



Appeal Decision

Site visit made on 25 February 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2020

Appeal Ref: APP/D0840/W/19/3242533

Polstraul, Trewalder, Delabole, Cornwall PL33 9ET

- 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 S Straffon against the decision of Cornwall Council.
 - The application Ref PA19/03897, dated 7 May 2019, was refused by notice dated 29 July 2019.
 - The development proposed is a live/work unit.
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Decision

1. The appeal is allowed and planning permission is granted for a live/work unit at Polstraul, Trewalder, Delabole, Cornwall PL33 9ET in accordance with the terms of the application, Ref PA19/03897, dated 7 May 2019, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr S Straffon against Cornwall Council. This application is the subject of a separate Decision.

Procedural matter

3. The appeal relates to an application for outline planning permission with all matters reserved for subsequent consideration. A plan has been submitted suggesting a layout for the site, which I have treated as illustrative.

Main Issue

4. The main issue is whether the site is an appropriate location for the development with regard to local and national planning policies.

Reasons

5. Trewalder is a small settlement surrounded by open countryside. Two dwellings, Polstraw and Polstraul (the appeal site) are slight outliers, separated from the next dwelling Lyndale by a road, but they maintain a visual connection to that dwelling. There is an existing building at the appeal site on land once part of the adjoining fields. However, it is close to and clearly associated with the other buildings around Polstraul. Thus, from my observations, Polstraul and its various outbuildings, including the one at the appeal site, have a greater affinity with the settlement than the open countryside beyond. As such, I find that the site is within the physical boundaries of the settlement and is not sporadic or detached from Trewalder.

6. The Cornwall Local Plan 2010-2030 (LP) sets out a spatial strategy for Cornwall that seeks to maintain the dispersed settlement pattern providing homes and jobs based on the role and function of each place. In particular, LP Policy 3 seeks to control the location and scale of development through a broad hierarchy. The policy sets out that outside the main towns, housing and employment growth will be delivered through sites identified in neighbourhood plans; the rounding off of settlements and development of previously developed land (PDL) within or immediately adjoining that settlement of a scale appropriate to its size and role; or infill schemes.
7. A 'Chief Planning Officer's Advice Note: Infill/Rounding off' (CPOAN) supports this, describing Policy 3's support for unplanned 'organic' growth in and adjacent to all settlements at an appropriate scale. It seeks to do this, by only allowing development within the confines of settlements or through extensions to them that do not visually extend building into the countryside.
8. The CPOAN provides further clarity that there are no expectations that services and facilities should exist at settlements, provided that smaller villages and hamlets are part of a network of settlements that provide community facilities. I saw at the site visit that there are some facilities at nearby St. Teath, which would help to provide some accessibility to services and facilities from the site.
9. The appellant's evidence relating to the previous use of the building is in the form of a letter. There is no statutory declaration and no formal determination of the Council such as a Certificate of Lawful Use to provide certainty, so I cannot conclude that the site is PDL. Other appeal decisions that the Council has referred me to¹ in respect of PDL are, therefore, of limited relevance to my decision.
10. The site, not being enclosed by clearly defined features or surrounded by other development, means that it may not strictly be considered rounding off under LP Policy 3. However, the presence of a building in broadly the location suggested for that proposed, means that the live/work unit would not visually extend building into the countryside. A single unit would be commensurate in scale with other buildings at and around Polstraul and so appropriate to the size and role of Trewalder.
11. Alongside the settlement hierarchy, LP Policy 2 sets out overarching objectives for development. This specifically includes unqualified support for live/work units. LP Policy 5 states that proposals for new employment land in the countryside and smaller rural settlements should be of a scale appropriate to its location or demonstrate an overriding locational and business need to be in that location. In this case, there is no clear evidence of an overriding locational need, but the policy wording does not require this if the scale is appropriate, which I have found to be the case.
12. The Council's reason for refusal also refers to LP Policy 7 concerning housing in the countryside and Policy 21 concerning the best use of land and buildings in suitable locations. However, as I have found that the site is appropriately located within the settlement and its status as PDL is uncertain, these policies are of little relevance.

¹ APP/D0840/W/18/3193790 & APP/D0840/W/18/3197029

13. Therefore, whilst there may be some conflict with the specific criteria of LP Policy 3, considering these key policies of the development plan together, I conclude that there would be no conflict with the development plan considered as a whole in respect of the location of the development.
14. The emerging Camelford Neighbourhood Plan (CNP) specifically considers Trewalder to be unsuitable for growth, rather seeking to preserve and enhance its character. However, the plan has not yet been made and so I attribute only moderate weight to any conflict with its policies.
15. I am, however, mindful of guidance in the National Planning Policy Framework (the Framework), at Paragraphs 80 and 81 which conveys support for local business needs and live work units. In particular, Paragraph 84 indicates that in rural areas, sites to meet local business needs may have to be found adjacent to or beyond existing settlements. Whilst, as I have previously noted, there may be no compelling case for the business to be sited in this location and the Council considers that other options may be available to meet the appellant's needs, I find that the Framework does offer broad support to the proposal. As Government policy, I attribute the Framework significant weight.
16. I have found no conflict with the development plan considered as a whole in respect of the main issue. The emerging CNP weighs against this position, but I attribute greater weight to the Framework which offers support. I, therefore, find that the site is an appropriate location for the proposed development.

Other matters

17. My attention has been drawn to an appeal decision in Wychavon² where an Inspector balanced the benefits of a proposed live/work unit against various harms. However, that decision related to a different development plan with different detailed controls over the location of development and so I attribute it little weight.
18. Natural England responded to the proposal suggesting that if foul drainage was proposed to the Camelford Sewage Treatment Works (STW), then more information was required to be certain that increased discharge would not lead to significant adverse effects on the integrity of the River Camel Special Area of Conservation.
19. The appellant has confirmed that the site is not served by mains sewers so there would be no drainage via the Camelford STW. As Natural England's concerns clearly relate to the operation of the various STWs in the area, there is no evidence of pathways that could lead to significant adverse effects. Appropriate assessment is, therefore, not required.

Conditions

20. Standard conditions are needed requiring the submission and approval of reserved matters and time limit for commencement. Given that these will require a full suite of detailed drawings and all matters are reserved, a separate 'plans' condition is not required now.
21. A condition is necessary to control the phasing and occupation of the live/work unit. The Council's recommended condition included that the floor space should

² Ref. APP/H1840/W/17/3183773

be split with at least 60% commercial and no more than 40% residential. However, whilst the provision of business space partially justifies the proposal, there is no clear reason why such a ratio must exist for an appropriate live/work unit to be formed. The Council would retain control over the extent of the commercial and residential floorspace at the reserved matters stage. Therefore, I have not included such a restriction in my condition.

22. The Council has suggested conditions in connection with landscaping, boundary treatment and parking provision. However, these considerations relate to the landscaping and layout reserved matters and so are not necessary now.

Conclusion

23. For the reasons given above, I conclude that the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 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.
- 4) (i) The business floorspace of the live/work unit shall be finished ready for occupation before the residential floorspace is occupied and commencement of the residential use shall not precede commencement of the business use.
(ii) The business floorspace of the live/work unit shall not be used for any purpose other than purposes within Class B1 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
(iii) The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed, in the business occupying the business floorspace of that unit, a widow or widower or surviving civil partner of such a person, and to any resident dependants.