

TOWN AND COUNTRY PLANNING ACT 1990

Planning Statement

***Application for Full Planning Permission
for the erection of one detached dwelling on a site adjacent to 11 Penhale
View, Cubert, Newquay Cornwall TR8 5FW***



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SA/KEMP-12417-1

1 Introduction/Background

- 1.1 An application (Ref PA22/03475) dated 7 April 2022 was made on behalf of Daniel Jonas Kemp for a 4-bedroom detached house, the application was refused by notice dated 20 July 2022. The main issues were:
 - 1.1.1 the location of the application site is an important gap between the existing development and the countryside;
 - 1.1.2 the proposal is considered to be contrary to policies 6 and 8 of the Cornwall Local Plan Strategic Policies 2010 – 2030 by not making adequate provision for a financial off-site contribution for affordable housing; and
 - 1.1.3 the application site falls within the zone of influence of the Penhale Dunes Special Area of Conservation (SAC) and when considered with other plans and projects adversely affect the SAC.
- 1.2 The Applicant appealed the decision (Ref APP/ D0840/W/23/3314795), the main issues were:
 - 1.2.1 rounding off;
 - 1.2.2 landscaping; and
 - 1.2.3 affordable housing.
- 1.3 The Appellant's position was that the development can be supported by either Policy 3 or Policy 9 or both.
- 1.4 The appeal was dismissed on 7 July 2023. The applicant now seeks to submit a further application for Full Planning Permission ("PP") which addresses the outstanding issues in the Inspector's appeal decision ("the Appeal").

2 Full Planning Permission

- 2.1 This Planning Statement accompanies an application for Full Planning Permission for the erection of one 4-bedroom detached dwelling.
- 2.2 This application is made on behalf of Daniel Jonas Kemp ("the Applicant"). The Proposed Development site is owned solely by the Applicant.
- 2.3 Permission is sought in accordance with ss.58 and 59 of the Town and Country Planning Act 1990 and the as amended ("**the TCPA**").
- 2.4 The Proposed Development is eligible for PP on the grounds that:
 - 2.4.1 the development is residential development of land;
 - 2.4.2 the Proposed Development is rounding off which has already been considered acceptable by the appeal Inspector;
 - 2.4.3 the applicant is willing to provide an Affordable Housing Contribution in lieu of on-site provision. This approach is referred to by the Affordable Housing Team in their Response to application PA22/03475 dated 24 April 2023; and

2.4.4 the development is acceptable under Policy 1, Policy 3, Policy 8 and Policy 9. These points are discussed in detail below.

3 Site Description

- 3.1 The proposed site is shown edged red on the Location Plan (“**the Application Site**”) and is located on land immediately to the west of number 11 Penhale View, Holywell Road, Cubert, Cornwall TR8 5FW (see Location Plan).
- 3.2 The Application Site is located to the north-west of Cubert which has shops, a Post Office and a pub/restaurant. Cubert Junior and Infant School is located on the north side of the village serving Cubert, Holywell Bay and Crantock. There is a village hall and there are regular hourly bus services to Newquay and Truro. Newquay, with a wider range of services, is located about 4 miles to the north.
- 3.3 Access to the Application Site is via the estate road on the existing development which immediately abuts Holywell Road.
- 3.4 The Application Site (including the proposed access) formed part of a previous development approved as a rural exception site, subject to Policy 9 of the Cornwall Local Plan comprising 5 open market dwellings and 6 affordable homes.
- 3.5 The proposed dwelling which comprises of garden and domestic/residential land is enclosed by edging features consisting of Holywell Road to the North, the existing access track to the south, bounded by 11 Penhale View on the eastern side and on the west side by a triangular area of land which is mainly covered in scrub (and which itself is bounded on the other two sides by roads) and which contains the South West Water Pumping Station.
- 3.6 The following photographs are appended to this statement:
 - 3.6.1 Photograph 1 – the Application Site looking east towards 11 Penhale View;
 - 3.6.2 Photograph 2 – the application site looking west with the pumping station and the access track servicing the dwelling;
 - 3.6.3 Photograph 3 – the exiting estate road servicing the Application Site; and
 - 3.6.4 Photograph 4 – the entrance into the Penhale View development.
- 3.7 Consideration has been given to the appearance, size and layout of the proposed dwelling which will complement the existing development. The proposed natural stone finish to all elevations of the proposed dwelling will enhance the overall appearance of the development which contrasts with the current west gable end of 11 Penhale View which has a whitewashed render finish, as shown in Photograph 2.
- 3.8 The proposed plans accommodate 4 bedrooms and a bathroom/WC at ground level with an attached garage. The living room and kitchen are provided at first floor level and the total proposed floor area is 166.1m². Vehicular access to the site is provided by an extension to the existing estate road and a turning area, a single parking space is provided in the north-eastern corner of the site. Further enhancements to the landscaping on the site are provided by:

- a. a new Cornish hedge with planting on the northern boundary adjacent to Holywell Road;
- b. additional planting on the hedge bank to the southern boundary; and
- c. new planting and landscaping to the western area of the site adjacent to the South West Water Pumping Station.

Foul water will drain to the existing foul sewer traversing the site. Surface water from the parking space and turning area will be dealt with by permeable surfacing materials and roof water will be connected to individual soakaways.

- 3.9 A private amenity area is provided on the Application Site and shown on the site plan No. 2108-002 Rev F.
- 3.10 The Proposed Development represents a logical extension of the existing development, immediately adjacent to nearby properties on land which is not in agricultural use and is located on the rural edge of the existing built form of the village.

4.0 Landscape Impact

- 4.2 The land to the west of 11 Penhale View is undistinguished and makes little or no positive contribution to the landscape character of the area and western approach to the village.
- 4.3 The proposed dwelling has been carefully considered in terms of scale, form, and layout, in accordance with Policies 12 and 23 of the Cornwall Local Plan. It reflects the existing development at the western end of the Penhale View development.
- 4.4 The 'triangle' to the west of the Site is outside of the Application Site and will therefore remain as scrubland, this is approximately 30m in length.
- 4.5 The existing boundaries of the Site (currently timber fencing) will be improved, with the plans detailing a new Cornish hedge with planting on top.
- 4.6 No new access is required.

5 SAC Contribution

- 5.0 The Application Site falls within the Penhale Dunes Special Area of Conservation (SAC) which will be addressed by an SAC contribution.

6 The Cornwall Local Plan – Policies

- 6.1 The Proposed Development is considered to be supported by the following policies in the Cornwall Local Plan ("the CLP"):
 - 6.1.1 **Policy 1:** (Presumption in favour of sustainable development) and Policy 2 (Spatial Strategy): The achievement of all indicators for policies in the whole CLP collectively contribute to the delivery of Policy 1 and Policy 2.

- 6.1.2 **Policy 3:** The Appeal Decision confirms that the Inspector was satisfied that Policy 3 supports the proposal.
- 6.1.3 The Inspector comments at Para 20 of the Appeal that the proposal would not be seen to significantly intrude into or harm the key landscape characteristics of the surrounding countryside and at Para 20 the Inspector states “*it would not significantly further domesticate the rural edge of the settlement and would not be seen to significantly intrude into or harm the key landscape characteristics of the surrounding countryside*”.
- 6.1.4 The Application Site is an example of rounding off referred to a Para 1.68 of the Local Plan. The Application Site is substantially enclosed with a public highway to the north and a track to the south providing a barrier to further growth and it does not extend into the open countryside.
- 6.1.5 It is also evident from the Inspector’s comments at Para 22 of the Appeal decision that the proposal was acceptable rounding and would comply with Policies 1 and 3 which has been considered and deemed acceptable by the Inspector.
- 6.1.6 The PPG quotes “*persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable*” as an example of unreasonable behaviour by LPAs.
- 6.1.7 **Policy 8:** Which supports meeting affordable housing need. In the Appeal Decision the Inspector considered that the proposal did not provide an appropriate affordable housing provision. This application specifically addresses Policy 8 by making a payment in lieu of affordable housing via a section 106 Agreement, as recommended by the Affordable Housing Team’s consultation dated 24 April 2023.
- 6.1.8 **Policy 21:** The proposal makes the most effective use of land.

7 National Planning Policy Framework 2023

- 7.1 The Proposed Development is also considered to be supported by the National Planning Policy Framework (“**the NPPF**”):
- 7.1.1 “83. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. *Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby*”
- 7.1.2 “84. *Planning policies and decisions should avoid the development of isolated homes in the countryside*”.
- 7.2 The proposed development aims to make effective use of the available land to ensure that sustainable development is pursued in a positive way which aligns with both its surrounding land use and the Local Plan’s identification of housing need.

- 7.3 The proposal would not have a negative effect on natural or historic environmental assets and would sit well within the existing landscape.
- 7.4 As the Planning Application is for a single affordable dwelling, the development proposed would be appropriate in scale, character and location.

8 Conclusion

- 8.1 The Proposed Development is supported by the development plan (CLP) and the NPPF.
- 8.2 The proposal contributes to Affordable Housing as an extension to a previous Rural Exception Site. The proposal is a Policy 3 site subject to the Policy 8 requirement to contribute to Affordable Housing as set out in the Appeal Decision Notice.
- 8.3 The western corner of the site will remain as undeveloped scrubland and act as a buffer for those entering Cubert from Holywell, together with landscaping on the site.
- 8.4 The mitigation to be offered by the Applicant is appropriate for the LPA to consent to the development following an appropriate assessment of its impacts on the SACs. As such, the Proposed Development does not fall within the definition of “habitats development” in the PIP Order.
- 8.5 The Application should be granted subject to the prior completion of a s.106 agreement securing the Affordable Housing Contribution.
- 8.6 The Application should be supported and Planning Permission granted.

Stephens Scown LLP
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