



Appeal Decision

Site visit made on 6 January 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/D0840/W/20/3266153

Land South Of The Old Stables, Rescorla, St Austell, Cornwall PL26 8YT

- 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 P Crocker against the decision of Cornwall Council.
 - The application Ref PA20/01617, dated 14 February 2020, was refused by notice dated 17 July 2020.
 - The development proposed is change of use of the land to a private Romani Gypsy site consisting of 2 Gypsy pitches with associated works including 2 mobile homes, 2 touring caravans, 2 day rooms and the installation of a septic tank.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the land to a private Romani Gypsy site consisting of 2 Gypsy pitches with associated works including 2 mobile homes, 2 touring caravans, 2 day rooms and the installation of a septic tank at land south of The Old Stables, Rescorla, St Austell, Cornwall PL26 8YT, in accordance with the terms of the application, Ref PA20/01617, dated 14 February 2020, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. With the appeal, an amended plan has been submitted that shows the day room buildings' walls finished in timber cladding as opposed to render as indicated on the planning application drawing. The Council requests the revised plan is not accepted on the basis it has not been the subject of public consultation. However, the Council and the public have had the opportunity to comment on it as part of the appeal process. Moreover, the external materials to the day rooms do not go to the heart of the disputed matters. Having regard to the Wheatcroft Principles, I am satisfied that accepting the amended drawing would not prejudice interested parties. Therefore, I have taken it into account in my assessment of the appeal.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area as well as considerations in favour of the proposal.

Reasons

Character and appearance of the area

4. The site lies on the south eastern edge of Rescorla, a small hilltop settlement consisting mainly of houses and surrounded by fields and copses. The site is vacant of buildings but includes an area of hardstanding above a grassed bank

that slopes down to the east boundary. A public footpath runs along the tarmacked access drive from the road and which also serves nearby residences and barns. There are extensive views from the site of the open landscape on the eastern side of the settlement. Although it is not formally recognised for its quality, the locality has a pleasant rural village feel. The site's open nature makes a minor contribution to Rescorla's rural setting.

5. The introduction of static and touring caravans and dayrooms would plainly give the appeal site a more developed and domestic character. However, the two pitches would not significantly increase the number of residential properties or dominate the settlement in Rescorla.
6. The proposal would alter the character of the area through the introduction of mobile homes. However, it is not unusual to see caravans in the countryside or on residential drives, and mobile homes are stationed near Bowling Green and thus present in the wider area. Since the proposed caravans would facilitate the residential use of the land and be similar in size to nearby dwellings, they would not unacceptably change the character of the site or its village setting.
7. Buildings near to the site include timber clad barns and so a similar finish to the walls of the day rooms would not look out of place. It would be reasonable to impose a planning condition that requires approval of details to ensure the external materials are not unacceptably discordant. Also, the village contains dwellings of various forms and sizes and the single storey day rooms would not be uncharacteristically large in comparison.
8. Views of the development from the footpath and from nearby properties would be largely screened by a bank and Cornish hedge to the side of the drive and the adjacent barn. Parts of the proposal would be seen through the access gap and from adjacent residences and so it would reduce views across the site towards the wider countryside. However, as it is, those views are limited.
9. The development would be seen from further away on the lower parts of the footpath to the south. Also, it would be visible at a distance from the road leading eastwards out of Bowling Green and from Treskilling Downs to the east. From these vantage points, the caravans, day rooms and associated items on the pitches would be seen to form a relatively small development, adjacent to and not unacceptably out of character with existing village buildings. The proposed groundworks and retaining walls would be visible but the topography of the site would not be changed so as to fundamentally alter the local landscape.
10. Moreover, a condition could be imposed so as to require new planting, particularly along the eastern boundary. I would not allow the appeal simply on the basis that the development could be concealed as such an argument could be repeated too often to justify any harm. However, the development would be a relatively minor extension of the settlement and it would not encroach on the extensive open countryside around the village. Therefore, a landscaping condition would suffice to protect views from the surrounding area.
11. For the above reasons, I conclude the development would accord with policies 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010 to 2030 (LP). Amongst other things, these seek to ensure proposals respect and maintain the distinctive character of an area. The Council's refusal reasons also refer to LP policy 21 but this contains no provisions relevant to this issue

Considerations in favour of the proposal

12. In line with the provisions of the Planning Policy for Traveller Sites (PPTS), Policy 2a of the LP sets out a key target to deliver at least 318 permanent pitches for Gypsies and Travellers in the period up to 2030. The Council's Annual Monitoring Report 2020 indicates that, to date, 66 new permanent pitches have been allowed or 16.3 per year. At this rate of provision, 228 pitches would be provided by 2030, which represents a significant shortfall against the LP target.
13. In light of these figures, the Council accepts there is a need for permanent pitches and that this should be a significant consideration in the assessment of the scheme. The proposal would make a modest contribution towards the overall provision of Gypsy and Traveller pitches. Even so, in light of the current deficit, the scheme's benefit in helping to address the general need weighs heavily in favour of the proposal.
14. Representations suggest that there is an oversupply of Gypsy and Traveller sites in the local parish area. However, LP policy 2a sets a pitch provision target for the whole county with no specific requirements or limits on provision for smaller areas.
15. The proposal would be occupied by the appellant's 2 sons and their families who are in need of Gypsy accommodation. Limited information has been provided on where these individuals currently reside and whether their needs would be addressed by alternative sites if this appeal was dismissed. Nevertheless, the evidence indicates the scheme would help address a specific personal requirement.
16. The development would be outside the current built extent of Rescorla but it would be adjacent to the village and so it would promote integrated co-existence between occupiers and the local community. In these regards it would accord with the aims set out in the PPTS to increase the number of Gypsy and Traveller sites in appropriate locations.

Other matters

17. Several other issues have been raised. Natural England advise the proposal would have no significant adverse impacts on the sites identified as being of ecological importance in the surrounding countryside. Also, the appellant has submitted a habitat survey report that sets out measures required to protect and enhance the biodiversity value of the site itself. These are necessary to protect and enhance biodiversity in line with LP policy 23 and they could be reasonably secured through the imposition of a planning condition.
18. Representations indicate the site could be the subject of ground contamination and on parts of it levels have been raised through imported material. However, it would be reasonable to impose planning conditions to ensure the risk of contamination is properly investigated prior to the commencement of development. These conditions would be necessary to avoid harm to the environment or the health of future occupiers.
19. The Council's appeal submission indicates the site is at risk of flooding, although this is at odds with the contents of the Council officer's report on the planning application. In the absence of any information that demonstrates

otherwise, I have no grounds to consider the proposal would be at flood risk or would exacerbate flooding elsewhere.

20. There is no reason to find the development could not be served by an appropriate water or electricity supply, waste collection service or drainage systems. By virtue of its relative position and land levels, the scheme would avoid a significant loss of privacy to any other property.
21. The 2 pitches are likely to generate limited traffic movements and so the scheme would avoid unreasonable disturbance to nearby residents as a result of vehicle noise. Also, the low level of trip generation would ensure the proposal causes no unacceptable risk to pedestrians and vehicles using the access drive. Suitable parking and turning space would be provided.
22. In the absence of firm reasons to dismiss the appeal on any of the above grounds, the concerns raised do not affect my overall conclusions.

Planning balance

23. I have found no unacceptable harm in respect of the first main issue. The proposal would beneficially increase the supply of pitches at a time when there is clear shortage in the provision of Gypsy and Traveller sites. This benefit in itself adds significant weight in support of the scheme. For these reasons, I find that planning permission should be granted.
24. The proposal seeks permanent planning permission with no restrictions on occupancy to particular individuals. For the reasons given and in light of its contribution towards the general need for pitches, I find the proposal to be acceptable on this basis. As such, conditions that would allow only a temporary use or that restrict occupancy to named people are unnecessary.

Conditions

25. I have considered the conditions suggested by the Council, having regard to the tests set out in the National Planning Policy Framework. Where appropriate, I have amended the wording for precision reasons.
26. A condition setting out the approved plans is included for reasons of clarity. For reasons explained more fully elsewhere in this decision, I impose a condition that requires approval of a landscape and ecological management plan with details of new planting as well as measures to safeguard and enhance on site wildlife interests.
27. A condition that relates to ground contamination surveys and remediation is required to avoid pollution and risk to human health. However, the conditions suggested by the Council are unreasonably burdensome given the scale of the proposal and so I have imposed a single, simpler condition that serves the same purpose. To ensure a satisfactory appearance, a condition is needed that requires details of the timber cladding to the day room buildings to be submitted and approved.
28. It is necessary and fundamental to the acceptability of the proposal to impose a condition to ensure the development is occupied by people that meet the PPTS definition of Gypsies and Travellers. To protect the living conditions of future occupants and prevent harm to the character and visual qualities of the area, it is necessary to impose a condition that limits the number of pitches and static

caravans. However, I find no reason to place restrictions on the width of any mobile home other than in accordance with the definitions as set out in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. Furthermore, the proposal includes no reference to any commercial activities and so there is no need for a condition to prevent such uses as planning permission would be required in any event.

Conclusion

29. For the reasons given above I conclude that the appeal should be allowed.

Jonathan Edwards

INSPECTOR

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 following approved plans: drawing No 02 and drawing No 03 rev A.
- 3) No development hereby permitted shall commence until a Landscape and Ecological Management Plan (LEMP) addressing landscape and biodiversity protection and enhancement during the pre-construction, construction and operational period of the development has been submitted to and approved in writing by the local planning authority. The issues which need to be addressed in the LEMP shall include:
 - retention of existing hedges and trees;
 - location and type of new hedges and planting along the eastern boundary;
 - a reptile mitigation method statement;
 - other biodiversity enhancements and mitigation documented within the Spalding Associates (Environmental) Ltd Extended Phase One Habitat Survey report dated 17 April 2020 including times of works/installation (bird/bat boxes);
 - management proposals for hedges and new planting, including replacing planting within the first 5 years and proposals to allow hedgerow trees to develop.

The development shall be carried out and managed in accordance with the approved LEMP.

- 4) No development hereby permitted shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- a) a survey of the extent, scale and nature of contamination;
 - b) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.
- 6) No construction works on the day rooms hereby permitted shall commence until details of the external timber cladding to their walls have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) 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).
- 8) There shall be no more than 2 pitches on the site and on each of the pitches hereby approved no more than 1 static caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed at any time.