
Appeal Decision

Hearing held and site visit made on 9 May 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 17 July 2017

Appeal Ref: APP/D0840/W/16/3161204

Land south of Cleavelands, Cleaveland, Wadebridge, Cornwall

- 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 Redrow Homes against the decision of Cornwall Council.
 - The application Ref PA16/02955, dated 4 April 2016, was refused by notice dated 25 August 2016.
 - The development proposed is a one form entry primary school, residential development of up to 190 dwellings, with public open space, landscaping, associated infrastructure, demolition of buildings and vehicular access from The Culvery and Meadowhead, with all matters reserved except access.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The development proposed is in outline with matters of appearance, landscaping, layout and scale reserved (the 'reserved matters'). As such, other than in relation to access which is not reserved, the supporting plans are illustrative.
3. The description of development given in the original application form differs from that in the Council's decision notice. This results from an amended approach to access at application stage; the current scheme does not include vehicular access directly with Trevanion Road as was originally proposed. The address in the banner heading above is also that given within the Council's decision notice as this is more precise than 'land off Trevanion Road' as was stated in the application form.
4. I understand that amendments to access arrangements were suitably publicised.¹ The appellants have clarified that I should only consider the latest iterations of the associated technical highways plans,² earlier versions representing a process of dialogue with the Council. I have therefore

¹ In accordance with the relevant provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

² Plans P369-ACM-XX-XX-DR-CE-00002 REV. E, and P369-ACM-XX-XX-DR-CE-00001 REV. F.

determined this appeal on the basis of the scheme before the Council at the time that they reached a decision.³

5. In refusing permission the Council stated that the proposal would conflict with formerly saved policies DVS4 and DVS5 of the North Cornwall District Local Plan adopted originally in April 1999 (the 'former plan'). However these policies are no longer part of the development plan, having been superseded by those of the Cornwall Local Plan Strategic Policies 2010-2030 adopted on 22 November 2016 (the 'Local Plan').
6. Nevertheless policies of the Local Plan, then emerging, were cited in the Council's decision notice and all parties have had appropriate opportunity to comment on them at appeal. Consequently I have determined the appeal in accordance with the recently-adopted Local Plan unless material considerations indicate otherwise. I will subsequently address whether or not the Council are presently able to demonstrate a five year land supply of deliverable sites relative to needs, and the weight that can be accorded to the emerging Egloshayle, St. Breock and Wadebridge neighbourhood plan (the 'emerging NP').
7. A signed, albeit undated, unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 as amended was presented by the appellants at the hearing. This included obligations related to affordable housing, open space provision and education infrastructure. The main parties were not in agreement at the hearing as to the detail of Annex 2 thereof which relates to affordable housing provision.⁴
8. Given the minor technical nature of this issue I requested that a finalised undertaking be provided. A signed unilateral undertaking dated 12 May 2017 is now before me (the 'undertaking'). Annex 2 is unchanged from the version presented at the hearing, and the Council have confirmed that they do not object to it.
9. Moreover, other than in respect of Annex 2, the Council explained during the hearing that in their view the obligations contained within the undertaking related to affordable housing, open space provision and education infrastructure, were compliant with relevant Local Plan policies and associated Council documents.⁵ There is no dispute between the main parties that in relation to these matters the undertaking would be compliant with relevant statutory tests and policy requirements and would practically give effect to the obligations proposed.⁶ The Council therefore no longer maintain the second reason for refusal given within their decision notice.
10. There was concern aired by nearby residents during the hearing as to whether the education contributions proposed via the undertaking would suitably meet demands in Wadebridge. Nonetheless the Council confirmed that that this

³ Plans 100/001, 100/02A, 100/003A, 100/06A, P536-ACM-XX-XX-Dr-CE-00004 REV. P2, and those listed in footnote 3 above. As points of clarification approximately 30 per cent of the dwellings proposed would be affordable housing, and the proposal entails the offer of land to the Council for the provision of the school.

⁴ With reference to hearing document 7 as set out in the second appendix to this decision.

⁵ I.e. those set out in the Council's second reason for refusal within their decision notice.

⁶ With reference to paragraph 204 of the National Planning Policy Framework and Regulations 122 and 123 of the Community Infrastructure Regulations 2010 as amended.

contribution is compliant with policy 28 'Infrastructure' of the Local Plan. There is furthermore no robust evidence before me to arrive at a different position than that of the main parties in respect of the suitability of affordable housing, open space provision and education infrastructure obligations proposed.

Main issues

11. Given the context as set out the main issues in this appeal are:

- 1) whether or not the Council are able to demonstrate a five year land supply of deliverable housing sites,
- 2) the effect of the appeal decision on the emerging Egloshayle, St. Breock and Wadebridge neighbourhood plan (the 'emerging NP'),
- 3) the effect of the proposal on the use of best and most versatile agricultural land, and
- 4) the effect of the proposal on the efficient operation of the surrounding highway network.

Reasons

12. The appeal site comprises agricultural fields amounting to approximately 7.98 hectares. It also includes the derelict property Park Villa which is proposed for demolition. With slightly changeable topography the appeal site is, in the main, bounded by traditional hedgerows.
13. Visually the northern boundary of the appeal site defines the extent of the built form of Wadebridge, although there are some dwellings scattered throughout the wider landscape. The northern boundary represented the limit of the Wadebridge settlement boundary here established via policy HSG1 of the former plan.
14. Residential development to the north around Cleavelands and The Culvery is characterised by regularly arranged understated dwellings of relatively modern appearance. To the east is a wooded corridor of land which was formerly designated as an Open Area of Local Significance. Towards the south and west of the appeal site the landscape is predominantly characterised by agricultural fields demarcated by traditional hedgerows.
15. To the west the appeal site abuts Trevanion Road. Vehicular access to and from the appeal site to Trevanion Road would be exclusively via The Culvery. Vehicular access to the site would also be via Trevanion Park and Meadowhead. Pedestrian links would be created with Cleavewell and Valley View, as would a new dedicated footway part way along Trevanion Road.

Policy background

16. Policy 2a 'Key targets' of the Local Plan set a minimum housing target for Cornwall over the plan period of 52,500 homes which equates to 2,625 annually. Policy 3 'Role and function of places' of the Local Plan then guides

this development towards a hierarchy of locations, explaining that delivery will be managed through a site allocations development plan document or neighbourhood plans.

17. The Council's emerging Site Allocations Development Plan Document does not allocate land for housing in Wadebridge, instead deferring such considerations to the emerging NP. There is a reference to 'Land of Trevanion Road' (sic) in the Council's Strategic Housing Land Availability Assessment dated January 2016, however this document does not form part of the development plan.
18. The emerging NP was consulted upon in early 2017. I understand, however, that this was not formal pre-submission consultation.⁷ Policy SD01 of the emerging NP seeks to guide development towards appropriate locations as illustrated on inset map C1, though does not identify specific sites. The appeal site is not within the built up area boundary proposed via inset map C1, nor identified as a 'proposed growth area' or 'direction of growth'.
19. There are two further maps before me which I understand have informed the emerging NP to date, one dated 11 September 2014 (the '2014 parishes map') and another dated 27 April 2015 (the '2015 parishes map'). On the 2014 parishes map the appeal site is identified as 'land considered for possible new housing'. On the 2015 parishes map the appeal site appears to be identified as unsuitable for housing.⁸
20. Consequently there is no indication within the former plan, Local Plan or emerging NP that the appeal site is part of the existing built form of Wadebridge or by consequence that development here is supported in principle. As established above, in terms of character, the appeal site is clearly part of the rural environs of the town.

Five year housing land supply

21. Paragraph 47 of the National Planning Policy Framework (the 'Framework') sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. An additional buffer of 5 per cent or 20 per cent moved forward from later in the plan period should be applied. In this context the Council's demonstrable five year land supply of deliverable sites is hereafter referred to as '5YLS'. Where '5YLS target' is instead used this refers to the calculation in the abstract of what the 5YLS should be, rather than to the supply of sites that can be demonstrated.
22. Paragraph 49 of the Framework establishes that 'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'. Paragraph 14 of the Framework explains the operation of the presumption in favour of sustainable development, including its application where relevant development plan policies are out-of-date.

⁷ Pursuant to Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 as amended.

⁸ Although there is an annotation explaining that the appeal site may represent a 'possible site of primary school'.

23. As set out above policy 2a 'Key targets' of the Local Plan sets a minimum housing delivery target for Cornwall over the plan period of 52,500. This equates to 2,625 annually. The table supporting policy 2a specifies that 1,100 homes of the overall target are intended to be provided in Wadebridge. This equates to 55 annually. Housing land supply and delivery in Wadebridge are therefore components of the Council's overall position, there is no requirement that a 5YLS is demonstrated in Wadebridge specifically.
24. The housing target in the Local Plan is expressed as a minimum. Similarly the Framework seeks to boost significantly the supply of housing and does not specifically prevent development even where this would exceed the quantum planned for locally.⁹ Therefore whether or not the Council are able to demonstrate a 5YLS affects the approach that should be taken in reaching a judgement on the benefits of the proposal relative to any harm that would result, it is not in itself determinative.
25. There is no dispute between the main parties regarding certain elements of the methodology by which a 5YLS target should be calculated. The starting point should be the annual housing delivery target of 2,625 to which should be added the accrued undersupply in housing delivery relative to this target since 2010 (being the start of the plan period).¹⁰ I agree that this is a suitable initial approach.
26. There are two principal Council documents before me in this context: 'Cornwall 5 Year Supply Housing Statement' dated September 2016 (the '2016 housing statement') and 'Five Year Supply Housing Statement Provisional Results' dated April 2017 (the '2017 housing statement'). The agreed statement of common ground between the main parties, dated 8 May 2017, takes account of the 2017 housing statement, and is publicly accessible on the Council's website.
27. Paragraph 2.6 of the 2016 housing statement explains that at that juncture accrued undersupply since 2010 stood at 1,759 dwellings. Whilst provisional, paragraph 2 of the 2017 housing statement indicates that on account of improved build-out rates, undersupply in Cornwall since 2010 now stands at 1,335 dwellings. The appellants do not dispute the Council's position in respect of undersupply set out in the 2017 housing statement, nor that this results in a 5YLS target of 14,460 dwellings (with no buffer applied).
28. The appellants have expressed unspecified reservations about discounting 235 unlawful dwellings where the Council has determined not to take enforcement action from the 14,460 figure.¹¹ However there is no robust evidence before me to indicate that an alternative position should be taken. Accordingly, I accept that, excluding any buffer, the 5YLS target for Cornwall stands at 14,225 homes.

⁹ This is essentially consistent with the approach in this regard taken in planning appeals Ref APP/D0840/A/13/2209757, APP/C2435/A/14/2228806 and APP/X1735/A/13/2192777 which the appellant has brought to my attention (whilst the particular circumstances in those case vary from those in this appeal).

¹⁰ With accrued shortfall being addressed within 5 years, the 'Sedgefield' approach, as opposed to spread over the plan period, as is consistent with the approach in Guidance Reference ID: 3-035-20140306.

¹¹ At paragraph 6.18 of the agreed statement of common ground.

29. Whether a 5 per cent or 20 per cent additional buffer should be applied to this 14,225 figure is dependent on establishing whether there has been a 'record of persistent under delivery of housing' with reference to paragraph 47 of the Framework. 'Persistent' is subject to no more specific definition in the Framework, its ordinary meaning is synonymous with continuing or recurring. The appellants' explain that in their view 'under delivery in approximately two thirds of those [studied] years would be considered persistent under delivery',¹² which appears to be a reasonable approach.
30. Table 2 of the Council's statement of case shows annual net completions of dwellings in Cornwall since 2001. This has now been supplemented by table 1 of the 2017 housing statement. Based on these figures, which are not disputed by the appellants, between 2010/11 and 2016/17 the Local Plan target of 2,625 dwellings annually has been exceeded in only 2 of 7 years (notwithstanding that in a further 2 years, 2011/12 and 2015/16, housing delivery was less than 10 per cent lower than the target).
31. However in my view looking back over a 7 year period in this instance is too limited a timescale. There is significant variance in the figures over the last 7 years. The provisional figure for 2016/17 of 3049 dwellings exceeds any other year since 2010/11, and that of 2013/14 by over 1000 dwellings. Having been adopted on 22 November 2016 the Local Plan has yet had only limited opportunity to influence housing delivery.¹³
32. Whilst I appreciate that a number of different district local plans existed before Cornwall Council became a unitary authority in 2009, nevertheless the Cornwall Structure Plan 1997 and Cornwall Structure Plan 2004 were previously part of the development plan, the latter until 20 May 2013.¹⁴ The former set a County-wide delivery target of 2,275 homes a year, and the latter 1,975.
33. Although Structure Plan targets were established in a different demographic and policy context than that of the Local Plan, and the Council acknowledge that the weight accorded to them diminished from October 2011 onwards in particular,¹⁵ they were nonetheless part of the development plan and would have had some influence in decision taking until May 2013. If the housing completions in years 2010/11, 2011/12 and 2012/13 are considered against the Structure Plan target, housing delivery would have exceeded the development plan target in all these years.
34. Furthermore paragraph 47 of the Framework states that local planning authorities should look, where possible, to plan for housing delivery up to 15 years hence, indicating that a longer term perspective to planning for housing should generally be taken. The Planning Practice Guidance (the 'Guidance') also explains that 'the assessment of a local delivery record is likely to be

¹² At paragraph 7.39 of their appeal statement.

¹³ I would note the version of the Local Plan submitted for examination in February 2015 contained a lower overall housing target of 47,500 dwellings or 2,300 a year.

¹⁴ The structure plan ceased to be part of the development plan formally on 20 May 2013 by virtue of Article 3 of the Regional Strategy for the South West (Revocation) Order 2013.

¹⁵ Following appeal Ref APP/D0840/A/10/2130022.

more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market'.¹⁶

35. I note in this context the judgement handed down on 27 November 2013 in *Cotswold District Council v Secretary of State for Communities and Local Government & Anor* which has been brought to my attention by the appellants (the 'Cotswold judgement').¹⁷ This judgement found the relevant decision of the Secretary of State to be appropriate where a record of persistent under delivery was considered looking back over a period of five years.
36. However the Cotswold judgement also explained that the proper interpretation of paragraph 47 of the Framework is a matter of planning judgement, and highlighted the importance of considering more than a 'short lived fluctuation' in housing delivery.¹⁸ In the light of the significant variance in recent housing delivery in Cornwall, the legacy of former Structure Plan targets, and the relatively recent adoption and influence of the Local Plan, I am not satisfied that a 7 year retrospective period in this instance is sufficiently representative of continuing or recurring trends.
37. I have also had regard to linked appeals Ref APP/R0660/A/13/2197532 and APP/R0660/A/13/2197529 in Cheshire East Council's administrative area, which the appellants have brought to my attention. Notwithstanding that both Cornwall Council and Cheshire East Council became unitary authorities in 2009, there are significant differences in housing supply matters engaged in those appeals compared to this case. In paragraph 2.18 of the inspector's report in respect of the Cheshire East appeals, the inspector explained that 'there has been a shortfall which has persisted for 5 years and persists today' and that 'with regard to the provision of HLS (housing land supply), Cheshire East Council is not currently on good form'.
38. With reference to the evidence before me in this appeal, in 2 of the last 5 years the Local Plan housing target has been exceeded rather than undersupply persisting year-on-year throughout this period. Moreover at the time of the Cheshire East appeals the development plan there consisted of saved policies originally adopted in 2005 as opposed to a Local Plan adopted within the last year, as is the case here.
39. Returning to table 2 in the Council's statement of case and with reference to the 2017 housing statement, in 5 of the last 10 years the housing target that applied at that time was met.¹⁹ Taking a 15 year view back to completions for 2002/3, in 9 years the housing target that applied was achieved. Therefore when considered over either a 10 year or 15 year period, either of which in this instance is less liable to short term distortion than a 7 year period for the reasons given above, under-delivery cannot in my view reasonably be described as persistent. Accordingly a 5 per cent buffer should be applied, which therefore amounts to a 5YLS target of 14,936 homes.
40. In respect of the 5YLS itself as opposed to the target, the appellants contend that the Council's methodology of establishing a future trajectory of

¹⁶ Reference ID: 3-035-201040306.

¹⁷ EWHC 3719 (Admin).

¹⁸ With reference to paragraph 47 of the judgement in particular.

¹⁹ With the housing target in the Local Plan applied since year 2010/11.

deliverable sites should take account of the time taken between applying for permission and securing consent. Within appendix 2 to the appellants' appeal statement there is a study of the time taken for the determination of housing applications of between 50 and 99 units. On this basis the appellants indicate that an amended future trajectory of deliverable sites which discounts 1,488 homes from the Council's stated figures is representative of the true situation in terms of delivery.

41. However as set out in paragraph 7.28 of the appellants' statement of case a significant proportion of housing delivery in Cornwall comes from sites with a potential housing yield of fewer than 50 dwellings (in respect of which there is little evidence before me of lead-in times for securing consent). Moreover the Council confirmed during the hearing based on the 2017 housing statement that 96.7 per cent of their 5YLS currently comprises sites with planning permission (whether outline or full).²⁰ This was not disputed by the appellants.
42. I am therefore not satisfied that the evidence presented by the appellants is sufficiently robust to discount 1,488 homes from the 5YLS which the Council contends can be demonstrated. In any event, paragraph 6.25 of the agreed statement of common ground between the main parties establishes that, even were this discount to be applied, the Council could demonstrate a 5YLS of 16,674 homes. A 5YLS of 16,674 significantly exceeds the required 5YLS target with a 5 per cent buffer of 14,936.
43. Turning to housing delivery in Wadebridge specifically, it is common ground that since the start of the plan period there has been an aggregate shortfall in housing delivery of 173 homes relative to an annual housing target of 55 homes. This forms part of the overall undersupply of homes in Cornwall of 1,335 as identified above. Accordingly it is common ground between the main parties that in order to meet the 1,100 target for Wadebridge that a minimum of a further 536 homes will be needed over the plan period.
44. Within the agreed statement of common ground the appellants indicate that the minimum shortfall over the plan period for Wadebridge should be increased by 112 dwellings to take account of two permissions which are close to lapsing: application Ref PA12/08595 for 37 flats due to expire on 27 June 2017, and application Ref PA14/01844 for 75 care home units due to expire on 24 June 2017.
45. At the hearing the Council confirmed that an application to renew application Ref PA14/01844 has been submitted, without commenting on the potential outcome thereof. Notwithstanding the comments from local residents that works on site had commenced in respect of application Ref PA12/08595, the Council were not able to confirm whether this was the case. Were these two proposals not to be implemented, the remaining housing delivery requirement in Wadebridge over the plan period would increase to 648.²¹

²⁰ Therefore the situation here is materially different to that in appeal Ref APP/P0240/A/14/2228154, which the appellants have brought to my attention. In that decision the inspector explained that the Council's 5YLS was to some extent reliant upon two strategic sites in particular which did not at that juncture have consent.

²¹ Broadly consistent with the 660 figure quoted in paragraph 7.11 of the appellants' statement of case.

46. However I would note in respect of this main issue that even if both developments in Wadebridge cited above did not deliver, this would not undermine the Council's ability to demonstrate a 5YLS. For the above reasons I therefore conclude that the Council are presently able to demonstrate a 5YLS. Accordingly, and with reference to the approach in the Framework, relevant policies for the supply of housing are not to be considered as out-of-date.²²

Effect in respect of the emerging NP

47. The Planning Practice Guidance (the 'Guidance') explains the circumstances that may justify refusal of planning permission on the grounds of prematurity:²³

'Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantive, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a neighbourhood plan, before the end of the local planning authority publicity period'.

48. As set out above, dependent upon the delivery of two consents in Wadebridge an approximate remainder of between 536 and 648 homes are required to meet the Local Plan target for Wadebridge to 2030. Allowing this appeal would significantly reduce this remainder, constraining the ability of the emerging NP to set an approach to the distribution of housing (irrespective of what this approach turns out to be).
49. Paragraph 17 of the Framework sets out that planning should be 'genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans...'. The Planning Practice Guidance (the 'Guidance') further guides as to principles that should be considered in attributing weight to emerging neighbourhood plans.²⁴
50. The current iteration of the emerging NP consulted upon in early 2017 was in draft rather than a formal pre-submission consultation. Whilst I understand

²² My approach here is consistent with, although arrived independently of, the approach taken by inspectors in appeals Ref APP/D0840/W/16/3150324, APP/D0840/W/15/3153632 and APP/D0840/W/16/3148401 which have been brought to my attention by the Council.

²³ Reference ID: 21b-014-20140306. I have had also regard to the judgment handed down on 19 May 2016 in South Oxfordshire District Council v Secretary of State for Communities and Local Government & Anor EWHC 1173 (Admin) brought to my attention by the appellants in this context.

²⁴ Reference ID: 41-007-20140306.

from representations made at appeal that it is the intention of those developing the emerging NP to move swiftly towards a pre-submission version, there is no clear indication before me of the processes or timescales that would be involved in so doing.

51. Two documents were presented during the hearing related to the development of the emerging NP, both of which I accepted and gave the main parties opportunity to review. One is entitled 'Objective (Technical) Review of Land Supply for Housing and Employment' (the 'emerging NP supply review'). The other is a document setting out comments received in response to consultation on the emerging NP (the 'emerging NP consultation summary').
52. The overall housing target set via policy SD01 of emerging NP is broadly consistent with relevant elements of the Local Plan. Indeed the emerging NP supply review has assessed sites which collectively have the potential to substantially exceed the minimum target of 1,100 dwellings over the plan period in Wadebridge. Therefore the emerging NP is in headline terms broadly consistent with the general approach in the Local Plan and Framework.
53. However the emerging NP consultation summary shows that whilst there is some support for the approach set via policy SD01 and map C1 of the emerging NP, there are also a number of alternative views as to how and where development should proceed. Whilst development plan documents are rarely uncontested, this indicates that there is some degree of unresolved objection to the approach in the emerging NP.²⁵ Accordingly, given its current early stage of preparation and given that there are unresolved objections to the spatial approach that it proposes, the neighbourhood plan carries very limited weight in this decision.
54. Therefore although allowing the appeal would constrain the ability of the emerging NP to set a spatial approach to development, on account of its current stage of development and the weight that can be accorded to it, I conclude that refusal of permission on grounds of prematurity is not justified with reference to the approach in the Guidance.

Best and most versatile agricultural land

55. The appellants' Agricultural Appraisal, which is not disputed by the Council, identifies that approximately 6.37 hectares of the appeal site represents grade 3a agricultural land, one of the categories of best and most versatile agricultural land ('BMV') as defined in the glossary to the Framework.
56. Criterion 1.b. of policy 2 'Spatial Strategy' of the Local Plan sets out that consideration should be given to the impact of development on Cornwall's wealth of natural resources and agricultural value. Similarly paragraph 112 of the Framework sets out that account should be taken of the economic and other benefits of the best and most versatile agricultural land.

²⁵ I would note that the suitability of the appeal site in particular, as referred to in the emerging NP supply review under reference 022 as 'access along Trevanion Road not considered suitable for development if unimproved', is relevant to the fourth main issue in this appeal.

57. In this context the appellant has brought appeal Ref APP/P1615/W/15/3005408 to my attention in which, briefly summarised, the Secretary of State took the approach that the loss of agricultural land should be balanced against the need for development in reaching an overall conclusion. I have no reason to diverge from this approach.
58. However all land surrounding Wadebridge is, nominally, grade 3a.²⁶ Accordingly in order to meet the housing target set by policy 2a of the Local Plan the Council accept that some release will be necessary. Whilst certain areas indicated as potentially suitable for future growth in map C1 of the emerging NP or the 2015 parishes plan include some previously developed land, many are also agricultural land.²⁷
59. Moreover the Agricultural Appraisal sets out that the level of loss that would be incurred here represents approximately 0.011 per cent of grade 3a or higher land within the former District of North Devon, and therefore a significantly smaller proportion of such land in Cornwall as a whole. I would furthermore note that the Agricultural Appraisal explains that appeal site represents a small element of the wider agricultural holding of which it is a component part. Consequently the adverse effects of the loss of BMV land that would result from the proposal carry very limited weight.

Highway network

Junctions of The Culvery and Trevanion Park with Trevanion Road

60. I declined the Council's suggestion that I undertake measurements of the visibility splays at junctions with Trevanion Road during my site visit. Nevertheless I noted all comments made to me during the hearing and from written submissions as to the matters that I consider during my site visit. I spent some time following the close of the hearing at the appeal site at approximately 1750 observing the surrounding highway network.²⁸
61. The appellants forecast, and the Council does not dispute, that 108 two way trips would arise in the morning peak period and 116 in the afternoon peak along Trevanion Road. Access to Trevanion Road would be via The Culvery (both directions) and Trevanion Park (entrance to the appeal site only).²⁹
62. Trevanion Road has a moderate incline from north to south. I will consider the nature of Trevanion Road in greater detail subsequently, however here I would note that it is winding, comparatively narrow, and that the junction with The Culvery is an angled turn of Trevanion Road. In this location the speed limit is 30 miles per hour.
63. Representations from many nearby residents indicate that drivers frequently exceed the speed limit in this location. I have had particular regard to the transport study produced by Wadebridge Town Council (the 'WTC study') in

²⁶ As set out in the Agricultural Appraisal.

²⁷ As confirmed in the course of the hearing, and as I observed, notwithstanding the absence of precise figures in this respect.

²⁸ Including along those routes identified within figure 1.2 of the agreed highways statement of common ground and along the carriageways Treneague Park, Two Trees and Glen Road.

²⁹ At paragraph 5.3.1. of the appellants' transport statement of case.

this context. However the Council and appellants confirmed that there was only anecdotal evidence of observed vehicle speeds in this location.

64. During my site visit it appeared that most drivers at that time drove at a speed commensurate with the nature of the road. Whilst I acknowledge that this is a snapshot of road conditions, in my view the winding narrow nature of Trevanion Road would mean that many drivers instinctively take a precautionary approach to driving in this location and accordingly moderate their speed somewhat.
65. Section 7.5 of the Government's Manual for Streets ('MfS') deals in particular with the calculation of stopping sight distances ('SSD'), being the forward visibility needed in order for drivers to come safely to a stop from a given speed. Table 7.1 of MfS indicates that, adjusted for bonnet length, the SSD for vehicles travelling at 30 miles per hour is 43 metres.
66. The Council explain that the visibility at the junction of The Culvery and Trevanion Road is at 'the cusp of acceptability' with regard to SSD visibility.³⁰ There is no robust evidence of street geometry to lead me to a different assessment. Furthermore the appellants indicate that it would be possible to move the give way line here forward slightly and to introduce improved signage in advance of The Culvery junction. These measures, which could in my view be secured via suitably-worded condition, would mitigate potential safety implications arising here.
67. Visibility northwards when exiting from Trevanion Park into Trevanion Road is presently approximately 11.95 metres, substantially below the recommended SSD in MfS.³¹ However the proposal includes a redesign of this junction to improve visibility.³² Moreover given the indicative one-way system proposed, the proposal would not result in a material increase in the number of vehicles exiting from Trevanion Park onto Trevanion Road.³³
68. Whilst I have taken account of all representations made, there is no suggestion from the WTC study or other assessments that traffic along Trevanion Road or via the junctions with The Culvery and Trevanion Park is infrequent. Whilst the visibility at the junctions of The Culvery and Trevanion Park junctions may be at the cusp of levels recommended in MfS presently, or as a result of the redesign of junctions proposed, the Government's Manual for Streets 2 indicates that 'unless there is local evidence to the contrary a reduction in visibility below recommended levels will not necessarily lead to a significant problem'.
69. Although I accept that minor collisions or near misses may go unreported, the Council have explained that there are no formal recorded collisions around the junctions of Trevanion Road with The Culvery or Trevanion Park over the last 12 years. I therefore conclude that the increased intensity of vehicular use of these junctions that would result from the development proposed would not entail unacceptable effects.

³⁰ In paragraph 5.27 of their appeal statement

³¹ As set out in the Council's transport technical note.

³² As shown on plan P369-ACM-XX-XX-DR-CE-00001 REV. F

³³ As shown on plans 100/002A and P536-ACM-XX-XX-DR-CE-00004 REV. P2.

Use of Trevanion Road

70. As noted above Trevanion Road is relatively narrow on account of its historic origins and boundary features, typically stone walls, which are in multiple private ownerships. I understand that a section of Trevanion Road is known locally as 'the narrows'. Dedicated footways are absent for some distance northwards of Trevanion Park.
71. I would also note that the functional space available to vehicles along Trevanion Road is limited by the presence of on-street parking, such that in a number of locations only one vehicle may pass at a time. I appreciate that vehicle manoeuvring along Trevanion Road is therefore on occasion challenging, particularly where larger vehicles are involved (which local residents have explained is not uncommon). I further note that the WTC study shows that Trevanion Road is regularly used by pedestrians.³⁴
72. There are other pedestrian routes of similar length that may be taken from the appeal site to the centre of Wadebridge other than along Trevanion Road.³⁵ However, these routes appeared to me to be more circuitous as most involve proceeding for some distance in a different direction other than directly towards the town centre. The proposal would therefore result in some additional pedestrian use of Trevanion Road, which does not appear to be disputed by the appellant (notwithstanding the intensity of this additional use).
73. The proposal includes the provision of a dedicated footway which would run part way along Trevanion Road. This is intended to improve pedestrian safety by providing a defensible space from vehicular traffic, and effectively formalises a stretch of Trevanion Road as single carriageway by introducing a pavement in place of parked cars.
74. Whilst I accept that this would create some dedicated space for pedestrians, the provision of the footway would reduce the functional space available to vehicles along Trevanion Road as cars are not permanently parked on-street in this location. It would likely also lead to increased pressure for on-street parking elsewhere around the highway network given that many properties do not benefit from off-street provision. This may be less convenient for the occupants of nearby residences and lead to some restriction to the free flow of traffic elsewhere given that many surrounding carriageways are also relatively narrow.
75. Moreover given the existing intensity of pedestrian use of Trevanion Road, as shown in the WTC study in particular, and the absence of recorded collisions in this location, the benefits of the footway proposed for pedestrians would be limited. As there would be negative consequences of this element of the proposal described above, on balance the footway proposed is essentially neutral in considering the merits of the proposal as a whole.

³⁴ 189 pedestrian movements were observed during the WTC study period.

³⁵ As shown in the agreed transport statement of case.

The junction of Molesworth Street, Eddystone Road and The Platt

76. The Ratio of Flow to Capacity ('RFC') of a junction represents the level of vehicular use thereof relative to maximum design capacity: a ratio of 0 would indicate that no vehicles are present, a ratio of 1 that the junction is at full capacity. The main parties agreed during the hearing that an RFC of 0.85 or lower is desirable,³⁶ notwithstanding that the Wadebridge Transport Strategy dated February 2016 (the 'WTS') sets out that an RFC lower than 0.9 is generally accepted as representing a junction operating within capacity.³⁷
77. The WTS, whilst not part of the development plan, is stated to have been prepared with regard to the Local Plan, national policy and the emerging NP. Its aim is to forecast transport growth and to improve the transport environment. The WTS identifies that at present the highest RFC at the junction of Molesworth Street, Eddystone Road and The Platt (hereafter referred to simply as 'the junction') is along the Eddystone Road arm in the afternoon peak period and presently stands at 0.81 (subsequent references to 'RFC1' are to this arm of the junction in the afternoon peak period).³⁸
78. RFC1 at 0.81 is the second highest RFC at any junction of Wadebridge assessed via the WTS. Based on various proposals for development amounting to 1,860 dwellings, including the proposal to which this appeal relates, the WTS predicts that RFC1 will rise to 0.90 in 2030, or by 0.09. I note WTS future predictions do not take account of any general increase in vehicular movements above that related to the various planning applications considered. It seems that this potential under-representation of future trends in part off-set by the 1,860 dwellings studies exceeding the target of 1,100 set via the Local Plan.
79. The appellants do not dispute the 0.81 RFC1 figure. However the appellants' Transport Assessment uses a different methodology for forecasting the future operation of the junction, substituting the predicted effect of developments around Wadebridge for the uplift represented in the Government's National Trip End Model forecasts ('TEMPRO').³⁹ Discounting the effect of the development proposed, the appellant forecasts a baseline increase in RFC1 from 0.81 presently to 0.94 in 2020, or by 0.13.
80. Paragraph 2.2.1 of the appellant's transport appeal statement identifies that when all elements of the development proposed are fully operational in 2020 an additional 172 two-way vehicular movements during the morning peak period and 133 during the afternoon peak would result.⁴⁰ Accounting for some dispersal of these vehicular movements around the highway network, the appellants forecast that the development would result in RFC1 rising to 1.02. Therefore the appellant predicts that the effect of the development proposed would be to increase RFC1 from 0.94 to 1.02, or by 0.08. This change is

³⁶ As is typically set by industry standard transport modelling software such as ARCADY.

³⁷ At paragraph 4.6.2

³⁸ At paragraph 4.6.3.

³⁹ Explained in paragraph 3.6 of the agreed transport statement of common ground, which the Council accept as a valid methodology.

⁴⁰ Which in turn draws from a Transport Assessment and Technical Note

significant as it results in the junction operating in excess of its maximum design capacity directly as a result of the development proposed.⁴¹

81. I accept that the appellants' transport modelling has not incorporated several factors which would moderate traffic generation, including that no account has been taken of the typically lower trip generation arising from affordable housing compared to open market dwellings, the effect of travel plans, phasing of delivery, or that a school in this location may reduce vehicular trips to schools elsewhere. Nevertheless there is no robust evidence before me quantifying the effect of such factors.
82. I would note that the WTS and appellants' traffic studies are based on 'neutral months', i.e. outside school holidays. The WTS states that tourism is a significant component of the local economy and, in summer months, vehicular movements in Wadebridge can increase by about 24 per cent as a result.⁴² I accept that this seasonal fluctuation is substantially greater than the predicted effect of the development proposed directly.
83. However when the uplift in RFC1 forecast as a result of the development proposed is combined with seasonal increases in traffic, this is highly likely to result in the highway network around the centre of Wadebridge becoming very congested, with traffic unable to disperse at peak times. Furthermore the appellant predicts that the additional queue length along Eddystone Road directly attributable to the development proposed would be approximately doubled from 9.7 to 18.7 vehicles.⁴³
84. In order to reach the junction, vehicles travelling from the appeal site would need to do so via The Platt, the principal central route through Wadebridge serving a variety of town centre uses. On account of its historic origins The Platt is a relatively narrow carriageway. Pavements are variable but occasionally of limited width, with the functional space available to pedestrians here constrained by inset loading bays, street furniture and advertising boards.
85. The WTS describes The Platt as a popular destination which is intensively used by vehicles, pedestrians and cyclists. The Platt forms part of the Camel Trail, a cycling route which is Cornwall's second most visited tourist destination.⁴⁴ The WTS further notes, with reference to the characteristics of The Platt identified above, that the paucity of cycle facilities and crossings which accord with pedestrian desire lines on occasion results in conflict between different users of the Platt.
86. The proposal would therefore result in a significant uplift in traffic making use of a constrained part of the highway network which has existing shortcomings in respect of design and safety. I accept that there is no precise correlation between increased delays and propensity for driver risk-taking. However in my view the former is likely to have some effect on the latter as drivers

⁴¹ I would note that this is in contrast to the WTS study in respect of the roundabout junction of Bodieve Road, the B3314 and St Matthews Hill where the highest RFC of any junction studied was identified, i.e. 0.83 along the B3314 arm which is predicted to rise to 1.03 in 2020.

⁴² At paragraph 4.5.1

⁴³ As shown in table 6.7 of the appellants' Transport Assessment.

⁴⁴ As set out in paragraph 5.15 of the Council's statement of case.

become frustrated by lack of progress and seek to undertake manoeuvres, or to drive in a more aggressive manner than they would otherwise be inclined to do. Such behaviour may result in additional potential for conflict between different users of The Platt, particularly during peak tourist season.

87. Policy 27 'Transport and accessibility' of the Local Plan establishes that development should not cause a 'significant adverse' impact on the local or strategic road network that cannot be managed or mitigated. Similarly bullet point 3 of paragraph 32 of the National Planning Policy Framework (the 'Framework') sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'. I would further note that policy TT01 'Impact of Traffic' of the emerging NP sets out that all development must demonstrate how transport impacts will be suitably mitigated.
88. I have set out above that the increased intensity of use that would result from the development proposed of the junctions with The Culvery or Trevanion Park would not in my view lead to unacceptable effects, and that the footway proposed is effectively neutral in respect of the merits of the proposal.
89. However the appellant forecasts that, directly as a result of the development proposed, the junction would operate above its maximum design capacity and the queue length along Eddystone Road at certain times would be almost doubled. A significant proportion of the traffic generated by the development would also make use of The Platt which, as established above, has existing shortcomings. Combined with seasonal traffic and use of the Camel Trail, the proposal would therefore result in a severe adverse effect on the efficient operation of the highway network.
90. The undertaking contains an obligation to pay a sum of £394,039.00 towards implementing the low speed zone proposal ('LSZ') described in the WTS for The Platt. The objectives of the LSZ are to redesign The Platt to reduce conflict between different users and to improve traffic through flow, notwithstanding the representations made by various individuals during the hearing as to whether the LSZ would be effective or not in achieving these objectives.
91. The LSZ is described table 6-1 'issues and opportunities' of the WTS. The precise wording thereof is 'consideration of a 'Low Speed Zone' within the town centre area around Eddystone Road, The Platt and Molesworth Street may help to address a number of these issues through discouraging non-essential town centre traffic, and creating a safer and more welcoming environment for pedestrians and cyclists'. The various component parts of the LSZ are described in table 7-1 of the WTS and costed at £900,000 in total.
92. I accept that the obligation proposed by the appellant in this respect has been offered in good faith and represents a substantial proportion of the currently predicted cost of the LSZ. However the use of the words 'consideration' and 'may help' in table 6-1 of the WTS indicate that the LSZ is at a relatively early stage of development. Moreover the LSZ is described in table 7-1 of the WTS as a 'long term' strategy, with no more precise estimation as to its anticipated delivery.

93. There is furthermore no clear quantification of the effects of the LSZ in terms of reducing vehicular movements or consequently of the effect that would result from the obligation proposed by the appellant in this context. Based on the information before me I cannot therefore establish whether the obligation proposed in this respect is necessary to make the development acceptable in planning terms, or moreover that it would practically achieve an improvement in relation to the transport effects of the development proposed.⁴⁵ For the same reasons I cannot secure an agreed scheme via condition.⁴⁶
94. I therefore conclude that the proposal would result in adverse effects in respect of the efficient operation of the nearby highway network that can fairly be described as severe, and which would not be suitably mitigated. Accordingly the proposal conflicts with the relevant provisions of Policy 27 of the Local Plan and with paragraph 32 of the Framework.

Planning balance

95. Pursuant to my finding in respect of 5YLS, it is unnecessary for me to consider whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits with reference to paragraph 14 of the Framework.
96. I have established above that the proposal is not allocated for development via the development plan and, on the balance of the evidence before me, that the Council are able to demonstrate a 5YLS. Allowing the appeal would furthermore constrain the future development of the emerging NP, notwithstanding that this carries very limited weight against the proposal. I have also identified that some harm, albeit very limited, would result from the loss of best and most versatile agricultural land. The proposal would result in a severe adverse effects to the efficient operation of the surrounding highway network.
97. There is a summary table in paragraph 6.51 of the agreed statement of common ground which sets out what the appellant and Council consider to be the principal benefits and adverse effects of the proposal and the weight that each party considers should be applied to each. With reference to this table, the appellant accepts that some limited further harm would arise in relation to the effect of the proposal on the landscape and to the setting of designated heritage assets; with regard to the evidence and representations before me there is nothing to lead me to a different assessment in these respects.⁴⁷
98. However the proposal would also entail a number of benefits and would accord with certain elements of the Local Plan and the Framework. I now turn to the benefits of the proposal relative to the harm that would arise in order to reach a balanced judgement of the merits of the proposal. In doing so I would note, however, that the weight to be accorded to different effects of development is a matter of planning judgement. I would furthermore note that the table in paragraph 6.51 of the agreed statement of common ground belies the intricacies of this judgement: various instances of 'limited weight' in

⁴⁵ With reference to paragraph 204 of the Framework.

⁴⁶ Such a condition would be imprecise and unreasonable with reference to paragraph 206 of the Framework and with regard to Guidance Reference ID: 21a-009-20140306.

⁴⁷ Including the appellants' Landscape and Visual Impact Assessment and Heritage Impact Assessment.

respect of certain matters do not necessarily equate to 'significant weight' in respect of others.

99. Whilst the proposal would be beneficial in terms of boosting housing delivery in Cornwall, I have established above that this development is not necessary to meet or indeed to exceed the minimum housing targets set via the Local Plan. The proposal would also provide social and economic benefits including construction work and resulting from the use of nearby services and facilities by future occupiers.⁴⁸
100. In this context I acknowledge, as set out above, that there is some distance to go to meet the Local Plan housing target for Wadebridge specifically, and indeed that there is a demonstrable level of need for affordable housing here.⁴⁹ However 190 homes represents a fraction of the Council's demonstrable 5YLS, and an even smaller fraction of the overall housing target over the plan period. This tempers the benefits of the proposal in these regards. Moreover the support given to boosting housing supply within the Framework is not at the expense of provision through the plan-led system.
101. I acknowledge that existing schools in Wadebridge are nearing or at capacity, and that the land proposed to be transferred to the Council for this purpose and education contributions would be beneficial in this context. Nevertheless the case has not been made to me that the delivery of a school in this location is reliant on the delivery of the proposal as a whole.
102. I further accept that the provision of the public open space and sports facilities proposed would be beneficial, as would the obligation proposed in relation to off-site public open space. However the benefits arising from the obligations proposed here, including the education contribution, are to mitigate the adverse effects of the development proposed.⁵⁰
103. I also accept that the proposal would result in the creation of new ecological habitats and green infrastructure subject to suitable conditions. However neither these environmental gains, nor any other benefits of the proposal, are in my view so significant individually or collectively to outweigh the harm that I have identified would result from the proposal taken as a whole.⁵¹

Other matters

104. I have considered all the representations made to me in respect of the proposal including in relation to concerns regarding the living conditions of those nearby the appeal site, drainage and design. Some of these issues, such as the living conditions of those nearby and drainage, could in my view be suitably addressed via conditions were the development otherwise acceptable. Others, such as design, would fall principally to reserved matters applications

⁴⁸ As articulated in particular in the appellants' study setting out the economic benefits of the proposal.

⁴⁹ With 382 individuals registered with the Council in this context.

⁵⁰ Indeed they must be in order for the undertaking to comply with the relevant requirements in paragraph 204 of the Framework.

⁵¹ I note in particular that section 6 of the appellants' Ecological Assessment explains that 'with the implementation of the mitigation and enhancement strategy described above, the proposed development would be in conformity with relevant planning policy and legislation', i.e. the environmental benefits here are intended to be no more substantial than that which would be necessary for any development to be compliant with relevant policy and legislation.

given that the appeal is in outline. I consider that there would not be any unacceptable effects from these other matters raised and they remain neutral in the overall planning balance.

Conclusion

105. For the above reasons, and having taken all other matters raised into account, the proposal conflicts with the development plan as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr Andrew Ross	Director, Turley
Mrs Celina Colquhoun	Counsel, No5 Barristers Chambers
Mr Craig Oakes	AECOM

FOR THE LOCAL PLANNING AUTHORITY

Mr Jim Lee	Senior development officer
Mr Martin Cookman	Planning policy officer
Mr Rick Clayton	Team Leader, CORMAC

INTERESTED PERSONS

Cllr Stephen Knightly	Cornwall Councillor
Cllr Karen McHugh	Cornwall Councillor
Cllr Amanda Pennington	Wadebridge Town Council
Mr Berryman	Local resident
Mrs Sylvia Clover	Local resident
Mr Norman Every	Local resident
Mr Tony Faragher	Local resident
Mrs Gillian Gaskin	Local resident
Mrs Sasha Hawke	Local resident
Mrs Janis Hunt	Local resident
Mr Kresnyak	Local resident
Dr McWhirter	Local resident
Mrs Jan Perry	Local resident
Mr Darren Rowe	Local resident
Mr Grenville Stanbury	Local resident

DOCUMENTS

1. Agreed statement of common ground, dated 8 May 2017.
2. Agreed transport statement of common ground, dated 9 May 2017.
3. Signed unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 as amended, undated.
4. Objective (Technical) Review of Land Supply for Housing and Employment, prepared by the Egloshayle, St. Breock and Wadebridge Neighbourhood Plan Land Supply Working Group, dated November 2016 (the 'emerging NP supply review').
5. Document entitled 'Wadebridge Area Neighbourhood Plan- 1st Circulation Draft Comments', dated 27 February 2017, which sets out comments received in response to consultation on the emerging NP (the 'emerging NP consultation summary').
6. Wadebridge Transport Strategy, dated February 2016.
7. Untitled document passed by the appellants explaining the matters not agreed in respect of Annex 2 of the unilateral undertaking as referred to above.