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PLANNING STATEMENT
STAGE 1 – PERMISSION IN PRINCIPLE

HIGHER KENNEGGY FARM
ROSUDGEON
TR20 9AU

ON BEHALF OF ROB AND NATALIE ARMITAGE-PHILLIPS

Our ref: 23067

NOVEMBER 2023

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1. EXECUTIVE SUMMARY

1.1.1 Laurence Associates is retained by Rob and Natalie Armitage-Phillips ('the applicant') to progress a Permission in Principle planning application for the proposed construction of a dwelling ('the proposed development') at Higher Kenneggy Farm, Rosudgeon, TR20 9AU ('the site').

1.1.2 This statement, alongside a review of the site history and relevant policies at both a local and national level, provides a description of the proposed development together with an appraisal of the planning merits of the scheme as a whole and should be read in conjunction with the suite of submitted drawings.

1.1.3 It is concluded that the proposals are entirely consistent with relevant policies contained within the Cornwall Local Plan 2010 – 2030 (CLP 2016), the Breage Parish Neighbourhood Plan 2017-2030, the National Planning Policy Framework 2023 (NPPF 2023) and supplementary guidance contained within Cornwall's Climate Emergency DPD 2023 and the Cornwall Design Guide 2021.

1.1.4 It is demonstrated within this statement that the development should be supported by the LPA and permission ought to be granted.

2. LOCATION OF THE SITE AND DESCRIPTION OF THE SURROUNDING AREA

2.1.1 The site is located within the recognised hamlet of Kenneggy, 750km southeast of the settlement Rosudgeon; and is within the Parish of Breage. The hamlet of Kenneggy has a number of residential properties, as well as local businesses including - Kenneggy Cove Holiday Park and Kenneggy Cakes.

2.1.2 The site is just an 18 minute walk from Rosudgeon, which is a linear settlement located along the A394 where access is available to several shops, restaurants and community facilities.

- 2.1.3 With regard to the immediate site, within the red line boundary exists a building which has recently been granted a Lawful Development Certificate for its use as a workshop and store, in connection with the adjacent residential dwelling. As such, this area of land within the red line boundary can be classed as previously developed land.
- 2.1.4 With regards to planning constraints at the site, it is located within the South Coast – Western section of the Cornwall Area of Outstanding Natural Beauty (AONB), an area susceptible to ground water flooding, a Site of Special Scientific Interest Impact Risk Zone and under the Breage – Praa Sands Article 4 Direction Order.
- 2.1.5 Within close proximity to the site, the following amenities can be found:
- Coach and Horses (Public House)
 - Cooperative Food Shop
 - Rosudgeon Sports and Social Club

3. RELEVANT PLANNING HISTORY

- 3.1.1 A search of Cornwall Council's online planning register has been undertaken and shows the following relevant planning history for the site:
- **PA23/06552:** Certificate of lawfulness for existing use: Use of building as a workshop and store ancillary to a dwellinghouse – Granted on 26th September 2023

4. PERMISSION IN PRINCIPLE

- 4.1.1 Permission in Principle (PIP) is a type of planning permission targeted at residential-led developments which separates the consideration of matters of principle from the technical detail of the development.

- 4.1.2 The following section sets out the relevant legislative provisions and associated guidance and provides an outline of the various stages involved.

4.2 LEGISLATIVE CONTEXT

- 4.2.1 The relevant legislation is set out within the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 whilst the National Planning Policy Framework (NPPF) (2021) and National Planning Policy Guidance (NPPG) provide further information and guidance.

- 4.2.2 The NPPF helpfully defines Permission in Principle at Annex 2 as follows:

'A form of planning consent which establishes that a site is suitable for a specified amount of housing-led development in principle. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed.'

4.3 STAGES

- 4.3.1 The permission in principle consent route has two stages.
- 4.3.2 Firstly, there is Stage 1, through which an applicant can establish with the Local Planning Authority whether or not a site is suitable in-principle in land use terms.
- 4.3.3 Secondly, providing the Stage 1 application is successful, a Stage 2 application can be progressed which is also known as the 'Technical Details Consent' stage at which point the detailed development proposals are assessed in full, in a similar manner to a reserved matters application.
- 4.3.4 The process for Stage 1 varies depending on the scale of the proposed development and whether it relates to greenfield or previously developed land. For minor developments i.e. developments of less than ten units, an application must be submitted to the Local Planning Authority and this applies whether the site is greenfield or previously developed.

4.4 REQUIREMENTS FOR A VALID STAGE 1 PERMISSION

4.4.1 Article 5D of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 sets out the requirements for a valid Stage 1 application.

4.4.2 The requirements include the following:

- Completed application form;
- A plan to which identifies the land to which the application relates;
- The correct application fee.

4.4.3 On the basis the scope of the Stage 1 application is limited to location, land use and amount of development, being those issues relevant to the principle of the development, there is no requirement (either nationally or locally) for any other form of technical, supporting information: this would be provided at the Technical Details Consent stage.

4.4.4 Once a valid application for PIP has been received, the Local Planning Authority should make a decision on the proposal as quickly as possible, and in any event within the statutory time limit of 5 weeks unless a longer period has been agreed in writing with the applicant.

4.5 STAGE 1 PLANNING CONSIDERATIONS

4.5.1 Proposals are determined in accordance with the adopted development plan for the site together with any relevant material considerations and to reiterate, the Local Planning Authority's assessment within the Stage 1 application is limited to the location, land use and amount of development only.

4.5.2 To be clear, matters such as ecology, flood risk, contamination, trees, highways and so on are only to be assessed at Stage 2, once the principle has been accepted.

4.6 STAGE 1 IMPLEMENTATION PERIOD

- 4.6.1 Where Stage 1 permission is granted, an applicant has three years to apply for Stage 2 Technical Details Consent.
- 4.6.2 As per Paragraph: 020 of the NPPG (Reference ID: 58-020-20180615) Local Planning Authorities cannot add conditions or secure planning obligations to the grant of permission under Stage 1 but can inform applicants on the level of information and any likely obligations that may be required at the Technical Details Consent stage. In a similar vein, the Community Infrastructure Levy only applies following the grant of the Technical Details Consent.

5. PROPOSED DEVELOPMENT

- 5.1.1 The proposal is for a new dwelling to be constructed in place of an existing building which is used in conjunction with another residential dwelling, amounting to development on previously developed land, in line with Policy 21 of the CLP. The existing building onsite is to be demolished as part of the proposal.
- 5.1.2 No details in relation to design are provided at this stage as it is purely the principle of development that is being sought for approval.
- 5.1.3 It is proposed to develop the land into use for a C3 dwellinghouse and whilst an indicative layout (including access, parking and garden area) is not provided at this stage, it is considered that the site is appropriate for and would be easily capable of accommodating a dwelling without detriment to the site's existing amenity or local character.
- 5.1.4 Any final scheme would seek to ensure the proposed development would be of a scale and design that would be in keeping with the character and appearance of the surrounding area, incorporating a good size garden and parking provision.

6. PLANNING POLICY CONTEXT

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise; meaning amongst other things any other supplementary / supporting planning documents and the government's guidance as set out in the National Planning Policy Framework (NPPF) (2023).

6.1.2 The statutory development plan for the site consists of the Cornwall Local Plan 2010 – 2030 (CLP) (2016) and the Breage NDP 2017-2030, whilst material considerations in this instance comprise national policies set out within the National Planning Policy Framework (2023), and the Cornwall Design Guide 2021

THE CORNWALL LOCAL PLAN (2016)

6.1.3 **Policy 1** sets out a presumption in favour of sustainable development. It states that, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development as enshrined within the NPPF.

6.1.4 **Policies 2 and 2a** relates to spatial strategy and states that new development should provide a sustainable approach to accommodating growth, providing a well balanced mix of economic, social and environmental benefits. Policy 2a sets a target for a minimum of 52,500 homes over the plan period.

6.1.5 **Policy 3** states that housing outside of the main towns identified in the policy, as is relevant to this application, will be delivered for the remainder of the Community Network Area housing requirement through:

- Identification of sites where required through Neighbourhood Plans;
- rounding off of settlements and **development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role;**

- infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside. Proposals should consider the significance or importance that large gaps can make to the setting of settlements and ensure that this would not be diminished;
- rural exception sites under Policy 9

6.1.6 **Policy 12** relates to ensuring high quality design which maintains and enhances Cornwall's distinctive natural and historic character, whilst **Policy 13** relates to development standards.

6.1.7 **Policy 21** relates to the best use of land and existing buildings, and supports the reuse of sustainably located land and buildings.

6.1.8 **Policy 26** states that development should take account of and be consistent with any adopted strategic and local flood and coastal management strategies.

6.1.9 **Policy 27** relates to transport and accessibility. It states that developments should provide safe and suitable access to the site for all people and not cause a significantly adverse impact on the local or strategic road network that cannot be managed or mitigated.

6.2 BREAGE NDP 2017-2030

6.2.1 The Breage Neighbourhood Development Plan (2.4) recognises Keneggy as a hamlet. The hamlet does not have a specified development boundary due to their scale and organic form.

6.2.2 **Policy S2 – Development in Smaller Hamlets** states that development in smaller hamlets should be “small scale” and round off the built form, constitute infill or utilise previously developed land or buildings, and is in line with Policy 3 of the Cornwall Local Plan.

6.2.3 **Policy H1 – New market housing** will predominantly be delivered on windfall sites in line with Policy S2.

6.2.4 **Policy H5** – Development of replacement dwellings in existing garden areas must demonstrate that they will maintain and preferably enhance habitat connectivity and flood management by retaining green spaces, green corridors, trees and using permeable spaces.

6.3 NATIONAL PLANNING POLICY FRAMEWORK (2021)

6.3.1 The NPPF is a material consideration in the determination of this application as per Paragraph 2 of the Framework and Section 38(6) of the Planning and Compulsory Purchase Act 2004. It sets out Government planning policies for England and how these are expected to be applied.

6.3.2 Paragraph 7 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

6.3.3 The golden thread running throughout the NPPF is the Government's presumption in favour of sustainable development (Paragraph 11) whereby developments which correctly balance the requirements of economic, social and environmental issues should be granted planning permission unless there are strong reasons that permission should not be granted.

6.3.4 Paragraph 38 states that LPAs should approach decisions on proposals in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

6.3.5 Chapter 5 of the NPPF relates to the delivering a sufficient supply of homes. Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the

needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

6.3.6 Paragraph 119 states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

6.3.7 Paragraph 120 makes it clear that planning policies and decisions should:

a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

- 6.3.8 Paragraph 126 places a strong emphasis on achieving high quality designs in new developments and states that good design is a key aspect of sustainable development. Paragraph 127 further provides several design related criteria that is to be achieved during the decision-making process.

7. PLANNING ASSESSMENT

7.1 PRINCIPLE OF RESIDENTIAL DEVELOPMENT

- 7.1.1 The proposal is for a new dwelling to be constructed on previously developed land (in line with Policy 3 and 21 of the CLP; and Policy S2 of the NDP). Policy S2 of the NDP states that outside of the main villages, development in smaller hamlets will be controlled to small scale development that uses previously developed land and rounds off built form. The proposal is for one dwelling in place of an existing building which was lawfully granted consent for its use as an ancillary residential building. By replacing this building with a dwellinghouse (Use Class C3), the proposal constitutes a new dwelling on a brownfield site which is both socio-economically and environmentally sustainable. The principle of the dwelling in this regard further aligns with Policy H1 of the NDP, which states that other than allocated sites, housing will be delivered on windfall sites in line with Policy S2, as discussed above.
- 7.1.2 With regards to Policy 21 of the CLP, the proposal increases building density in an appropriate location, taking into account the area and access to services and facilities to ensure the efficient use of land. The site is located in a sustainable and accessible location within safe walking/driving distance to services and facilities, such as shops. For example, the Co-op is a 18 minute walk from the site. Public transport is also widely available with the nearest bus stop located at Falmouth Packet Inn, only 17 minutes walk, which goes to locations such as Penzance and Falmouth, both of which offer onward connections.

- 7.1.3 In addition to this, as the land is evidently previously developed land, located within the confines of existing residential development, the proposal is increasingly sustainable when compared to an undeveloped plot of land within a residential area. As such, the proposal is considered appropriate to increase building density at this site.
- 7.1.4 The proposal provides a completion to a settlement area and will not intend to facilitate continued incremental growth. The site is bound by residential development and by the highway.
- 7.1.5 At this stage, the applicant is applying for permission in principle which only requires the submission of a red line boundary. No design details are necessary. The focus therefore is on whether the principle of building a house here is acceptable.
- 7.1.6 Due to the size of the plot, future development would ensure adequate parking and a good-sized garden. The dwelling will be located in a position which allows high levels of privacy for existing and future residents.
- 7.1.7 As per Section 5 of the NPPF, all local authorities have an obligation to deliver sufficient housing to meet the needs of their residents. This is reiterated in Policy 2a of the CLP which sets a requirement for the delivery of at least 52,500 dwellings over the plan period. This figure is a minimum target and housing applications which accord with the Development Plan should not be refused simply because the Council may have met this figure.
- 7.1.8 The NPPF provides specific support for small to medium sized sites with Paragraph 69 detailing that 10% of a Council's housing requirement should be delivered on sites no larger than 1 hectare. The application at hand would aid the Council in meeting this ongoing requirement through an efficient use of an unallocated site, in line therefore with Paragraph 68.
- 7.1.9 Given the nature of the scheme, it is considered more than likely that before and during construction, the development would contribute to the local economy directly through the employment of local companies to facilitate the build. This would include planners and architects/designers as part of the

Stage 2 application process, local contractors involved in the physical build and the local supply chain through the provision of materials. Once occupied, new residents would use and sustain the growth of nearby services through local spending power. It is considered that the proposed development would therefore assist in achieving the economic aims of sustainable development.

7.1.10 In summary, it is considered that the proposal would constitute infill development in an otherwise continuous built-up frontage within a location surrounded by other residential development and day-to-day services, on previously developed land.

7.1.11 The application is not accompanied at this stage by the technical assessments which would allow for adherence to the environmental aims of sustainable development to be demonstrated: such matters are not relevant to the application at hand. However, we are confident that this is achievable.

7.2 OTHER CONSIDERATIONS

7.2.1 It is important to reiterate that all design and technical related matters are not relevant considerations to this application. The nature of PIP applications infers that development could be permissible at Stage 1 but subsequently fail to gain Stage 2 consent.

7.2.2 Concerns regarding technical matters such as design, visual impact, drainage, ecology and so on should not form part of the determination of this application. It is only when the Council have the technical information provided as part of a Stage 2 application that an informed position on such matters can be reached.

8. CONCLUSION

8.1.1 In summary, it has been demonstrated that the principle of residential development on the site is consistent with both adopted, local planning policies and would be consistent with the thrust of NPPF policy.

- 8.1.2 It is considered that this permission in principle application should be approved as the proposal constitutes development of an existing residential site.
- 8.1.3 The proposals would make a positive contribution to the local economy during the construction phase and would comprise a new dwelling. From a social dimension point of view, the proposals would result in a high-quality contribution towards the area's housing stock; and in terms of the environmental aspect, the proposals would be developed carefully to be mitigate, conserve and, where appropriate, enhance the environment.
- 8.1.4 The development should therefore be approved, having regard to the statutory determination obligation prescribed by Section 38(6) of the Planning and Compulsory Purchase Act 2004.