



Appeal Decision

Site visit made on 7 May 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2025

Appeal Ref: APP/D0840/W/24/3351290

Land west of 10 Calais Road, St Erth Praze, Hayle, Cornwall TR27 6EG

- 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 Ashley Savell-Boss against the decision of Cornwall Council.
 - The application Ref is PA24/03314.
 - The development proposed is permission in principle for the construction of a dwelling.
-

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a maximum of 1 dwelling at Land west of 10 Calais Road, St Erth Praze, Hayle TR27 6EG in accordance with the terms of the application, Ref P24/03314, dated 9 May 2024.

Procedural Matters

2. The address on the application form refers to the site as 6 Calais Road, however, I have amended the address to correlate with the decision notice, as this better reflects the address of the appeal site.
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 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.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. 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. In December 2024, a revised version of the National Planning Policy Framework (the Framework) was issued. The main parties have been given the opportunity to comment on any implications of the revised Framework and I have taken these comments into account as part of my assessment of the scheme.

Main Issue

6. 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

7. The appeal site is situated in a gap between two short terraces of houses located on Calais Road. On one side houses front directly onto the pavement and on the other there are front gardens enclosed by a low boundary wall. To the north and south of the site are agricultural fields.
8. Close to the site is a former public house which has permission to be converted into five houses. A further cluster of buildings and houses are situated around the junction of Tolroy Road and Steppy Downs Road.
9. Policy 3 of the Cornwall Local Plan (CLP) defines how development will be accommodated, with growth focussed on identified main towns. Outside of these areas housing growth can be through identification in a Neighbourhood Plan, rounding off of settlements and development of previously developed land and infill schemes.
10. For the proposal to be infill in accordance with Policy 3 the site would need to be considered to be within a settlement and not the open countryside. The background text to the policy states that in smaller villages and hamlets in which infill units are allowed, the settlement should have a form and shape, and clearly definable boundaries, not just a low-density straggle of dwellings.
11. St Erth Praise is a named place which is identifiable on the ground by nameplate road signs on approach, along with 40 miles per hour speed limit signs. There are also street lights, a post box, and sections of pavement. These elements give St Erth Praise a sense of place. The shape of the settlement is somewhat varied but there is a cluster of development around the junction and, whilst now closed, the public house would have formed a focal point. Although the boundary to the hamlet may not be as defined as other settlements, I am satisfied that it is more than a 'straggle of dwellings'.
12. Therefore, I conclude that the proposal can be considered as infill development in accordance with Policy 3 as it would be situated within a small gap in a continuous frontage. It would not extend into the open countryside due to the positioning between existing houses.
13. In terms of the accessibility of the location, paragraph 1.68 of the background text to Policy 3 states: where infill is concerned the settlement should be part of a network of settlements and/or be in reasonable proximity to a larger village or town with more significant community facilities. There are no facilities in St Erth Praise, however, it is not within a remote part of Cornwall. St Erth, Leedstown, and Hayle are all within a short distance of the site. Hayle in particular provides a good selection of services including school, a train station, and supermarket.
14. The Chief Planning Officer's Advice Note: Infill/Rounding off, which although not adopted policy provides useful guidance, in defining a settlement, states that there is no expectation of services or facilities. Furthermore, the note continues that it is unrealistic for public transport, walking and cycling to meet all residents transport needs alone. In this case whilst the bus service is more limited the location is not inaccessible. Whilst occupants may be more reliant on cars, journeys for day-to-day activities would most likely be short and this situation is not uncommon with many other properties in villages and hamlets.

15. It is acknowledged that there are limited footways in St Erth Praze and that the bus service through the village is term time only. Further to this I accept that Policies C1 and T1 of the Climate Emergency Development Plan Document seek to maximise the ability to make trips by public transport, sustainable and active modes of transport rather than the use of a car. Also, that paragraph 117 of the Framework supports pedestrian and cycle movements and seeks to facilitate access to public transport, so far as possible. However, paragraph 110 also recognises that in rural areas access to public transport is variable, and that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The site is in a rural, but not remote location, where it is accepted that houses may have a different level of access to sustainable transport options and I do not find the location to be so insufficient on this basis to warrant a dismissal on these grounds.
16. The Cornwall Character Area Study makes reference to protecting strong rural character of the landscape by conserving the dispersed nature of villages and hamlets and limits development in inappropriate locations. In my view, given the infill nature of the proposed development the character of the settlement would be preserved.
17. Policy 7 relates to housing in the countryside with paragraph 2.33 of the background texts defining this as being outside of the physical boundaries of existing settlements. As I have determined that the proposal is infill within the settlement of St Erth Praze there is no conflict with this policy.
18. Policy 21 refers to the best use of land and buildings. The background text to this policy sets out that Policy 3 is the best way to meet the Council's objectives of a sustainable balance of development, meeting communities' need and protecting and enhancing the environment. The policy states that 'encouragement will be given to sustainably located' proposals. The Council acknowledge that the proposal gains no support from this policy and given the wording I find no conflict with it.
19. Policy HT2 of the St Erth Neighbouring Plan sets out requirements for new dwellings in respect of conversions, replacement dwellings and new dwellings in the countryside. As I have determined that the appeal site is within a settlement there is no requirement for compliance with this policy.
20. Policy 1 of the CLP sets out the presumption in favour of sustainable development. It states that applications that accord with policies in the Local Plan, and Neighbourhood Plans will be regarded as sustainable development and will be approved unless material considerations dictate otherwise. As set out above I find that the proposal complies with policies in the plan and the neighbourhood plan and therefore is supported by this policy.
21. In conclusion, the proposed permission in principle complies with Policy 3 of the CLP which supports housing in settlements. Whilst opportunities to walk or cycle may be more limited, due to the proximity of other nearby settlements, I do not find the location to be unsustainable. The location of the development is therefore suitable for residential development and there is no conflict with Policies 1 and 21 of the CLP or C1 and T1 of the Climate Emergency Development Plan Document.

Other Matters

22. The officer report refers to the proposal not according with the intentions of Policy 27 of the CLP. However, the policy was not included in the reason for refusal and there is no further reference to it in the Council's appeal statement. For all developments, the policy requires that there is a safe and suitable access to the site and there is no significantly adverse impact on the road network. Given that the application is for a permission in principle limited details have been provided. At this stage there is no evidence before me that there would be any conflict with this policy.
23. The officer report refers to the site being within a Critical Drainage Area. The application was not refused in relation to this matter. However, further consideration of this may be required at the technical consents stage.
24. The appeal at Polmassick is not comparable as it is less well related to nearby settlements and there was no bus stop nearby, which is not the case in respect of the appeal site. Similarly, I do not find the relationship of the site at Broad Langdon to be similar to the appeal site in terms of access to a larger settlement.
25. The conclusions reached in the appeal at Traboe did not accept the proposal was infilling due to the distances to facilities. The appeal site is close to Hayle, whilst not walking distance, provides nearby access for schools and other services.
26. The Inspector determining the case in Foxhole, when considering whether the location was a settlement, referenced the lack of place names, speed signs, footways, and street lights. All of which are present at St Erth Praze which contributed to the conclusion that it can be considered as a settlement unlike Foxhole.

Planning Balance and Conclusion

27. The proposal complies with Policy 3 of the CLP. I accept that the location of the proposed dwelling would have more limited access to walking, cycling and public transport opportunities, although there are some options available. However, the location is not remote and the situation is not uncommon for rural settlements. The site is only a short distance from a nearby town so journeys for most day-to-day activities, even if by car, would be short.
28. For the above reasons, I conclude that the site is suitable for residential development. The appeal is therefore allowed.

H Faulkner

INSPECTOR