
Appeal Decision

Site visit made on 8 September 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 05 October 2020

Appeal Ref: APP/D0840/W/20/3248651

Land at Buller Hill, Redruth, Cornwall TR16 6SS

- 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 Andy Page against the decision of Cornwall Council.
 - The application Ref PA19/08904, dated 3 October 2019, was refused by notice dated 6 December 2019.
 - The development proposed is an application for permission in principle for a new single storey detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of accuracy, I have taken the address from the appeal form for use in the banner heading at the top of this decision letter. Furthermore, it is noted that during the appeal process, the main parties agreed to change the description of development to that as provided in the banner heading above.

Main Issues

3. In light of the main parties' submissions, the main issues are:
 - Whether permission in principle can be granted for the form of development sought by the Appellant under application reference PA19/08904; and,
 - In the event that permission in principle can be granted for the form of development sought by the Appellant, whether the principle of the proposed development is acceptable, having regard to the location of the appeal site and to policies of the development plan, and its effect on the character and appearance of surrounding area.

Reasons

Permission in Principle

4. The appeal proposal is for a Permission in Principle. In accordance with the Planning Practice Guidance (the PPG) and the Town and Country Planning (Permission in Principle) Order 2017, this is an alternative way of obtaining planning permission for housing-led development which separates the

consideration of matters of principle for the proposed development (first stage) from the technical detail (second stage).

5. The appeal site is located within the zone of influence of the Fal and Helford Special Area for Conservation (the SAC). The SAC is an important resource with its designation established on the basis of the value of estuarine features which include sandbanks, mudflats, reefs and salt meadows. The SAC is well frequented by the public and there is potential for the proposal to result in increased number of visitors to the SAC and thereby potentially increasing levels of disturbance through recreational activity.
6. The Council have confirmed that, as a single dwelling is proposed, on its own the appeal scheme would be unlikely to generate any significant harm to the SAC. The PPG provides that Habitats Development is a form of development for which Permission in Principle cannot be granted. The PPG confirms that Habitats Development is development which is likely to have a significant effect on a qualifying European Site, either alone or in combination with other plans and projects.
7. Whilst acknowledging that only a single dwelling is proposed, the PPG and the Conservation of Habitats and Species Regulations 2017 (the Regulations) require that the impact must be considered both alone and in combination with other plans and projects. Therefore, whilst acknowledging the impact of this one dwelling by itself may be slight, there could be significant harm to the integrity of the SAC when considered in combination with other similar proposals within the area.
8. In light of the evidence before me, it has not been demonstrated that the appeal scheme would not have a significant effect on the SAC in combination with other plans and projects and, consequently, the appeal proposal would not accord with the forms of development for which permission in principle can be granted. I acknowledge that the Appellant has confirmed that a planning obligation could be provided in the event that harm to the SAC was identified and which would provide mitigation. However, the provision of mitigation would only be justified if the proposal constituted Habitats Development, because it would result in significant harm to the SAC (whether alone or in combination with other plans and projects).
9. I therefore must conclude that, when considered in combination with other plans and projects, the appeal scheme would adversely affect the integrity of the SAC. Consequently, the proposal would represent Habitats Development for which Permission in Principle cannot be granted.

Location of Development

10. For the above reasons, the proposal cannot be considered to be a form of development for which Permission in Principle can be granted. Accordingly, no further assessment of the appeal proposal in relation to the suitability of its location or its effect on the character and appearance of the surrounding area, is required in relation to this appeal.

Conclusions

11. For the above reasons, the appeal scheme cannot be granted under the Permission in Principle process as the proposal would be Habitats Development in the context of the Regulations and guidance contained within the PPG. Accordingly, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR