



Appeal Decision

Site Visit made on 19 May 2021

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June 2021

Appeal Ref: APP/D0840/W/21/3268024

Land to the rear of 75 Treverbyn Road, St Austell, Cornwall PL25 4EW

- 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 Cornwall Executive Homes Ltd against the decision of Cornwall Council.
 - The application Ref PA20/09513, dated 30 October 2020, was refused by notice dated 8 January 2021.
 - The development proposed is the extension to existing B1/B8 industrial/warehouse building and formation of new vehicular access and parking area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following changes to the Use Classes Order, the B1 Class (Business) has now been amalgamated into a new Class E (Commercial, Business and Service). The description of the development, set out above, has been taken from the application form. Were I minded to allow the appeal I am satisfied that the description of the development for the additional space could be described with reference to Class E and Class B8 (Storage or Distribution) without prejudice to any party.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area, and
 - whether the development plan would support the use of the land as an employment site in this location.

Reasons

Character and appearance

4. At the present time, the broadly southern section of the appeal site consists of a modest sized business building and yard which is accessed off Treverbyn Road. The building benefits from a planning permission, granted in 1998, for a light industrial use.
5. When viewed from Treverbyn Road, the modest size and appearance of the business building does not look out of place with the scale of the adjoining residential buildings. These buildings are all grouped reasonably well together, the access lies between the buildings, and the generally lower ridge line of the

business building compared to the cottages behind it, when viewed looking down the slope from parts of Treverbyn Road from the north, mean that the business building has a fairly low key impact within the street scene.

6. The land broadly to the north of the business building, as far as it appears from the planning history, lies outside the commercial area associated with the business use. While at the time of my visit there was some informal storage taking place, based on the evidence before me, this land should be considered to be countryside and outside the built form of the settlement¹. While part of the garden of Highlands, to the north, stretches in a wedge adjoining the side of the road, the land generally to the north of the business building has an open and generally undeveloped character. The open form of the land makes a positive contribution to the edge of the settlement and it merges with the countryside beyond.
7. The broadly northern section of the appeal site, beyond the business building, is located within the St Austell Bay and Luxulyan Valley landscape character area² and it exhibits some of the key landscape characteristics, which are in summary, being a suburban belt on the fringes of the main urban area, with a scatter of residential development.
8. Examining the proposal for the land to the north of the business building, the proposed workshop and store extension would be taller and bulkier than the present business building. The high roller shutter door and industrial form of the building would be clearly apparent to those travelling down Treverbyn Road from the north. In these views the building extension would appear as a jarring and incongruous addition with the height of the extension out of scale with the form and appearance of the residential properties in the adjoining group. When travelling from the south, and passing 77 Treverbyn Road, the height of the building would become apparent further up the slope and draw the eye as an over dominant and conspicuous structure set behind the existing business building.
9. The impact of the proposed building extension, together with the reasonably extensive areas of hardstanding for parking and external storage³ and quite wide entrance and access drive suitable for HGV traffic, would be such that this part of the site would have quite an intensive and stark industrial appearance. Consequently, the development would not be a sensitive or sympathetic addition to this presently largely undeveloped land adjoining the edge of the settlement. The proposed landscaping, including the grassed areas and Cornish hedges, would not provide any meaningful amelioration to offset the harm from the imposition that the industrial-like development of the site would have on the immediate area.
10. It is argued that the workshop and store would be modest in floorspace, not overly large and there would be a commonly found step up in height from the existing business building. That may be the case in general, however, in relation to this site, the bulk and appearance of the extension to the building would not sit comfortably on this western side of the road in the context of the

¹ This broadly northern section of the present appeal site formed part of a larger appeal site considered under APP/D0840/W/20/3253410 (September 2020) where that Inspector considered that that appeal site was countryside for planning purposes.

² Cornwall and Isles of Scilly Landscape Character Study.

³ The appellants indicate that outdoor storage could be restricted by condition to timber and timber framed panels.

more modest sized adjoining residential buildings and the open aspects of some of the surroundings.

11. I attach limited weight to what additions and alterations may be possible under permitted development rights in relation to the existing business building and site, and the effect this may have on the area. This is because, based on the evidence before me and my site visit, it has not been clearly demonstrated that these rights would extend to the broadly northern part of the appeal site where the adverse impact of the present scheme would occur.
12. Drawing these matters together, the largely undeveloped northern section of the appeal site presently makes a positive contribution to the character and appearance of the area. It marks a transition from the built form of the settlement to more open countryside in this location. The appeal proposal would erode these positive qualities and provide a harsh and conspicuous built edge with an industrial-like appearance which would be out of scale with the immediate built surroundings. This would undermine the appearance of this fringe just beyond the built form and thereby erode one of the key characteristics of this Landscape Character Area. It follows that I conclude that the proposal would harm the character and appearance of the area and, consequently, conflict with Policies 2 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) which seek, in this respect and amongst other things, that development should respect and enhance the quality of place.

Whether the development plan would support the use of the land as an employment site in this location

13. The existing business building lies within the settlement area of St Austell. However, the majority of the proposed development on the appeal site would be on land which would be countryside for planning purposes. The Council draw attention to Policy 3 of the Local Plan which explains that for a list of the larger named settlements, including St Austell, the delivery of employment provision will be managed through a Site Allocation DPD or Neighbourhood Plan.
14. The site is not identified in either a Neighbourhood Plan or the Cornwall Site Allocations Development Plan Document (November 2019) (the DPD) as an allocated area for additional employment land. The proposal would, therefore, not comply with Policy 3 of the Local Plan. However, the DPD only identifies a small number of allocated sites for employment or mixed use at St Austell. These appear to be larger and strategic sites and the DPD does not seem to identify any smaller sites which could also be suitable for business use.
15. Policy 5 of the Local Plan sets out a more extensive policy approach for the consideration of business and tourism development across the plan area. Section 4 of Policy 5 refers to the DPD and Neighbourhood Plan approach to allocating employment sites. However, section 1 of Policy 5 also provides a number of other options which could allow for the provision of new business space. The policy intention of section 1 is to ensure a continued supply of appropriate business space. I consider that the policy criteria in section 1 could allow smaller business sites, not identified in the DPD, to be considered on their merits and to not do so could also potentially thwart the intention to ensure a continued supply of appropriate business space and therefore hamper the ability to deliver sustainable communities across the plan area.

16. The Council in their statement have examined all the criteria in section 1 of Policy 5 against the appeal proposal. In terms of criterion 1a, the site would not be well integrated with the town because of the encroachment of development into the adjoining open land and the resulting harm. I am not satisfied that it has been clearly demonstrated that the existing business could not be relocated given the size and extent of business land in the area or that there is an over-riding locational and business need to be on this site. In terms of criterion 1b, it seems that the area is well served by public transport although I have very limited information on the level of communication infrastructure to judge whether this criterion would be met.
17. However, of particular relevance is that the Council highlight that the main part of the site should be considered to be countryside. Business use in such circumstances is covered by criterion 1c of Policy 5 of the Local Plan. This indicates, in summary, that in the countryside (and smaller rural settlements) proposals for new employment land and uses should be of a scale appropriate to its location. In this case, the scale of the site area is reasonably minor in relation to the built up form of the settlement and the extended business activities would be in a general location at Carclaze where there are other local business buildings and uses, and there would be a direct access onto a main road. I therefore consider that the size of the business site area, and therefore its scale in relation to the general and wider built surroundings, would be appropriate to the location⁴. The use of the land area for business activities, as a matter of principle, would therefore be acceptable and would accord with the relevant part of criterion 1c and, in turn, the general approach of Policy 5 of the Local Plan.
18. Furthermore, the site is an extension, albeit a relatively large extension, to an existing and lawful business building and use. This also weighs in favour of the principle of the use of the site.
19. For these reasons, the use of the site for business purposes would accord with the broad principle in the National Planning Policy Framework (the Framework) to support the economic objectives of sustainable development.
20. It follows for the above reasons that I conclude that the development plan would support the use of the appeal site and, in particular, the broadly northern part of the land as an employment site in this location. Accordingly, the proposal would comply with Policies 2 and 5 of the Local Plan in respect of supporting economic activity, notwithstanding that the land is not identified in the DPD in association with the approach set out in Policy 3 of the Local Plan.
21. The appellant has highlighted that Policy 21 of the Local Plan should be relevant to the appeal considerations. However, as the proposal on the northern section of the land would fall to be considered as countryside, I do not consider that it can be categorised as previously developed land. Furthermore, for the reasons I have found in terms of the first main issue, the increased building density would be harmful to the character of the surrounding area. Consequently, the proposal would not be supported by Policy 21 of the Local Plan in this case. Nevertheless, this does not alter my conclusion on this main issue.

⁴ I distinguish between the site area and it being a scale appropriate to its location and the adverse impact that would result from especially the height, and therefore the relative scale, of the extended building in relation to the adjoining residential properties.

Planning Balance and Conclusion

22. I have taken into account the objections from local residents and Treverbyn Parish Council and also that St Austell Town Council raised no objection to the application.
23. The appeal submissions explain that the extended site would be used by a local business, a SME, to support and expand their economic activities and provide increased employment. These economic benefits would be during construction and in subsequent operation of the site. The site would be well related to the road network and in a location which would allow employees the ability, to walk, cycle or use public transport to access the site.
24. I have found that the scale of the proposal, in terms of the size of the site area, in this location would be appropriate and meet with the locational approach of the development plan. The Framework explains that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
25. Additionally there may be a small benefit in biodiversity from the provision of the landscaping, including the hedgebanks. I note that the business traffic to the site would use the new access and not the existing entrance onto Treverbyn Road, which is near a bend. While this would be beneficial to highway safety, it seems to me that the present site is reasonably small and this potentially limits the extent and activities which could take place. The proposed site seeks business and B8 uses which could generate proportionately more traffic movements, including HGVs. Therefore, I attribute moderate weight to the highway safety benefits which may result from the scheme.
26. There would be benefits to the adjoining residential properties with commercial vehicles not using the existing access. However, the size of the site as proposed would be larger than at present and with a likely increase in traffic and activity, albeit on the adjoining land to the north. Therefore I consider that the benefits to residential amenity would likely be minor.
27. On the other hand, the harm to the character and appearance of the area, although localised, would be substantial. The scheme would not add to the overall quality of the area and would not be sympathetic to local character. In these respects, the scheme would conflict with the policy approach of the Framework and the development plan. These are serious defects of the appeal scheme. They are of such weight that even with significant weight attached to the combined benefits of the scheme, the benefits would not outweigh the clear and substantial harm that would result from the proposal.
28. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR