



Appeal Decision

Site visit made on 10 October 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2022

Appeal Ref: APP/D0840/W/22/3293889

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 PA21/08128, dated 9 August 2021, was refused by notice dated 11 January 2022.
 - The development proposed is extension to existing B1/B8 industrial/warehouse building and formation of vehicle turning/parking area and boundary landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for extension to existing E(g)/B8 industrial/warehouse building and formation of vehicle turning/parking area and boundary landscaping at Treverbyn Road, St Austell, Cornwall PL25 4EW in accordance with the terms of the application, Ref PA21/08128, dated 9 August 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

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 in the banner heading, has been taken from the application form. However, both parties' submissions have referred to the amended Use Classes. I am therefore satisfied that my amendment of the description of the development in my decision is without prejudice to any party.

Main Issues

3. The main issues are:
 - a) The effect of the development on the character and appearance of the area; and,
 - b) The effect of the development on the living conditions of the occupants of nearby residential properties, with regard to noise and disturbance from traffic.

Reasons

Character and appearance

4. The appeal site lies on the western side of Treverbyn Road, which is a busy thoroughfare running downhill towards St Austell from the A391 to the north.

For much of its length, it is lined on both sides by established residential development. However, north of the appeal site, development is largely confined to the eastern side of the road. The site itself comprises a modest commercial building and an area of scrubby land that merges with the open countryside to the north and west. The land within the appeal site, to the north of the building, contributes to the open character of this side of the road, and provides a link to the wider countryside beyond. Nevertheless, there is continuous development on the eastern side of the road, including a significant area of commercial development. This is, therefore, an urban fringe area, where dense built development and open countryside are seen in close association.

5. A previous proposal to extend the building on the site and create a new access and parking area was dismissed on appeal in June 2021¹. The Inspector concluded that the size of the business site area, in relation to its wider built surroundings, would be appropriate to the location, and would accord with Policy 5 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan), which guides the location, scale and nature of new employment development. However, he found that the building extension, together with the extensive areas of hardstanding and the wide entrance and access drive, would have quite an intensive and stark industrial appearance. In balancing the issues, he concluded that the resultant harm to the character and appearance of the area outweighed the benefits of the proposal.
6. The current appeal site does not extend as far to the north or west, so is significantly smaller. No new access is proposed off Treverbyn Road, and the proposed building extension is much reduced, both in footprint and height. As a result, when travelling down Treverbyn Road from the north, the lean-to extension, tucked under the eaves of the existing building, would appear as a subservient addition. Furthermore, it would be seen against the backdrop of the dwellings to the south and west, which are of comparable scale to the resultant building. As there would be no new access off Treverbyn Road, the parking and manoeuvring area at the rear of the building would be behind the existing roadside hedge, and could be effectively screened by additional planting on the northern boundary of the site, such that it would not be an intrusive feature in this urban fringe location.
7. Approaching from the south, the extension would be largely hidden behind 77 Treverbyn Road, so would only be readily visible from a short stretch of the road through the access point. From here, it would appear as a modest extension, of a compatible scale and character to the existing building. The parking/manoeuvring area would be largely concealed behind the building, so would not be readily apparent from this viewpoint. Consequently, in southern approaches to the site there would be little impact on the character and appearance of the street scene.
8. The works necessary to provide the parking/manoeuvring area, would be visible from a short stretch of Treverbyn Road adjacent to, and opposite, the site. However, there is no clear division here between the built-up area and the countryside beyond. Consequently, the incorporation of this limited area of land into the curtilage of the commercial building would not appear as an obvious encroachment into the countryside. Judicious planting along the northern

¹ Appeal Decision APP/D0840/W/21/3268024

boundary of the site could ensure that there was not a harsh transition between the newly defined urban edge and the countryside beyond.

9. Overall, therefore, the proposal would not result in significant harm to the character and appearance of the area. In coming to this view, I am mindful that much of the site lies within the countryside. However, Policy 5 of the Local Plan does not prohibit employment proposals in the countryside that are of a scale appropriate to its location. As with the previous appeal decision, which covered a larger site, I consider that the scale of the business site area, in relation to its wider built surroundings, would be appropriate, and that its use for business activities would accord with the general approach of Policy 5. The reduction in the area of the site and in the scale of the extension, together with the omission of the proposed access, means that the development would not have the same harsh and conspicuous impact on this urban fringe location, and would not erode the character of the landscape to the same, harmful, extent.
10. I have had regard to the evidence that much of the site is not previously developed land. However, this is not a pre-requisite of compliance with Policy 5, so does not weigh heavily in my decision. I am also aware that, until recently, the site had a significant coverage of trees. Nevertheless, the evidence indicates that these were not protected, so their removal has little bearing on my consideration of this appeal.
11. To conclude on this issue, I find that, for the above reasons, the proposal would not have a harmful impact on the character and appearance of the area. It would, therefore, accord with Policies 2, 5 and 23 of the Local Plan, which seek to ensure a continued supply of appropriate business space, whilst respecting landscape character and quality of place.

Living conditions

12. The existing building has a light industrial use, and it is limited to only that use through a planning condition on the operative planning permission². The planning permission also contains other planning conditions, which limit the hours of use, and the level of noise emitted from the site. The appellant does not object to the imposition of similar conditions on the appeal scheme. There is no evidence that noise from the past operation of the site has led to any complaints from the occupants of nearby residential properties. The proposal does not involve a change of use of the building, or any alterations to the point of vehicular access. However, it does involve an enlargement of the site, and an approximate doubling of the floorspace. Whilst I have little evidence regarding the resultant impact on traffic movements, I cannot reasonably discount that there would be an increase in the number of commercial vehicles entering and leaving the site through the existing access off Treverbyn Road.
13. The vehicular access lies close to 77 Treverbyn Road, which is a house set roughly perpendicular to the highway. However, as it has a single-storey lean-to garage attached to its end gable, it has no primary windows facing the access. Furthermore, although its rear elevation is close to the internal access route, it is behind a 1.8-metre-high solid block wall and has no ground floor windows serving habitable rooms. There is one first floor window facing the site, but I saw that it was obscure-glazed, so was unlikely to serve a main habitable room. The rear windows in Nos 73 and 75 are small, and further

² Local Planning Authority reference: 98/23/01060

away from the access. All the main windows and outdoor amenity spaces for all of these properties face away from the site, on the southern side of the houses, so would be relatively unaffected by the use of the access.

14. Whilst the increased size of the building may give rise to additional traffic movements through the access, the overall proposals would move the parking and manoeuvring area to the rear of the building. As a result, any disturbance from these operations would be taking place further away from the residential properties than is currently the case, and would be shielded to some extent by the extended building. Consequently, the level of disturbance is unlikely to be significantly different to the current situation, where parking and manoeuvring must be carried out much closer to the houses.
15. I am mindful that the loading door to the extended storage building faces the residential properties to the south, but this is already the case for the existing building, and there is no evidence that this arrangement has resulted in harmful disturbance in the past. Whilst no noise assessment has been submitted, there is no evidence to suggest that the continued use of the extended building, within the same Use Class, and subject to the same limitations on hours of use and noise emission should lead to significantly greater impacts on the nearby residential properties. For the reasons given above, any increase in the use of the access is similarly unlikely to result in substantial disturbance to occupants of the houses.
16. Consequently, I conclude that the development would not harm the living conditions of the occupants of nearby residential properties. The proposal would, therefore, accord with Policies 12 and 16 of the Local Plan, which seek, amongst other things, to protect people from unreasonable noise and disturbance.

Other Matters

17. In arriving at my conclusions, I have had regard to the representations that have been received from third parties. Concerns have been raised about the impact of any increased use of the access on highway safety. I saw, however, that the existing access provides reasonable visibility for emerging drivers. I am also mindful that there is no evidence that the use of the access has resulted in any accidents. I note, also, that the Highway Authority raised no objections to the proposal.

Conditions

18. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has submitted a schedule of suggested conditions to cover other matters. I have considered these against the advice in the Planning Practice Guidance, and agree that they are necessary. However, I have altered some of them, in the interests of clarity and precision, to better reflect the guidance, and to avoid the need for them to be discharged prior to any commencement of development.
19. The proposals involve the provision of hard surfacing over a significant proportion of the site. It is therefore reasonable and necessary to impose a condition requiring details of surface water disposal to be submitted for

approval, to ensure that there are no flooding impacts on properties downstream.

20. The plans show planting to the northern and eastern boundaries, but this is somewhat indicative, and does not comprise native species that would help to ease the transition between the urban form and the open countryside, and to provide net biodiversity gain. Consequently, it is necessary to impose a condition requiring a scheme of landscaping to be submitted for approval.
21. To ensure that the proposal does not have a harmful impact on nearby residential properties due to noise, it is necessary to limit the use class, hours of use, and noise emissions, in line with the existing planning permission for the site.
22. Finally, to protect the character and appearance of the area, it is necessary to limit the amount of outside storage. However, the appellant indicates that some outside storage of timber and completed timber frames would be necessary for operational reasons. As the existing use of the site has no restrictions on outside storage it would be unreasonable to impose a complete ban. However, I have imposed a condition limiting the materials to be stored, and requiring agreement of the area(s) where such storage can take place.

Conclusion

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

Nick Davies

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: 20002.006 - Location Plan; 20002.007 - Existing Site Plan; 20002.008 - Proposed Site Plan; 20002.012 - Existing and Proposed Floor Plans, Sections and Elevations.
- 3) No hard surfacing shall be laid, and the extension shall not proceed above damp-proof course level, until details of a system for the disposal of surface water from the site has been submitted to, and approved in writing by, the local planning authority. The details shall include a programme for maintaining the system. The system shall be installed in accordance with the approved details prior to occupation of the extension, and shall thereafter be permanently retained and maintained in accordance with the approved programme of maintenance.
- 4) Notwithstanding the approved plans, no hard surfacing shall be laid, and the extension shall not proceed above damp-proof course level, until details of both hard and soft landscape works have been submitted to,

and approved in writing by, the local planning authority. The hard landscape details shall include

- proposed finished ground levels or contours;
- means of enclosure;
- car parking layout;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- details of any external lighting.

The soft landscape details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate, and an implementation timetable. The hard and soft landscaping works shall be carried out in accordance with the approved details and in accordance with the agreed implementation timetable. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) The premises shall be used only for purposes defined by Class E(g) and/or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose.
- 6) The use shall not take place other than between the hours of:
 - 0800 – 1800 on Mondays – Fridays
 - 0900 - 1300 on Saturdaysand not at any time on Sundays and Bank Holidays.
- 7) The level of noise emitted from the site shall not exceed 40 dB(A) measured over any 15-minute period at the boundary of the site.
- 8) No goods or equipment shall be stored outside the building other than the storage of timber and timber framed panels, which shall only be stored in area(s) that have previously been agreed in writing by the local planning authority.