



Appeal Decision

Site visit made on 10 August 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/D0840/Q/20/3250269

Primrose Vale Cottages, Rilla Mill, Callington, Cornwall, PL17 7NT.

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to discharge a planning obligation.
 - The appeal is made by LiveWest Homes Ltd against the decision of Cornwall Council.
 - The development to which the planning obligation relates is the use of six holiday bungalows as local needs/affordable housing.
 - The planning obligation (deed of variation), dated 26/1/06, was made between Caradon District Council and Mr and Mrs J L Dale and Devon and Cornwall Housing Association Limited.
 - The application Ref. PA18/09103, dated 24/7/18, was refused by notice dated 4/12/19.
 - The application sought to have the planning obligation discharged.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made by Liverty. The appellant's agent has informed me that this is the former company name for LiveWest Homes Ltd.
3. The appeal site lies within the Rilla Mill Conservation Area. There is nothing to indicate that the proposal would have any adverse impact upon this heritage asset. The proposal would preserve the character and appearance of the area.
4. The site also lies within a Designated Rural Area¹.

Main Issue

5. The main issue is whether the disputed planning obligation continues to serve a useful purpose.

Reasons

6. These six residential units were built as holiday homes but were subsequently used as affordable dwellings following the 2006 planning obligation (deed of variation). Whilst the appellant has expressed concerns to the effect that this obligation was unnecessary, it is evident from the planning history that affordable units were required to help meet the housing needs of the local community. At that time, there appears to have been no argument that these units would be unsuitable or inappropriate for permanent occupation. I also understand that the units were subsequently occupied as affordable homes.

¹ As provided for under Housing Acts/Orders.

7. It is clear from the development plan², the consultation responses from the Council's Affordable Housing Officer and the Parish Council that there is a continuing need for affordable dwellings within this part of Cornwall. The social objective of the National Planning Policy Framework also requires, amongst other things, that a sufficient number and range of homes are provided to meet the needs of present and future generations. This includes affordable housing.
8. The appellant has argued that these six units are substandard, expensive to maintain and that if the appeal is successful endeavours would be made to find alternative sites for affordable housing within the parish. However, the dwellings, with stone/rendered walls and slate roofs appear to be soundly constructed. There is no cogent evidence to demonstrate that these buildings are 'unfit for purpose' or would be difficult to re-let/use as affordable housing. There is also no mechanism in place to ensure that if the obligation was discharged any affordable housing would be provided elsewhere within the parish to help meet the needs of the local community. It is also by no means certain that no other Registered Provider would be unwilling to take on these units. There is greater force in the argument for retaining this obligation.
9. The disputed planning obligation continues to serve a useful purpose in providing accommodation that could be used³ to help meet the housing needs of the local community. If it was discharged, the Council's attempts to help address the acute shortfall in affordable housing provision within Cornwall would be undermined and important social objectives for planning and the achievement of sustainable development would be frustrated. It could also increase the pressure to release greenfield land for new/replacement housing.
10. I conclude that the disputed planning obligation continues to serve a useful purpose and that the appeal should not therefore succeed.

Neil Pope

Inspector

² This includes the Cornwall Local Plan Strategic Policies 2010-2030.

³ I understand that the units are no longer occupied as affordable dwellings. During my visit, it appeared that most, if not all, of the units were occupied but it was unclear whether this was for holiday purposes or permanent residential use.