



Appeal Decision

Site visit made on 10 December 2019

by Colin Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2019

Appeal Ref: APP/D0840/W/19/3236307

Land South of Marsh Lane Industrial Park, Marsh Lane, Hayle TR27 5JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Richard Vernon against the decision of Cornwall Council.
 - The application Ref PA19/05847, dated 6 July 2019, was refused by notice dated 21 August 2019.
 - The development proposed is described as "demolition of existing agricultural buildings, construction of replacement dwelling & associated works"
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Decision

1. The appeal is allowed and outline planning permission is granted for a development described as "demolition of existing agricultural buildings, construction of replacement dwelling & associated works" at Land South of Marsh Lane Industrial Park, Marsh Lane, Hayle TR27 5JR in accordance with the terms of the application, PA19/05847, dated 6 July 2019, subject to the conditions set out in the Schedule at the end of this Decision.

Procedural Matter

2. The application was made in outline with all matters reserved for future determination. I have considered the appeal on that basis.

Main Issues

3. The main issues in this case are:
 - whether the site provides a suitable location for the proposed development, having particular regard to development plan policies.
 - whether the proposed dwelling would provide suitable living conditions for future occupiers having particular regard to noise and disturbance.

Reasons

Location

4. The appeal site is a former pony trekking centre which currently contains a touring caravan, various storage buildings and disused stables. Although the application proposes a "replacement dwelling" I saw no evidence of any permanent dwellings on the site and the Council has no record of one. The proposal would therefore constitute a new dwelling.

5. Policy 3 of the Local Plan¹ advises that the scale of new development should be based on the role and function of places. Part one of the policy lists the main towns where the majority of new housing is to be located. This includes Hayle. It is indicated that in these main towns, new development should be managed through a Site Allocations DPD or through Neighbourhood Plans.
6. The Site Allocations DPD² allocates large sites of strategic importance, while Policy SD1 of the Neighbourhood Plan³ says that the 'built up area' represents the preferred location for new, small-scale development sites. According to Map 3 of the Neighbourhood Plan, the appeal site lies within the built up area. As such, the principle of development is supported here.
7. Considering that the Neighbourhood Plan includes the appeal site within the built up area boundary, the proposed dwelling would not be situated in the countryside according to the development plan. Instead, it would be within one of the main settlements that are listed in part one of Local Plan Policy 3. Although the Council refers to part three of Policy 3, this concerns development outside the main settlements and is not directly relevant. Nor is Policy 7 relevant, which concerns development in the countryside.
8. I am informed that the appeal site is approximately 500 metres away from the West Cornwall Shopping Park. Although this is walkable, it has a limited range of shops and the nearest supermarket is Lidl. This is approximately 1 km away and the most direct pedestrian route involves crossing a busy road. The town centre shops are further away still.
9. Yet while the appeal site is not situated as close to shops and services as some properties within Hayle, it is nonetheless part of a larger built up area which has a good range of local facilities and transport links. The site is therefore reasonably accessible in the context of Policies 1 and 2 of the Local Plan, which aim to focus development in the most sustainable locations. The proposed dwelling would also contribute to the objective of making use of previously developed land, as established by Policy 21 of the Local Plan.
10. I therefore conclude on this issue that the site would provide a suitable location for the proposed development.

Living conditions

11. The site adjoins Marsh Lane Industrial Estate which the Site Allocations DPD safeguards for B1, B2 and B8 employment uses. I am also informed that the neighbouring rugby ground has an extant planning permission for use as a retail park. These uses clearly have potential to generate noise and disturbance in close proximity to the proposed dwelling.
12. However, relatively little evidence has been put forward to demonstrate that the site would necessarily be subject to levels of noise and disturbance that would be incompatible with residential uses. I am also mindful that the application was made in outline and mitigation measures, if necessary, would be a matter for consideration at reserved matters stage. Based on the evidence presented, I therefore conclude on this issue that the proposed dwelling would provide suitable living conditions for future occupiers.

¹ Cornwall Local Plan Strategic Policies 2010-2030.

² Cornwall Site Allocations Development Plan Document Adopted November 2019.

³ Hayle Neighbourhood Plan 2014-2030.

Conclusion

13. For the reasons given above, the appeal should be allowed. I have imposed the standard requirement for further details to be approved before development takes place, together with standard time limit conditions.

Colin Cresswell

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.