



Appeal Decision

Site visit made on 6 December 2022

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/D0840/W/22/3297450

Land South of Trewedna Lane, Perranwell Station, Truro 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 Mr Morris, Morris Farms Ltd against the decision of Cornwall Council.
 - The application Ref PA21/10028, dated 16 September 2021, was refused by notice dated 15 February 2022.
 - The development proposed is residential development of nine dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for proposed residential development of nine dwellings at Land South of Trewedna Lane, Perranwell Station, Truro TR3 7PQ in accordance with the terms of the application, Ref PA21/10028, dated 16 September 2021, subject to the conditions set out in the Annex attached to this decision.

Application for costs

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

Preliminary Matters

3. I have taken the description of development in the banner heading above from the application form, however as 'revised application to PA20/03582' is not an act of development, I have removed this element.
4. I note some confusion by interested parties in relation to the address of the appeal site. The address of the appeal site in the banner above is taken from the planning application form and adequately describes the location of the proposal.
5. The application was made in outline with only matters of access to be determined at this stage. I have dealt with the appeal on that basis, treating any details of reserved matters aside from access shown on the plans, as being illustrative only.
6. Since the date of the decision and following submission of the appeal the Perranarworthal Neighbourhood Development Plan (NP) has been made and now forms part of the local development plan. I have taken this into account in my consideration of the appeal.

Main Issues

7. The main issues are:

- The effect of the proposed development on the character and appearance of the area;
- The effect of the proposal on the availability of agricultural land;
- The effect of the proposal on education infrastructure; and
- Whether the proposal would address local housing need.

Reasons

Character and appearance

8. The appeal site is located to the southwest of, and adjacent the settlement of Perranwell Station. The site is part of a larger agricultural field which has a grade 2 agricultural land classification and outside of the development boundary as depicted within the NP. The appeal site is bordered to the northeast and southeast by Trewedna Lane and School Hill and features mature hedgerow boundaries. Existing dwellings to the north of the site feature a mix of appearance and scale, including bungalows and two storey dwellings, with bungalows being prevalent elsewhere within the settlement. Due to the site being adjacent the settlement, there is convenient access to the services and facilities contained within the settlement including access to bus stops in very close proximity to the site.
9. The site is not within, but in close proximity to the St Gluvias Area of Great landscape Value and within Landscape character area CA11, Redruth Camborne and Gwennap, as described in the Cornwall and Isles of Scilly Landscape Character Study (LCS). The LCS describes the surrounding landscape as characterised by a rolling, predominantly pastoral, patchwork of fields demarcated by traditional hedgerows. The NP Local Landscape Character Assessment provides further context with the site lying adjacent one of four identified main areas, being the Perranwell area, and stating that land between these settlement areas are actively farmed, providing rural views in all directions. Contrary to the Councils' appeal statement, the site is outside of the identified area concerned with preventing coalescence shown within NP Map 4.
10. Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) seeks to achieve high quality safe, sustainable and inclusive design in all developments. It also seeks to ensure that development maintains and enhances Cornwall's distinctive natural character. Furthermore, LP Policy 23 requires that development should be of a mass and design that recognises and respects the landscape character of both designated and un-designated landscapes.
11. NP Policies 1, 4, 9 and 15 also seek to protect the landscape setting of the settlement and require the appearance of developments to respond to their context. Furthermore, NP Policies 4 and 9 require a Landscape Visual Impact Assessment (LVIA) to accompany an application in certain circumstances.
12. Although an LVIA did not accompany the application, noting the timing of the NP being made following determination of the application, I have had regard to

- a 'Landscape and Visual Response'¹ (LVR) provided by third parties. This notes that the landscape of the site and its setting does not have the capacity to accommodate the proposed development without unacceptable levels of harm, individually and cumulatively as a precedent.
13. The LVR has been prepared as a brief summary document and has taken a proportionate approach, focusing on key receptors rather than providing a detailed evaluation of the potential effect on every receptor within a given radius.
 14. The LVR suggests that much of the description of CA11 is too broad to apply to the site. When travelling toward the appeal site from the south along School Hill, the character of the area differs from entering the Perranwell Station village signs, with sporadic evidence of built form to the east and south of South Hill, continuing towards 'Penray', directly to the east of the site and south of Trewinnard Road, together with utility infrastructure being evident along the boundary of the site.
 15. Therefore, although the site does reflect the broad characteristics of the landscape character area, from some viewpoints particularly to the south and west is seen within the context of the dwellings to the north of Trewedna Lane, Trewinnard Road and the built form of the settlement beyond. This forms part of the landscape character of this particular site and the transition between the character of the wider landscape and built form of the settlement.
 16. While I agree with findings of the LVR that the site is a working field and seen as part of the rural landscape which forms the setting of Perranwell Station, the character of the area also includes built form as described above and the development of the appeal site, would not have a significant impact on the landscape qualities of the wider character area. Indeed, the LVR highlights that field hedges and garden planting provide an effective screen to the majority of built form in the area, and reinforce the clear lines created by Trewedna Lane and Trewinnard Road in defining the extent of the developed area. The proposed development proposes retention of existing roadside hedgerow and verge, and new Cornish hedgerow to the boundaries and I have no reason to believe that the new boundary planting will not have a similar screening or defining effect to the existing.
 17. Although the LVR refers to the design of the proposal not changing since previous applications, the site plan before me is indicative, and the proposal is subject to matters of appearance, landscaping, layout and scale being reserved. The proposal does however indicate retention of existing roadside hedgerow and verge, aside from the access point, with the proposed dwellings and associated garden areas being accommodated within the site at a density which would relate well to the other dwellings on the opposite side of Trewedna Lane and would not appear as an isolated residential estate. I see no reason why subject to reserved matters, this could not be the case in the final development.
 18. The proposal would therefore be read as a logical physical continuation of the settlement when viewed from surrounding viewpoints. Furthermore, although there would be some loss of views of the wider landscape, particularly from the

¹ Landscape and Visual Response to PA21/10028 Proposed Residential Development (9 units) – February 2022, Tirwel.

north and east, this would be in the context of the existing built form of the settlement and would not result in any significant harm to the surrounding landscape character or appearance of the area.

19. Consequently, the proposal, subject to appearance, landscaping, layout and scale of the scheme to be confirmed at the reserved matters stage would comply with the provisions of LP Policies 12 and 23, and NP Policies 1, 4, 9 and 15 which, amongst other things, seek to ensure that local distinctiveness and the character and appearance of the area is protected. For the same reasons given above, the proposal would accord with the provisions of the National Planning Policy Framework (Framework) which concern achieving well designed places.

Agricultural land

20. 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. The appeal scheme would result in the loss of approximately 0.74 hectares of Grade 2 agricultural land. While this is a relatively small area, it would nonetheless result in the loss of some best and most versatile agricultural land which is a valuable resource for amongst other things food production, and conflict with criterion d. of LP Policy 21.

Education infrastructure

21. LP Policy 28 provides that developer contributions will be sought to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development.
22. Following the submission of the appeal, a S106 agreement has been completed which secures, amongst other things, contributions in respect of education provision.
23. The Council has agreed that the S106 agreement has provided a suitable mechanism to secure required planning obligations, including education provision and having reviewed the S106 agreement and on the evidence before me, I have no reason to disagree. Consequently, the proposal would provide an adequate mechanism for contributions towards education in accordance with LP Policy 28.

Housing need

24. LP Policy 9 concerns rural exception 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. The NP also seeks to provide for a limited amount of new housing to meet local needs and demand with NP Policy 4 supporting affordable housing led rural exception sites, subject to certain criteria including the development being adjacent the development boundary and landscape considerations.
25. The Council's Committee report indicates that the need for affordable housing in the parish equates to a maximum of 20 dwellings, although this was revised within an addendum up to 25 dwellings.

26. The Councils Appeal statement has updated this position further, and set out that the figure, at the time of drafting the appeal statement was 21 dwellings. Although I note the Councils comments regarding the potential inaccuracy of these figures due to matters such as double counting, based on the information before me, there is no other particular evidence to lead me away from the numbers provided by the Council being a reasonable depiction of the need.
27. Even if it is the case, as the Council cite, that a development elsewhere which provided 15 affordable dwellings resulted in only 3 of these dwellings being occupied by persons with a local connection to the parish, based on the evidence before me, there is still a demonstrable need for affordable housing in the parish. Furthermore, I note the comments of the affordable housing officer at the Planning Committee that the stated 25 households in housing need in the parish were in addition to those allocated in the development elsewhere, and since the other scheme had been developed, the housing need had grown.
28. The proposal seeks to provide 6 affordable dwellings (66%), although this is not fixed and would be considered at reserved matters subject to a viability assessment as required within the planning obligation. It has also been put to me that 11 of the 21 households on the 'Homechoice' register are within 'Band E'. However even if the proposal were to provide 9 affordable dwellings (100%), I find that this would not result in an over-provision of affordable housing within the parish in excess of a demonstrable need even taking into account households within Band E.
29. It is clear that the local affordable housing need has fluctuated, and I accept that it may fluctuate further before properties are released. However, no evidence has been put to me of the housing need figure, even taking into account Band E households, falling below that which could potentially be provided by the proposed development, notwithstanding other developments coming forward. I therefore have no reason to conclude that the proposal will result in an overprovision of affordable housing in the parish.
30. I note the suggestion that the same people in alleged housing need may be justifying continued development within the parish, even though they are not ultimately occupying the houses provided. However, there is no robust evidence that this is occurring repeatedly. Ultimately, on the evidence before me, there is a demonstrable need for housing in the parish which has yet to be met. Even if the proposal provides a minimum of 50% as affordable dwellings, this will go a considerable way to meeting the need to which I afford significant weight. Consequently, the proposal will accord with LP policies 8 and 9 and NP Policy 4 which seek, amongst other things, to provide affordable housing to meet identified local needs.

Other Matters

31. The appeal site is within flood zone 1, although I note the anecdotal comments relating to flooding along Trewedna Lane. Planning conditions could be imposed requiring a Construction Phase Surface Water Management Plan, as well as further drainage scheme details which would ensure that the proposal successfully manages foul and surface drainage.
32. The Council's Highway Officer has not raised any objection to the proposal. The access would achieve sufficient visibility due to the existing verge. A footway would be provided along the Trewedna Lane site frontage, finishing at the

junction with School Hill, requiring users to walk on the carriageway for a section to reach the services and facilities in the settlement. I observed the character of the highway at this point, and given the traffic movements, and noting the concerns of local residents, I see no reason to disagree with the Councils Officer in this matter.

33. Alternative sites have been suggested. Even if it is the case that these sites are a lower class of agricultural land, I am required to assess the appeal site before me, on its own individual planning merits. There is no policy requirement that I have been made aware of to sequentially consider other sites which may provide a similar development.
34. The site would be within easy reach of a number of local services and facilities and therefore accords with those aspects of the Framework relating to accessibility of development. Although I note the concerns regarding capacity at doctors and dentists' surgeries, I have no evidence before me to indicate that an additional 9 dwellings would result in an unacceptable impact on this infrastructure.
35. Given the proximity of the appeal site to existing built form, and therefore existing sources of light, the proposal, whilst extending development into a previously undeveloped area, is unlikely to result in a significant increase in light pollution.
36. This appeal has been dealt with on its own merits and within the context of the appeal site. There is no obvious reason why this appeal decision would set a precedent for the area, as each proposal must be assessed on its own merits and the particular circumstances of each site.

Special Area of Conservation

37. The site lies approximately 7km south-east of the SAC. Therefore, the site lies within the 10km Zone of influence for this designated site. The Habitats Regulations require that permission may only be granted after having ascertained that the development will not affect the integrity of the SAC.
38. The SAC is designated for its Annex I habitats of Atlantic Salt Meadows, estuaries, mudflats and sandflats not covered by seawater at low tide, large shallow inlets and bays; feeds and sandbanks. The site supports Annex II species of shore dock *Rumex rupestris*.
39. The SAC is an important recreational and economic resource and it is likely that occupants of the proposed development would visit it. On this basis, it cannot be ruled out that the proposal, when considered alone or cumulatively with other schemes, would have significant effects on the features of interest of the SAC due to increased recreational use.
40. To mitigate against potential effects, financial contributions of the amounts set out in the European Sites Mitigation Supplementary Planning Document 2021 have been secured in accordance with Cornwall Council's approach to strategic mitigation, which will contribute towards the delivery of Strategic Access Management and Monitoring.
41. As such, I am satisfied, on the basis of the specific evidence before me, that the planning obligation provides a sufficient mechanism to enable the delivery

of proportionate strategy to mitigate the effects of development which could affect the SAC.

42. I therefore find following Appropriate Assessment under the Habitats Regulations, that, with the provided mitigation, the proposal would not have an adverse effect on the integrity of the SAC. It would accord with LP Policy 22, the provisions of the Habitats Regulations and the Framework insofar as they seek to secure the long-term protection of such sites and mitigate any adverse effects on their integrity.

Planning Balance

43. The appeal proposal conflicts with LP Policy 21 due to the loss of some of the best and most versatile agricultural land. Paragraph 174 of the Framework recognises the benefits of the best and most versatile agricultural land. Although the appeal site covers a relatively small area, I nonetheless afford this conflict moderate weight.
44. Weighed against that conflict, the proposed development would provide 9 additional units towards housing supply at a location with convenient access to services and facilities. Furthermore, although the precise amount of affordable housing would be subject to a future viability review, the planning obligation would ensure that not less than 50% of the dwellings would be affordable units as required by Policy 9 for sites outside the development boundary. Given the demonstrated need for affordable housing in the area, I afford this benefit significant weight. Furthermore, economic benefits would be provided in terms of employment opportunities during construction and through the future spend of residents within local businesses, although given the scale of the proposal I afford these benefits only modest weight.
45. Taking all of the above, I find that the benefits of the proposed development, particularly in the provision of affordable housing in accordance with policy requirements, outweigh the identified harm in relation to the conflict with criterion d. of LP Policy 21.

Conditions

46. A number of conditions have been suggested by the Council in the event of the appeal being allowed, which I have assessed and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance. A condition regarding the approved plans is required to provide certainty. Given the proximity to neighbouring dwellings conditions are required in relation to construction and delivery times and a Construction Environmental Management Plan to protect neighbouring occupiers living conditions and manage the risk of pollution during the development phase.
47. A condition is required as it is essential that surface and foul water drainage can be adequately managed both during the construction phase and thereafter. A condition requiring details and to ensure the estate road and pavement is provided is required to ensure the safety of all highway users. The Council's Historic Environment Officer has identified potential archaeological features on the site and therefore a condition is required to ensure a programme and methodology of site investigation and recording of archaeological features is undertaken. I have amended a condition in the interests of biodiversity to

secure the mitigation and enhancements pursuant to the Ecological Appraisal Report which was submitted with the application.

Conclusion

48. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

S Harrington

INSPECTOR

Annex

Conditions

1. An application for approval of reserved matters must be made no later than the expiration of 3 years from the date of this decision and the development hereby approved shall commence no later than 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Details of the appearance, landscaping, layout and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
3. The development hereby permitted shall be carried out in accordance with the plans: 15045-PL-00-01; and 15045-PL-00-03 REV B in so far as it relates to matters of access.
4. No demolition or construction work including deliveries of plant or material, or use of machinery or power tools on site shall take place other than between 0800 to 1800 hrs Monday to Friday; 0800 to 1200 (noon) on Saturday and no workings on Sundays and Bank Holidays.
5. No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management and foul water treatment has been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - A description of the foul and surface water drainage systems operation;
 - Details of the final drainage schemes including calculations and layout;
 - Confirmation from South West Water Ltd that the foul network has sufficient capacity to cater for this development;
 - A Construction Quality Control Procedure;
 - A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features;
 - A timetable of construction including a plan indicating the phasing of development including the implementation of the drainage systems;

- Confirmation of who will maintain the drainage systems and a plan for the future maintenance and management, including responsibilities for the drainage systems and overland flow routes.

Thereafter, the approved scheme shall be implemented in accordance with the details and timetable so agreed and the scheme shall be managed and maintained in accordance with the approved details. Details of the maintenance schedule shall be kept up to date and be made available to the Local Planning Authority within 28 days of the receipt of a written request.

6. No development shall commence until details of the estate road including construction, tracking, alignment, surfacing, drainage, new footway, road markings and lighting has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any unit, the estate road as well as the new footway and road markings shall be constructed in accordance with the approved plans and shall be retained as such thereafter.
7. No development shall commence until a Landscape and Ecological Management Plan (LEMP) setting out the provision, management and maintenance of green infrastructure and biodiversity enhancement measures to be managed for biodiversity and landscape purposes has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the LEMP shall comply with the recommendations, mitigation and enhancement measures contained within the Ecological Appraisal Report dated September 2021 sections 8.1 to 8.11 inclusive.

All elements of the LEMP shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed.

8. No development shall commence on the site subject of this permission until a detailed Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority which includes the following information:
 - Details how noise and dust will be controlled. The controls put in place must be based on the advice contained within BS 5228 The control of noise and vibration from construction and open sites Part 1 Noise and Part 2 Vibration and the IAQM document entitled Guidance on the assessment of dust from demolition and construction;
 - Area within the site identified for vehicle parking for contractors and visitors;
 - Location of delivery parking and unloading for construction materials;
 - Location of construction compound including position of portable office(s) and rest room and toilets;
 - Location of materials storage areas;
 - Details for wheel washing for any vehicle leaving the site to ensure that mud and debris are not tracked onto the adjacent highway;
 - Construction-phase traffic management plan;
 - Proposed working hours;
 - Details of all permits, contingency plans and mitigation measures that need to be put in place to control the risk of pollution to controlled waters, protect biodiversity and avoid, minimise and manage the

productions of wastes with particular attention being paid to the constraints and risks of the site.

Thereafter the development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

9. A) No development shall take place until a programme of archaeological recording work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:
- The programme and methodology of site investigation and recording;
 - The programme for post investigation assessment;
 - Provision to be made for analysis of the site investigation and recording;
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - Provision to be made for archive deposition of the analysis and records of the site investigation;
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation (WSI) approved under (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.