
Appeal Decision

Site visit made on 4 June 2024

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 14th August 2024

Appeal Ref: APP/D0840/W/24/3337474

Land adjacent Higher Lane, Mawgan, Helston TR12 6AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andrew Wooding, Rhosnoweth Developments Ltd against the decision of Cornwall Council.
 - The application Ref PA22/07887, dated 25 August 2022, was refused by notice dated 25 August 2023.
 - The development proposed is residential development for up to 20 houses.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is in outline with all matters reserved except access. Whilst the application included an indicative site layout, this is only illustrative of how a scheme on the site might look. The appeal has been considered on this basis.

Main Issue

3. The main issue is whether the proposal should be permitted having regard to the current requirement for housing, the settlement strategy of the development plan, the relationship of the site to the village of Mawgan and the character and appearance of the area.
4. A further reason for refusal, that the proposal would, in combination with other plans and projects, adversely affect the integrity of the Fal and Helford River Special Area of Conservation, has been overcome by submission of a S106 unilateral undertaking dated 20 June 2024. This would provide the necessary funds to mitigate the adverse recreational impacts that would arise from the additional population living in the area.

Reasons

5. The proposal is for a residential development of up to 20 houses (including six affordable dwellings) on a 0.89 ha site at Mawgan within the Cornwall National Landscape (NL). The village is both elongated and scattered in character with housing stretched out with some breaks for about 1 km along a lane from the B3293 to the parish church. The appeal site forms one of these breaks, a field about 100 m wide on the south eastern side of Higher Lane, with an estate of semi-detached houses to the north east, a series of individual properties to the

- south west and a group of four houses around a private drive on the other side of Higher Lane.
6. Mawgan is an established village with services and facilities including a public house, shop, village hall/playing field and school at nearby Garras. As such there is no dispute that it is a suitable location for some development in accordance with Policy 3 of the Cornwall Local Plan 2016 (the CLP). This lists the towns where new housing will be concentrated and states that elsewhere schemes will be limited to certain categories, the most relevant being the 'rounding off of settlements... within or immediately adjoining that settlement of a scale appropriate to its size and role'. The undeveloped gap is too large to be considered an infill site and the scheme is not promoted as an exception site for affordable housing.
 7. CLP Paragraph 1.68 provides a definition of 'rounding off' and a Chief Planning Officer's Advice Note (CPOAN) published in 2017 provides further guidance to ensure 'greater consistency in decision making'. These provide an appropriate basis to consider the appeal proposal.
 8. The site forms a break between two built up parts of the settlement and does not comprise or extend into open countryside which the CPOAN describes as part of an expansive area before the next settlement. However, critically, the appeal site only comprises about half of a larger field. Whilst there is housing on two sides with a road and group of dwellings on a third, the eastern boundary of the site is not defined by a physical feature but represents an arbitrary section of the field. Furthermore, the location plan revision B and site layout revision G show this boundary breached significantly to accommodate an attenuation basin, thus reducing the integrity of the residual land. The proposed future use of this residual land is unclear.
 9. The proposal therefore conflicts with the CLP definition that rounding off has its edge defined by a physical feature (eg a road) that also acts as barrier to further growth. It also conflicts with the CPOAN guidance that rounding off provides a symmetry or completion to a settlement boundary and would not facilitate continued incremental growth as could happen in this case. The CPOAN also states that development resulting in the creation of a further site for rounding off, which could be argued in the future here, is unlikely to be rounding off in itself.
 10. The Council argue that the proposal is of excessive scale in relation to the Cornwall NL and CLP Policy 3 includes the criterion that proposals should be of a scale appropriate to the settlement's size and role. However, the Cornwall NL includes large parts of the Cornwall coast and numerous settlements and this is a fundamental part of its character. The field concerned is only gently sloping and is well contained by mature trees and hedgerows. With housing on either side, the impact on the landscape of the Cornwall NL would be well contained.
 11. In terms of the scale of the scheme in relation to the settlement there are no criteria in either the CLP or CPOAN such as an indicative proportional increase in the number of houses over the plan period. Both the Council and appellant make subjective points. However, given the clear conflict with the criteria for rounding off there is no need to reach a view in this case.
 12. CLP Policy 2a seeks to provide a minimum of 52,500 dwellings in Cornwall over the plan period to 2030, against which the Council currently claim 6.6 years

housing land supply. Of this total, the minimum target for the Kerrier area outside Helston is 1,100 dwellings, compared to which the Council state 1,796 dwellings have now been built or have permission. The appellant does not dispute these figures but draws attention to a CPOAN published in 2023 which accepts that Cornwall is facing a housing crisis, needs an increased supply of sites, and states that there will be occasions where suitable sites for housing outside existing settlements 'may be identified that will not fit comfortably with the parameters' of CLP Policy 3. This ambiguous advice suggests the need for increased flexibility but seems to primarily refer to increased affordable housing and accommodation for local employees. In the absence of clearer criteria this cannot be taken to override the adopted development plan.

13. The government have recently published a revised National Planning Policy Framework and an increased housing target for Cornwall but these are only for consultation at this stage.
14. For these reasons, having regard to the current requirement for housing, the settlement strategy of the extant development plan, the relationship of the site to the village of Mawgan and the character and appearance of the area, the proposal should not be permitted. There would be clear conflict with CLP Policy 3 which limits new housing immediately adjacent to settlements to certain categories including the rounding off of settlements subject to certain criteria which are not met in this instance. The Council list various other policies in its decision notice but these are not determinative in this case.

Conclusion

15. The proposal would provide 20 additional dwellings (including six affordable) which would make a useful contribution to local housing needs and have significant social and economic benefits for the area. However, the proposal does not satisfy the CLP criteria for rounding off development adjacent to a settlement and this factor outweighs the benefits.
16. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR