



Appeal Decision

Site Visit made on 21 June 2021

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

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/D0840/W/21/3269404

Land South of Lower Trewedna Barn, Trewedna Lane, Perranwell Station TR3 7PQ

- 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 Morris Farms Ltd against the decision of Cornwall Council.
 - The application Ref PA20/03582, dated 21 April 2020, was refused by notice dated 15 December 2020.
 - The development proposed is an application for outline planning permission with some matters reserved for residential development of up to 9 dwellings (access only).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of accuracy and consistency, I have used the address of the appeal site as provided at section D of the appeal form and as included on the Council's Decision Notice, in the banner heading above.
3. The planning application indicates that outline permission is sought with matters of access and layout to be considered at this stage. However, it is clear from the submissions of the main parties in this appeal, that the proposal is seeking outline planning permission with all matters except access to be reserved for a later stage. The appeal submissions include plans which demonstrate how the layout of appeal proposal could be achieved. However, I have taken those plans to be illustrative only and I have determined the appeal on that basis.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area having particular regard to the location of development and to National and Local Planning Policy; and,
 - Whether or not the proposed development would make adequate provision for affordable housing and contributions towards education and the Fal and Helford Special Area of Conservation (the SAC).

Reasons

Location of Development

5. The appeal site is an irregular shaped parcel of land which forms part of a larger agricultural field. The appeal site is bordered to the northeast and southeast by Trewedna Lane and School Hill respectively, with the site being bounded by substantial, mature hedgerows. The appeal site is located outside of, but adjacent to, the settlement at Perranwell Station.
6. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) seeks to control the distribution of new dwellings across Cornwall and includes provisions setting out circumstances in which development at locations such as the appeal site, which are outside a number of identified towns, may occur.
7. The criteria listed under Policy 3 of the Local Plan with regards to identification of sites through Neighbourhood Plans, rounding off of settlements and development of previously developed land (PDL) within or immediately adjoining the settlement and infill schemes that fill a small gap in an otherwise built frontage, do not apply to the appeal scheme. Nonetheless, the appeal scheme seeks to provide affordable housing and Policy 3 of the Local Plan also confirms that housing growth can be provided by developments which accord with the rural exceptions Policy 9 of the Local Plan.
8. Policy 9 of the Local Plan concerns rural exceptions sites located outside but adjacent to settlements where the primary purpose is to provide affordable housing to meet identified local needs. Such developments should be clearly affordable led, be well related to the physical form of the settlement and be of appropriate scale, character and appearance. Furthermore, this Policy requires that the number, type, size and tenure of the affordable dwellings should reflect local needs.
9. I understand that the draft Perranarworthal Neighbourhood Development Plan (the PNDP) proposes a settlement limit that would place the site outside of, and not immediately adjoining, the settlement boundary. However, given that the PNDP has not yet been adopted and that there may be unresolved objections to its policies, it may be subject to further amendment such that I am able to attribute only limited weight to the PNDP in the determination of this appeal.
10. In terms of Policy 9 of the Local Plan, the site is located outside of but adjacent to Perranwell Station. The appeal scheme proposes that a minimum of six affordable housing units be provided, subject to a viability review that could see the provision of affordable housing units rise to a total of nine units.
11. Notwithstanding that the proposal would be located adjacent to the settlement and, subject to the below details regarding the submitted planning obligation, would be an affordable housing led scheme, the Council have put it to me that there is only a moderate need for such housing within the parish based on information provided by the Homechoice register and the Help to Buy South register.
12. However, whilst acknowledging the details and information provided by the Council with regards to identified local housing need, even when accounting for potential double counting, transfer applications and other nearby recently approved affordable housing led schemes, the evidence indicates that the need

for affordable housing within the parish would equate to ten affordable units. Consequently, the number of affordable housing units proposed as part of the appeal scheme would result in the provision of affordable housing within the parish that would not exceed the level of need as stated by the Council.

13. In terms of whether the proposal would be well related to the physical form of the settlement and be of appropriate scale, character and appearance, the scheme would be located adjacent to Perranwell Station and would provide convenient access to the services and facilities contained within that settlement including access to bus stops in very close proximity to the site.
14. The evidence before me indicates that the site is located within landscape character area CA11, Redruth Camborne and Gwennap, as described in the Cornwall and Isles of Scilly Landscape Character Study (the LCS). The LCS describes the surrounding landscape as characterised by a rolling, predominantly pastoral, patchwork of fields demarcated by traditional hedgerows.
15. Whilst noting that the site largely reflects the characteristics as described within the LCS, the site boundaries do exhibit a number of urban features including utility poles and a gas substation. Furthermore, views of the site from within the wider surrounding area are limited due to local topography and the existence of mature hedgerows. Nonetheless, when viewed from within the wider surrounding area, the site would be seen in the context of the nearby dwellings which are located on northern side of Trewedna Lane and, subject to the layout, design and landscaping of the scheme to be determined at a later stage, the proposal would not appear as an isolated development being well related to the built form of Perranwell Station.
16. Accordingly, the proposed development, subject to those matters to be determined at the reserved matters stage, would be well related to the physical form of the settlement and would not be harmful to the character and appearance of the surrounding area. In this regard, the proposal would comply with the provisions of Policies 12 and 23 of the Local Plan which, amongst other things, seek to ensure that local distinctiveness and the character and appearance of the area is protected.
17. Policy 21 of the Local Plan concerns the best use of land and, amongst other matters, seeks to direct significant development towards use of poor quality land in preference to that of higher quality. In this regard, the evidence indicates that the land at the site is classed as Grade 2 agricultural land.
18. The appeal scheme would result in the loss of approximately 0.8 hectares of agricultural land which, in my view, would not represent a significant loss of such land. However, the proposal would nonetheless result in the loss of some best and most versatile agricultural land and therefore would conflict with criterion d. of Policy 21 of the Local Plan.
19. In summary of the above, whilst the proposed scheme would not strictly accord with the provisions of Policy 21 of the Local Plan with regards to loss of best and most versatile agricultural land, the proposed development, subject to the layout, design, scale and landscaping of the scheme to be confirmed at the reserved matters stage, would comply with Policies 12 and 23 of the Local Plan. For the same reasons given above, the proposal would accord with paragraphs

124 and 127 of the National planning Policy Framework which concern achieving well designed places.

20. Notwithstanding the above conclusions with regards to the appeal proposal's compliance with Policy 9 of the Local Plan in respect of location, number of units and identified local need, I shall consider the appeal scheme's overall compliance with Policy 9 of the Local Plan within the below main issue.

Planning Obligation

21. As noted above, the appeal scheme has been submitted as an affordable housing led, rural exceptions development which, subject to the completion of a suitable planning obligation, would secure the delivery of affordable housing and financial contributions in respect of Strategic Access Management and Monitoring Measures for the Fal and Helford Special Area of Conservation (the SAC) as well as contributions in respect of education provision.
22. Policy 28 of the Local Plan provides that developer contributions will be sought to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development. The appeal site is located within the zone of influence of the SAC with Policy 22 of the Local Plan requiring that proposals secure appropriate mitigation for such protected sites.
23. The Appellant submitted a unilateral undertaking as part of the appeal in response to the concerns raised by the Council within the second reason for refusal as provided on the Council's decision notice. The Council were provided with an opportunity to comment on the submitted planning obligation and identified a number of issues with the conclusion that the submitted document did not overcome the abovementioned second reason for refusal.
24. In response, the Appellant has submitted an amended unilateral undertaking which sought to address the issues raised by the Council following their review of the initial documentation. In these respects, the amended planning obligation appears to include provision for the Council's monitoring fee as well as provision in relation to financial contributions towards the SAC and in respect of education.
25. However, following a review of the amended submitted planning obligation, the unilateral undertaking appears to be incomplete in respect of several important and required aspects. In this respect it appears that a number of terms contained within the document have not been adequately defined.
26. Amongst other matters, the submitted planning obligation provides that the affordable housing would comprise a number of 'Shared Ownership Dwellings', as well as a number of 'Affordable Rented Dwellings'. The term 'Affordable Rented Dwelling' also appears within the definition provided for in terms of 'Housing Application'. Whilst the document does separately and adequately define 'Shared Ownership Dwellings' there is no corresponding definition provided for 'Affordable Rented Dwellings'.
27. Furthermore, the submitted obligation does not appear to provide adequate definitions in respect of local connection criteria. Whilst it is noted that the unilateral undertaking provides a definition of 'Area Local Connection' with reference to the terms 'Primary Area' and 'Secondary Area', the document also repeatedly refers to those with 'an area Local Connection with the County' and 'Minimum Local Connection' which are not defined and which would result in

contradiction or uncertainty in respect of those terms which have been defined by the document.

28. By reason of the above missing or incomplete information, I am not satisfied that the planning obligation would secure the required affordable housing nor give priority to those with the required connections to the area.
29. In light of these issues, I do not have a suitable mechanism before me which would secure the required affordable housing at the site. Whilst the provision of affordable homes, whether that be six units or a number above that following a viability review, would be a substantial benefit which would weigh significantly in support of the proposal, as there is no appropriate and enforceable mechanism before me to secure those benefits, this is not a benefit that I am able to consider against the harm identified above in relation to the scheme's conflict with Policy 21 of the Local Plan. Moreover, in the absence of an appropriate mechanism to secure the above requirements, given the appeal site's location outside of the settlement, the proposal would be contrary to Policy 9 of the Local Plan.

Planning Balance and Conclusions

30. Whilst it is acknowledged that the appeal scheme has been submitted as being for an affordable housing led development, for the reasons given above there is no suitable mechanism before me which would secure appropriate affordable housing at the site. The appeal scheme would conflict with Policies 9 and 21 of the Local Plan and I attach significant weight to the conflict with these policies of the development plan.
31. Weighed against that conflict, the proposed development would provide nine additional units towards housing supply at a location with convenient access to the services and facilities contained within Perranwell Station. Economic benefits would be provided in terms of employment opportunities during construction and through the future spend of residents within local businesses. However, in the absence of a suitable mechanism to secure appropriate mixture of affordable housing types, the weight to be attached to benefits of the scheme would be very modest given the limited scale of the proposal.
32. I therefore conclude that the benefits of the proposed development would be very modest in scale and scope and would not, in my view, outweigh the harm identified above in relation to the conflict with the development plan when taken as a whole.
33. Interested parties raise additional objections to the proposal on the grounds of highway and pedestrian safety and in relation to potential adverse impacts on capacity within local services. These are important matters and I have considered all the evidence before me. However, given my findings in relation to the main issues above, these are not matters that have been critical to my overall decision.
34. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR