



Appeal Decision

Site visit made on 18 April 2019

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2019

Appeal Ref: APP/D0840/W/19/3220826

Land at Trevelyan Road (OS Field 0985), Illogan, Cornwall

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kevin Briscoe against the decision of Cornwall Council.
 - The application Ref PA18/08800, dated the 13 September 2018, was refused by notice dated the 27 November 2018.
 - The development proposed is the development of the site to provide three detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the development of the site for three detached dwellings on land at Trevelyan Road (OS Field 0985), Illogan, Cornwall, in accordance with the terms of the application, Ref PA18/08800, dated 13 September 2018, and subject to the conditions listed in the Annex to this decision.

Procedural Matters

2. I have adopted the site address as shown on the application form and amended this to include reference to the relevant OS field, for clarity.
3. Although not referred to in the decision notice, the Council's Appeal Statement refers to policies from, at the time, the emerging Illogan Parish Neighbourhood Development Plan (IPNDP). In response to a query I raised with the Council, they confirmed that the IPNDP Referendum held of the 11 April 2019 was successful and the Plan 'made'. Accordingly, it now forms part of the development plan. Both parties commented, in their appeal submissions, on the December 2018 version of the IPNDP, which was not subsequently revised. I therefore determined that there was no need to invite any further comments on this Plan as neither party would be prejudiced and have proceeded to determine the appeal on this basis.

Main Issues

4. The main issues are: (a) whether the proposed development would be acceptable having regard to local and national planning policies on the location of housing, (b) whether the proposed development would result in the effective use of land, and (c) the effect of the proposed development on the character and appearance of the area.

Reasons

Suitability of the location

5. The appeal site lies on the eastern side of Trevelyan Road and on the northern outskirts of the settlement known as Park Bottom. It comprises an open field, which is overgrown.
6. Policy 2a of the Cornwall Local Plan Strategic Policies 2010 -2030 (CLP) sets out the key targets of the plan for the whole County. Part 1 of this policy includes the target to deliver a "*minimum*" of 52,500 homes. The policy does not provide for a maximum number of new homes. Policy 3 of the CLP confirms that new development will be accommodated in accordance with a hierarchy, with part 1, the delivery of housing development managed through a Site Allocations Development Plan Document or Neighbourhood Plans for the identified main towns; part 2 through specific eco-communities; and part 3, in areas outside the main towns, through Neighbourhood Plans, rounding-off of settlements, previously developed land, infill or rural exception sites.
7. I have considered the Chief Planning Officer Advice Note on Infill/Rounding-off (December 2017) (CPO Note) and its interpretation of part 3 of Policy 3, and whilst it is not a statutory document, its purpose is to provide a consistent approach to interpreting the housing policies of the CLP. It is, therefore, an important consideration in this appeal and provides helpful guidance on what the Council regard as rounding-off.
8. Based on the above and specifically the criteria in the CPO Note, in my view, the appeal proposal would represent rounding-off. This finding is based on the fact that three of the boundaries to the appeal site adjoin the settlement boundary for Park Bottom as defined in the IPNDP; the fourth boundary also adjoins, in part, the defined settlement boundary where the latter encompasses the residential curtilage of Trengwythos; the appeal site is enclosed by mature boundary features comprising mounding, hedging and small trees; and, it is surrounded by development on three sides (whereas the CPO Note refers to "*at least two sides*").
9. In relation to the development to the south and south east of the appeal site, this comprises a scheme for 69 dwellings, which is currently under construction (ref. PA13/10823), known as The Maples. Although this development proposes an area for allotments, adjoining the south eastern boundary of the appeal site, this land is currently the subject of an application for 15 dwellings (ref. PA19/00099).
10. Part 3 of Policy 3 also refers to the requirement for the development to be of an "*appropriate scale*" relative to the settlement in question. The appeal proposal is for 3 new dwellings, which in the context of the size of Park Bottom and The Maples development, is small-scale and therefore appropriate for this location.
11. In addition, due to the appeal sites boundary features, the proposed development would not encroach into the open countryside. Whilst the appeal site is part of the open countryside, it does not have a clear form or shape and is not part of an expansive area of countryside. This largely results from the site being surrounded by development on three sides, but also by the fact that the landscaped boundary to Spar Lane, as well as the lane itself, provide a

- strong physical barrier separating the appeal site from the more expansive open fields to the north and north east of the lane.
12. These findings are supported by the Council's February 2014 Planning Committee Report in relation to The Maple's development, reproduced in the Appellant's Statement. This concluded that that site had no landscape designations; that the character of Spar Lane would not be significantly affected even with part of the development facing onto the lane; and, that the northern side of Spar Lane, which provided the critical green corridor (gap) separating Park Bottom from Illogan, would remain unaffected. The same considerations apply to the appeal site.
 13. For the reasons given above, the development would not erode the rural character of the locality. Furthermore, the site is well contained by existing and emerging development on three sides and the three dwellings would result in the logical rounding off of Park Bottom and would be well related to the settlement. In addition, Figure 6 and Policy PH 1c of the IPNDP, defines the area north and north east of Spar Lane as a 'Protected Gap', the purpose of which is to prevent the coalescence of Park Bottom and Illogan, retain the identity of the individual settlements and protect the character of the landscape. The development would not impact on or harm this 'Protected Gap'. Moreover, the development would complete the settlement and secure a logical and physically defensible boundary to Park Bottom. It would not be at odds with the symmetry to the settlement boundary of Park Bottom.
 14. The Council contend that the proposed development is not sustainable and thus contrary to Policy 1 of the CLP, which sets out a presumption in favour of sustainable development. However, the Council have offered no evidence to support this statement. In addition, the February 2014 Committee Report on The Maples development confirms that one of the principal reasons for supporting that scheme was its sustainability, in particular its access to local services and public transport. The appeal site shares those same characteristics. Based on the evidence before me, therefore, the proposal would be sustainable in accord with Policy 1.
 15. In relation to Policy 7 of the CLP, which relates to homes in the countryside, the appeal proposal has not been promoted as an exception to this policy, but as rounding-off in accord with Policy 3. The same applies to Policy 9, which seeks to control affordable housing on rural exceptions sites. As a consequence, neither policy is, in my view, relevant.
 16. Policy 1 of the Cornwall Site Allocations Development Plan Document Proposed Modifications 2018 (CSA) has also been referred to by the Council. However, this policy confirms that housing growth will be delivered through the settlements identified in the plan and through various means, including 'small scale rounding-off'. The identified settlements include the Camborne, Poole, Illogan & Redruth area, which encompasses Park Bottom.
 17. For the above reasons, I find that the proposed development would involve appropriate rounding-off in a sustainable location in accord with Policies 1, 2 and 3 of the CLP, Policy 1 of the CSA and paragraph 7 of the National Planning Policy Framework (Framework).
 18. With regard to the IPNDP and the policies referred to in the Council's Appeal Statement, Policy PH 1b relates to exception sites to meet affordable housing

needs outside of existing settlements. The appeal proposal has not been promoted on this basis and this policy is not, in my view, relevant. Policy PEH1 seeks to ensure that new development, within the open countryside outside the defined settlement limits, maintains and where possible, enhances the landscape character of the open gaps between existing settlements. For the reasons given above, the appeal proposal would not be at variance with this policy. In relation to Policy PH 1a, this relates to new development on infill and previously developed sites within the defined settlements, with a cross-reference to Policy 3 of the CLP.

19. Neither Policy PH 1a, nor any of the above policies in the IPNDP, directly preclude the principle of residential development, as proposed, on the appeal site. In addition, the IPNDP has been adopted in general conformity with the CLP and the relevant housing policies of the CLP, as well as those of the IPNDP are consistent with those of the Framework. In view of this and when the development plan is read as a whole, I find that the appeal proposal would be suitably located and that the principle of development would be compliant with its spatial housing strategy.

Effective use of land

20. The built development surrounding the appeal site is mixed and whilst this includes more modest development, there is also lower density housing in the form of large detached bungalows, with generous gardens, located opposite the north western boundary of the appeal site. There is also Trengwythos, to the north, a two-storey property set within a similar large plot. I also note that The Maples development will include large detached 4-bedroom houses with generous plots. Given this context, the appeal proposal would not be out of keeping and would respond to and replicate the lower density development that is found nearby.
21. The proposed development has also sought to address the constraints imposed on the site, firstly, by the presence of the overhead electricity cables that cross the south eastern part of the site. This has resulted in the new dwellings being sited away from the pylon and overhead lines. Secondly, by the ecology report that accompanied the application, which recommended the inclusion of compensation land for feeding and commuting bats. This is shown on the eastern part of the site and has the added benefit of providing a link with the area of amenity space within The Maples development, to the south, as well as the proposed allotments, to the south east.
22. I also concur with the appellant that density is only one of a number of considerations that should be taken into account when assessing the acceptability of new development. This is reflected in Policy 12 of the CLP, which contains a broad range of criteria for assessing new development, including scale, height and layout, as well as the quality of the design, provision for amenity space, safe and suitable access and need to safeguard the living conditions of existing neighbours. No objections have been raised by the Council in relation to any of these considerations.
23. The Council's decision notice and Delegated Report refer to paragraph 123 of the Framework, which advises that decisions should avoid homes being built at low densities where there is an existing or anticipated shortage of land for meeting housing needs. However, notwithstanding my findings above, there is no evidence before me to suggest there is any shortage of land or that future

housing targets cannot be met through the development plans spatial strategy. I also note that Policy PH2 of the IPNDP seeks to ensure that new developments provide an appropriate mix of housing in terms of size, type, price and tenure. Whilst this applies to developments of 10 units or more, it is relevant, in my view, to this appeal, in that the proposal would make a small contribution towards the general aims of this policy.

24. Accordingly, I am satisfied, on the basis of the evidence before me, that the appeal proposal would result in an effective use of the site in accord with Policies 12 and 21 of the CLP and paragraphs 122 – 124 (inclusive) and 127 of the Framework.

Character and appearance

25. Whilst the Council indicate that the appeal site falls within the Redruth, Camborne & Gwennap Landscape Character Area, defined by the Cornwall and Isles of Scilly Landscape Character Study 2008, the appeal site does not benefit from any special landscape policy protection. It is also not subject to any other national or local environmental designation.
26. The only undeveloped boundary of the appeal site is that to Spar Lane. However, the sites established boundary features, together with the lane itself, separate the appeal site in functional, physical and visual terms from the more expansive areas of open countryside to the north of the lane.
27. As I also observed on site, the appeal site is flat and visually reads as being part of and a logical extension to the development that surrounds it. Whilst I accept that the proposed dwellings would result in some change to the nature and character of the site, any impact would not be significant.
28. As a consequence, I find that the proposed development would not result in any significant harm to the character and appearance of the area. Accordingly, the appeal proposal would comply with Policy 23 of the CLP and paragraph 127 of the Framework.

Other Matters

29. A concern has been raised by an interested party over the potential impact of the two new accesses to serve the proposed development on the safety of a designated national cycle route. However, there is no evidence before me to suggest that the proposed layout would result in any harm in this respect and this is not an issue that has been raised by the Council or by any statutory consultees in response to the original application.

Conditions

30. The Council has suggested a number of conditions and I have considered these against the advice in the Framework and the Planning Practice Guidance on the use of planning conditions.
31. Conditions relating to the time limit for implementing the development; compliance with the submitted plans; submission and implementation of a landscaping scheme and implementation of the approved access, turning and parking area, are all necessary and reasonable in order to secure a satisfactory external appearance, to reflect the details included within the application,

secure a high quality sustainable development and ensure that highway safety is not compromised.

32. I also consider a condition to control any soil contamination is reasonable and necessary, to ensure that any risks from contamination to future occupiers of the permitted units and existing neighbours are minimised.

Conclusions

33. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR

Annex – Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site/location Plan 1024-941-1000
Proposed Floor Plan 1024-942-1011 A
Proposed Elevations 1024-942-1012 A
Proposed Site Layout 1024-942-1010 A

- 3) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall provide planting plans with written specifications including:
 - Details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development
 - Full schedule of plants
 - Details of the mix, size, distribution and density of all trees/shrubs/hedges
 - Cultivation proposals for the maintenance and management of the soft landscaping

The protection measures proposed shall be completed in accordance with the approved scheme before any development hereby permitted commences and shall thereafter be retained until it is completed. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a

similar size and species as those originally planted.

- 4) Before any building or engineering works are carried out on the site, the access shall be laid out and constructed in accordance with plan 1024-942-1010 A; with its gradient, surfacing, drainage and sight lines having first been submitted to and approved in writing by the Local Planning Authority. The access shall be retained as approved thereafter.
- 5) Before any of the development hereby permitted is brought into use, parking and turning areas shall be laid out and constructed in accordance with plan 1024-942-1010 A; and the said areas shall not thereafter be obstructed or used for any other purpose.
- 6) Before the development hereby permitted is commenced, a scheme to deal with any soil contamination shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include on site investigations and an assessment to identify the extent of contamination and the measures to be taken to avoid risk when the site is developed. The approved scheme shall be fully implemented and completed before the development hereby permitted is first occupied.