



Appeal Decision

Hearing Held on 7 December 2021

Site Visit made on 7 December 2021

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2022

Appeal Ref: APP/D0840/W/19/3242850

Land west of Trevoole Farm, Botetoe Hill, Trevoole, Cornwall TR14 0RN

- 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 S Moore against the decision of Cornwall Council.
 - The application Ref PA18/10256, dated 18 October 2018, was refused by notice dated 24 September 2019.
 - The development proposed is the change of use of land to a 2 no. pitch Traveller pitch site including 2 no. mobile homes, 2 no. dayrooms, 2 no. touring caravans, 1 no. septic tank, hardstanding, and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to a 2 no. pitch Traveller pitch site including 2 no. mobile homes, 2 no. dayrooms, 2 no. touring caravans, 1 no. septic tank, hardstanding, and associated works at land west of Trevoole Farm, Botetoe Hill, Trevoole, Cornwall TR14 0RN in accordance with the terms of the application, Ref PA18/10256, dated 18 October 2018, and subject to the conditions in the attached schedule.

Applications for costs

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

Preliminary Matters

3. The scheme proposes a Gypsy and Traveller site with two pitches. The application is not advanced with identified prospective occupants as part of the proposal and therefore the personal circumstances of any individual are not material to the considerations in this appeal.

Main Issues

4. The main issues are:
 - whether or not the development plan and national policy would support the proposal in this location having regard to access to services and facilities, and whether or not it would likely perpetuate social exclusion experienced by Gypsies and Travellers, and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether or not the development plan and national policy would support the proposal in this location

5. Policy 11 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) provides the main policy criteria against which development proposals for Gypsies, Travellers and Travelling Showpeople are to be considered.
6. The appeal site would provide two pitches and based on the information available would, if permitted, become the only Gypsy and Traveller pitches restricted to such use in the immediate surrounding area. This is because the two residential mobile homes in the compound area on the other side of the road are unrestricted in their occupation.
7. The proposal would provide a reasonably modest sized scheme. This extent of development would be of an appropriate size for the site and proportionate in scale to the context and nature of the surrounding area. As a consequence, the proposed Gypsy and Traveller development would not dominate the nearby settled community. This would accord with the relevant policy criteria in Policy 11 of the Local Plan and the Planning Policy for Traveller Sites¹ (PPTS).
8. The site would provide generous amenity and play area for occupants of the proposed development. Furthermore, it would also help to address a need for sites for the different groups of Gypsies and Travellers in the plan area, especially given the level of delivery of pitches which does not meet Local Plan targets. I am satisfied, for the reasons explained later, that the scheme would provide a safe road access and there would be sufficient space for parking and turning of vehicles. In these respects, other relevant criteria in Policy 11 of the Local Plan would be met.
9. Of particular relevance to this appeal is that criterion 3 of Policy 11 of the Local Plan provides the main locational test for the provision of Gypsy and Traveller sites. The site is located within about 1 mile of Praze-an-Beeble which has a range of facilities and services including a convenience store, public house, GP surgery and primary school. Camborne lies to the north and the centre of the town appears to be less than 3 miles from the site², which is the relevant distance set by the policy criterion.
10. Camborne is a reasonable sized town with a wide range of facilities and services, including a railway station. There is a bus service along this part of the B3303 and it provides a reasonable level of service during the weekday and links the site with Camborne and Praze-an-Beeble. It was explained at the hearing that the bus stops that serve the site are on either side of the road towards an area in front of the industrial building to the broadly south west. I am satisfied that they could be accessed by crossing the road and walking down the grass verge without the need to walk within the carriageway edge. While the private vehicle would, in all likelihood, be the main source of travel, the bus service could provide an alternative at times to access both Praze-an-Beeble and Camborne.
11. At the hearing it was explained that any secondary school children occupying the site would, in all likelihood, be able to catch a bus from the bus stops to

¹ Published by the then Department for Communities and Local Government – August 2015

² Paragraph 26 of the Council's Planning Report states that the site is located 1.6 miles to the south of Camborne

and from Camborne Academy, which is one of the local schools for this catchment.

12. I am therefore satisfied that the site would be located within the specified distance of less than 3 miles to ensure reasonable access by a range of transport modes to access local services including GP and health care, education facilities, shops and public transport. The proposal would therefore comply with the locational requirements in criterion 3 of Policy 11 of the Local Plan. It also follows from the above analysis, and when considering the other policy criteria, that the scheme would comply with Policy 11 as a whole.
13. The PPTS policy is that local planning authorities should very strictly limit new traveller site development in the open countryside that is away from existing settlements. In this case, the site would be in an area defined as open countryside. However, the proposal would meet with the locational requirements of the development plan, which does not exclude the ability for Gypsy and Traveller pitches to be permitted in the countryside, and the proposed pitches would be located with reasonable access to Praze-an-Beeble and Camborne. Therefore, I do not consider that the location could be considered as being away from existing settlements in terms of the approach in the PPTS.
14. I have found that the scheme would meet with the locational policy approach for Gypsy and Traveller development in the development plan. Accordingly, I consider the scheme would meet with the spatial strategy detailed in Policy 2 of the Local Plan as it would help maintain the dispersed development pattern of this part of Cornwall and would provide homes based on the role and function of each place. It then follows that the scheme would also meet with the broad requirements of Policy 1 of the Local Plan taking into account the location, layout, design and use of the site.
15. However, the Council make the case that the proposal would conflict with Policy 7 of the Local Plan which concerns housing in the countryside. However, this policy makes no reference to Gypsy and Traveller sites which, if the policy was applicable, would be at odds with Policy 11 of the Local Plan which can allow such residential accommodation in the countryside. Consequently, it seems to me that Gypsy and Traveller sites are addressed by Policy 11 and that Policy 7 is not directly relevant to the considerations in this appeal. Even if that was not to be the case, then I attach greatest weight to Policy 11 as it is the specific and detailed policy which sets the criteria against which Gypsy and Traveller development is to be considered.
16. Also Policy HT1 of the Crowan Parish Neighbourhood Development Plan 2018-2030 (the Neighbourhood Plan) was raised at the hearing and it was argued that the scheme would be contrary to its provisions. The Neighbourhood Plan forms part of the development plan for the area and Policy HT1 is a general policy in respect of housing which directs it to within identified settlement boundaries. The supporting text to this policy explains that the housing approach takes the housing figures from the relevant Community Network Area of the Local Plan, then applies the proportionate housing requirement to the Neighbourhood Plan area to provide a local approach to this housing delivery.
17. However, separate to this general housing requirement, Policy 2a of the Local Plan also details the delivery of at least 318 permanent pitches for Gypsies and Travellers during the plan period. This is a requirement across Cornwall as a

whole. The evidence does not clearly demonstrate or satisfy me that the housing policy in the Neighbourhood Plan accommodates the requirement in Policy 2a of the Local Plan to deliver Gypsy and Traveller pitches.

Consequently, I agree with the analysis set out in the Council's Planning Report that the Neighbourhood Plan is silent on the provision of Gypsy and Traveller pitches and that the relevant policy against which the scheme should be considered is Policy 11 of the Local Plan. Furthermore, the reason for refusal does not reference any conflict with Policy HT1 of the Neighbourhood Plan. As a consequence, the Neighbourhood Plan would not provide a locational objection to the appeal scheme on this site in the countryside.

18. Finally on this main issue, the reason for refusal argues that the location would perpetuate social exclusion experienced by Gypsies and Travellers. The appeal site would provide a permanent and settled base with two pitches in a location with reasonable access to local services and facilities. Occupants would be located so that they could register for local health care and I see no reason why this location would hinder them being part of the wider community in the area. Any children who resided on the site would have access to local schools. There is no evidence that the proposal would place undue pressure on local infrastructure which is a policy test in the PPTS. The site would be provided with sufficient space to assist with healthy lifestyles and the site would not have hard landscaping that would give the impression that the site and its occupants were deliberately isolated from the rest of the community. Consequently, I am satisfied that the location would assist with the integration of the Gypsy and Traveller community with the wider settled community and that the proposal would not perpetuate social exclusion.
19. In the light of the above analysis, I conclude that the location of the proposed Gypsy and Traveller pitches would be supported by the development plan and national policy. In this respect the scheme would comply with Policies 1, 2 and 11 of the Local Plan, the Framework and the PPTS.

Character and appearance

20. This area falls within Landscape Character Area 06 (LCA06) (Mount's Bay East) of the Cornwall and Isles of Scilly Landscape Character Study. A characteristic of this part of LCA06 is the river valleys with scattered farms with small stream-intersected fields enclosed by woodland, and open, slightly undulating farmland on the valley sides.
21. The appeal site is a gently sloping field set back from the B3303. Adjoining the vehicular entrance to the site is a log yard and to the general south/southwest is Bluebell Nursery that includes a plant nursery, café and field used for a limited number of touring caravans and tents. On the other side of the road is a compound that includes two residential mobile homes and further to the broadly west is the commercial vehicle repair garage and another commercial building. Trevoole Manor and Farm lies broadly to the east of the appeal site and consists of a number of buildings, including residential and holiday accommodation. Consequently, while the appeal site falls within a wider rural area and displays some of the distinctive verdant qualities of the LCA06 it is positioned amongst a general scattering of some buildings, caravans and non-agricultural uses that give the surroundings a somewhat developed feel.
22. The proposed development, including two mobile homes, two touring caravans and two day rooms with associated parking, would be positioned towards the

northern section of the site. The adjoining boundary vegetation, the angle of the northern boundary and the proposed position of the development within the site would limit the view of the pitches from the entrance with the B3303. The visibility of the end pitch could be reduced by further planting in the area just within the entrance gates.

23. There would also be some views of parts of the appeal development from the field associated with Bluebell Nursery but the caravans and day rooms would be a reasonable distance from this boundary and would be seen with the backdrop of the log yard. To assist further with reducing any visual impact, the broadly southern field boundary of the appeal site, which adjoins Bluebell Nursery, could be strengthened with additional planting without causing harm to the wider views from the touring caravan and tent site.
24. I noted that from within the appeal site there were longer distance views generally towards Trevoole Manor and Farm and the hills beyond. From these locations looking back towards the site, the fairly good boundary screening provided by the hedges and trees would largely filter out any substantive views of the development.
25. Drawing all these matters together, the appeal site is a reasonably self-contained field with quite good boundary screening and which makes a fairly minor contribution to the wider rural appearance of the area. There are limited views into the site from public vantage points. The introduction of the appeal development would to some extent introduce a suburban element to the field. However, Gypsy and Traveller pitches are not wholly uncommon features of the countryside in general. In this case the scatter of buildings and other uses in the vicinity, including a limited number of static and at times touring caravans, would be such that the appeal scheme for two pitches would not appear out of place and would not cause undue harm to the distinctive qualities of LCA06.
26. Consequently, I conclude that in the context of the surroundings and with the limited effect of the proposal on the wider landscape, the scheme would not have an unacceptable impact on the character and appearance of the area. Accordingly, the development would comply with Policies 1, 2, 12, 21 and 23 of the Local Plan, Policy HT4 of the Neighbourhood Plan, the Framework and the PPTS which seek, amongst other things, that development proposals need to sustain local distinctiveness and character.

Other Matters

27. I have carefully considered all the representations including from the Parish Council and local residents which have raised a series of objections to the proposal.
28. In terms of highway safety, while the road may be busy, the access has suitable sight lines in each direction and adequate space to safely pull off the road when turning into the site. During the consideration of the application the Highway Development Management Officer visited the site and raised no objection to the proposal subject to the repositioning of an advertisement sign which could be made the subject of a condition in any approval. Having reviewed all the information and visited the site, I agree with the Highway Officer and consider the road safety situation would be acceptable.

29. The Gypsy and Traveller pitches would be set in reasonably sizeable grounds and there is no substantive evidence to demonstrate that the intended residential use would be incompatible with the surrounding land uses, the business activities that are taking place nearby or the living conditions of the residents of any neighbouring property. There is a concern with the future management of the site and suggestions that it should be run by the Council and not be a private site. However, one of the Government's aims in the PPTS is to promote more private traveller site provision and there is no clear reason, in principle, why this site should not operate satisfactorily in private hands.
30. It is said that the appellant's land on the other side of the road is of a sufficient size such that it could accommodate the proposed development. That may or may not be the case, however, the proposal has been submitted for consideration and it is necessary for the appeal to be determined on its merits. Consequently, the potential of another site to accommodate the proposed development carries limited weight in the overall assessment of the suitability of the present appeal scheme against development plan policies.
31. At the hearing, concerns were raised in respect of the effect of the development on a nearby listed building, Trevoole Manor. However, this is separated from the appeal site and I am satisfied that the proposed development would not cause an adverse effect on the setting or significance of this heritage asset. Also concerns have been raised regarding the effect of the development on the biodiversity of the area. However, while no doubt there is wildlife locally given the rural location, there is no substantive and documented evidence that the section of grassed field which forms the appeal site, and which indications are that it has been grazed in the fairly recent past, has such ecological interest that this should form a material planning issue that weighs against the scheme.
32. Finally in terms of other matters, there are submissions from the main parties regarding the delivery of pitches against Local Plan targets and the alleged failure of policy. However, in view of my overall conclusions and the compliance with the development plan as a whole, I have not needed to consider these matters further.

Conditions

33. I have had regard to the suggested conditions agreed as part of the Statement of Common Ground and the advice in the Planning Practice Guidance. These conditions were discussed at the hearing and I have amended the wording where necessary in the interests of clarity or to meet the six tests in the Guidance. The statutory time limit is required and a condition specifying the approved plans is necessary in the interests of certainty.
34. A condition is necessary to restrict occupation of the site to those defined as Gypsies and Travellers to accord with the terms of the application and the policies of the development plan. Conditions controlling the number and position of pitches and associated caravans, and how the dayrooms shall be constructed and used, are necessary in the interests of controlling the activities on the site to accord with the terms of the application and in the interests of the amenities of the area.
35. A condition is necessary for details of the external lighting and landscaping to be agreed and implemented in accordance with the approved details in the

interests of the visual appearance of this location and the amenities of neighbouring properties.

36. A condition is necessary for the system for the disposal of sewage to be completed and retained as per the submitted plans in the interests of water quality and the residential amenities of future occupiers. Finally a condition is necessary for the visibility splays, including the removal of any signs within the sight lines, to be provided and thereafter maintained in the interests of highway safety.

Conclusion

37. For the reasons given above, the scheme would comply with the development plan when considered as a whole and other material considerations do not indicate that a decision should be made other than in accordance with the development plan. Accordingly, and taking all other matters into account, I conclude that, subject to the specified conditions, the appeal should be allowed.

David Wyborn

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Dr Simon Ruston MRTPI	Ruston Planning
Simon Moore	Appellant
Samantha Smitheram	Relative of Appellant
Towan Nicholas	Relative of Appellant

FOR THE LOCAL PLANNING AUTHORITY

Peter Blackshaw BA(Hons) MRTPI	Cornwall Council
Cllr Dr Loveday Jenkin	Cornwall Council

INTERESTED PARTIES

Jeannette Barnett	Bluebell Nursery
Stephen Barnett	Bluebell Nursey
Cllr David Smith	Crowan Parish Council

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed below:
Proposed 1853/PL01B, Proposed 1853/PL03B and Site/location Plan SM19-SLP Rev E.
- 3) The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 4) No caravan shall be stationed on the land other than within the area shown outlined in red on drawing no. SM19-SLP Rev E.
- 5) There shall be no more than two pitches on the site and on each of the two pitches hereby approved no more than two caravans (of which only one caravan shall be a residential mobile home), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed at any time.
- 6) Prior to the use of land hereby permitted commencing a scheme shall be submitted to and approved in writing by the Local Planning Authority for:
 1. proposed and existing external lighting on the boundary of and within the site;
 2. landscaping details; including tree, hedge, and shrub planting including details of species, plant sizes and proposed numbers and densities; and
 3. a timetable for its implementation.The approved scheme shall be carried out in accordance with the approved details and completed in accordance with the approved timetable and shall thereafter be retained.
- 7) The dayrooms hereby permitted shall be constructed in accordance with approved plan 1853/PL01B and thereafter the dayrooms shall only be used for purposes ancillary to the residential occupation of the static caravans hereby permitted and for no other purpose whatsoever.
- 8) The development hereby permitted shall not be occupied until the system for the disposal of sewage has been completed in accordance with the approved plans referenced 1853/PL03B. The system shall be retained and maintained thereafter in accordance with the approved plans.
- 9) Before any other building or engineering works are carried out on the site, all land within the visibility splays shown on drawing no. 1853/PL03B; shall be reduced to a height not exceeding 900mm above the adjoining carriageway level; any signs or obstructions within the said visibility splay shall be removed and no new signage erected within the visibility splay and thereafter no obstruction shall be permitted within the approved visibility splays.

End of Schedule