR