



Appeal Decision

Site visit made on 8 May 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/D0840/W/24/3357549

Land between Foxhaven and Meadow View, Eastcott, Bude, Cornwall, EX23 9PL.

- 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 N Harrison against the decision of Cornwall Council.
 - The application Ref is PA24/01720.
 - The development proposed is the erection of one new dwelling.
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Decision

1. The appeal is dismissed

Procedural Matter

2. Although the application and appeal are in outline, the matter of access is for detailed consideration at this stage.

Main Issues

3. The main issues are:
 - i. the principle of the appeal proposal with respect to current adopted planning policy regarding the location of development;
 - ii. the effect a new dwelling would have on the character and appearance of the site at the edge of Eastcott and on the surrounding rural area; and
 - iii. other material considerations in favour of the proposed development.

Reasons

Policy

4. Policies 1 and 2 of the adopted Cornwall Local Plan (CLP) maintain the established presumption of the National Planning Policy Framework (NPPF) in favour of sustainable development in Cornwall, by way of the CLP spatial strategy.
5. Of further particular relevance to this appeal, CLP Policy 3, on the Role and Function of Places, sets out a hierarchy for new development, beginning with a list of named locations, not including Eastcott, and concluding with criteria for delivering housing for the Community Network Area requirement. These include land allocated in neighbourhood plans or as rural exception sites, neither of which apply in this case. However, Policy 3 also provides for:

rounding off settlements and the development of previously developed land (PDL) within or immediately adjoining that settlement, of a scale appropriate to its size and role;

and

infill schemes that close a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside; such proposals should consider the significance or importance that large gaps can contribute to the setting of settlements and ensure that the setting would not be diminished.

6. CLP Policy 21 supports proposals to increase building density where appropriate, taking into account the character of the surrounding area and access to services and facilities to ensure the efficient use of land.
7. Otherwise, CLP Policy 7, concerning Housing in the Countryside, in order to resist harmful development, only permits new housing in the open countryside in special circumstances restricted to replacement or subdivision of dwellings, re-use of redundant buildings or temporary or agricultural workers accommodation, none of which apply in the present appeal.
8. The Chief Planning Officer's Advice Note (CPOAN), on Infill and Rounding Off, serves as supplementary planning guidance. This points out that the CLP supports unplanned organic growth in villages and hamlets appropriate to the character of the community. The CPOAN goes on to say that there is no absolute definition of a settlement but that smaller villages and hamlets should have a form and shape and clearly definable boundaries and should not comprise just a low-density straggle of development.
9. For rounding off, the CPOAN states that this requires an understanding of the physical and logical boundaries of the settlement and that development should not visually extend into the open countryside but be contained by a road or boundary features. Sites for rounding off are likely to be surrounded on at least two sides by existing built development. Settlement edges can include lower density development, large gaps or gardens important to character, as well as PDL, necessitating a case-by-case judgement of whether a site appears to be within the settlement boundaries.
10. For infill, the CPOAN states that the layout and density of the development should be in character with and similar to others in the frontage and should not diminish a large gap considered important to the setting of the settlement.
11. For PDL, the CPOAN recognises rural gardens as included within that definition and that its development within settlements is acceptable unless other considerations outweigh this.
12. CLP Policies 12 and 23 together generally require development to be of high-quality design to maintain and protect the natural environment and distinctiveness of Cornwall.
13. The adopted Cornwall Council Climate Emergency Development Plan Document (DPD) sets out climate change principles, including by Policies C1 and T1, which seek to limit day-to-day use of private cars.

Principle

14. The Appellant notes the flexibility of interpretation afforded by the CPOAN and submits that Eastcott should be regarded as a settlement for the purposes of CLP Policy 3, and that Eastcott encompasses the appeal site. It is pointed out that the road sign indicating entry to Eastcott from the east is set some distance before the first property, Meadow View, is reached, with the appeal site fronting the south side of the lane between Meadow View and the second property, Foxhaven. The Appellant also notes that Eastcott, as a whole, comprises a series of frontage properties and is seen as part of a series of communities including Woolley and Shop which, together, enjoy a number of community facilities. Moreover, the Appellants cite two previous planning decisions¹ wherein the Council, supported by the comments of local residents, referred to Eastcott as a settlement.
15. The Council nevertheless maintains that Eastcott is not to be regarded as a settlement in this appeal and asserts that references to Eastcott as a settlement by its officers and residents in previous planning decisions was merely a matter of description, unrelated to the application of CLP Policy 3. The Council also cites previous refusals of residential proposals for the appeal site, including in 2023² and earlier at appeal in 2017³, as well as the refusal of a lawful development certificate in 2023⁴.
16. From my own inspection, I was struck by the rural character of Eastcott, with properties well-spaced and set back from the lanes behind strong boundary walls, and largely screened by trees and hedges, especially in summer. The community is characterised by intermittent open spaces related to the surrounding countryside. The overall impression is of a very loose-grained series of built developments without a well-defined boundary. On this basis, and taking into account the guidance of the CPOAN, I do not regard Eastcott as a settlement for the purposes of CLP Policy 3.
17. CLP Policy 7 therefore applies, resisting new development to protect the countryside. But the question still remains whether the appeal site is to be treated as part of the open countryside.
18. The land has a planning history as part of the curtilage of Foxhaven and more recently it has been subject to a legal agreement of 1988, linked to planning permission for Meadow View, that for 20 years it would not be developed or used other than for agriculture. However, there is no permission for any other use of the land such as for a garden. The land is undeveloped, save for a shed and a road access, and is separated from Meadow View and Foxhaven by clearly defined boundaries. The land is contiguous with the Registered Eastcott Common to the south, such that the developer would be required to apply under commons legislation for deregistration of the access.
19. All these factors illustrate that, like other open spaces throughout Eastcott, the appeal site is related just as much to its rural surroundings as it is to the existing built development of Eastcott, even accepting that its present access is domestic in

¹ PA18/08445 and PA21/00740

² PA22/10660

³ APP/D0840/W/16/3163814

⁴ PA23/05690

appearance. Accordingly, I take the view that the appeal site is to be treated as part of the open countryside for the purpose of CLP Policy 7.

20. I note that this view echoes the decision on the 2017 appeal, but it appears that the Inspector in that case may not have been provided with the detailed evidence now before me, including the CPOAN in particular. The Council refers to two other appeals in Truro and Morgan Porth⁵ and the Appellant cites an outline permission for rounding off development in Woolley⁶ but I do not find any of these cases directly comparable, not least due to their remoteness from the specific site of this appeal, which I have assessed on a fresh judgement of the merits of the present proposal.
21. It follows that the appeal proposal is contrary to both CLP Policies 3 and 7 in principle and it is trite planning law, under section 38(6) of the Planning and Compulsory Purchase Act 2004, that the development should not be permitted unless material considerations indicate otherwise.

Character and Appearance

22. It is appropriate to give further consideration to the practical planning effects that the proposed development would have on the character and appearance of the site and surroundings.
23. Aside from occupying a finger of open countryside which characteristically extends between built dwellings to the road, a new house on the land would necessarily occupy much of the width of the site and stand relatively close to both Meadow View and Foxhaven. It would thus increase the density of development at the fringe of Eastcott, out of keeping with its distinctive open-grained character. Moreover, the need for an access vision splay across the road frontage would have a further detrimental urbanising effect on the locality.
24. As a result, whilst the development would be partly screened by boundary features in near and distant views, I consider that it would harm unacceptably the character and appearance of the site and surrounding rural area, even though the local landscape enjoys no special designation. This would place the development into further conflict with the protective aims underlying CLP Policy 7, as well as those of CLP Policies 12 and 23 concerning design quality. Even though the more intensive land use would align with CLP Policy 21, that is expressly subject to consideration of local character.
25. At this point, I would add that, even if, contrary to my foregoing findings, Eastcott were to be defined as a settlement and the proposed development regarded as potential rounding off, infilling or redevelopment of PDL under Policy 3, in my view it would still be unacceptable in terms of the CPOAN. That is because, although the site is surrounded on three sides by existing residential development and fronts the road, my understanding of the physical and logical boundaries of Eastcott indicates that the increased development density due to infill or rounding off would still be unacceptably harmful to the character and distinctiveness of this fringe location, even if the site were regarded as PDL.

⁵ APP/D0840/W/24/3343450 and APP/D0840/W/24/3348094

⁶ PA20/06812

Other Material Considerations

26. The first other material consideration is the NPPF itself. This contains a range of provisions requiring high-quality design to protect the natural environment and the landscape, as well as local character and distinctiveness. The CLP and the Climate Emergency DPD are essentially consistent with these provisions. However, I bear in mind that, since the previous unsuccessful applications and appeal for a dwelling on the appeal site, there has been a policy trend in favour of a more permissive approach to new dwellings in or near rural communities or settlements but outside main towns and villages.
27. Importantly, paragraph 11d and Footnote 8 of the NPPF introduce the so-called tilted balance whereby, if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. That is having particular regard to key policies for directing development to sustainable locations, including making effective use of land and securing well-designed places.
28. In this instance, it is not disputed that the Council is presently unable to demonstrate a five-year housing land supply, such that NPPF paragraph 11d and the tilted balance must be applied.
29. In doing so it is appropriate to recognise that a new dwelling at the appeal site would bring the small but material planning benefit of a windfall contribution of one unit of rural housing accommodation, helping to fulfil an identified need and enhancing to a degree the vitality of Eastcott and other interdependent rural communities in the area.
30. There would be some employment and economic benefit in the construction and use of a new dwelling.
31. With respect to the means of access to the proposed dwelling, for detailed consideration, it is evident that the site could be provided with a modified access with an acceptable vision splay such that the traffic generated by one more dwelling would not significantly affect road safety, albeit the resultant reliance on private car journeys in such a rural location would not align with Climate Emergency DPD Policies C1 and T1.

Planning Balance and Conclusion

32. In applying the tilted balance of the NPPF, I am satisfied that, for the same reasons explained above with respect to the policies of the CLP and Climate Emergency DPD, the proposed development would fail to comply with the equivalent protective provisions of the NPPF.
33. I bear in mind that recent trends in national policy militate to some material degree in favour of the development proposed in this appeal. And I give due weight to the socio-economic benefits of a new dwelling, which I think would offset the disadvantage of any additional private car use.
34. However, it is my final conclusion that the planning objections I have identified with respect to the principle of the development and its potential adverse effects on the character, appearance and distinctiveness of the locality remain the overriding

considerations, outweighing the current lack of a five-year housing land supply and warranting dismissal of the appeal.

B J Sims

INSPECTOR