



Appeal Decision

Site visit made on 16 April 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2024

Appeal Ref: APP/D0840/W/23/3328767

Land Adjoining Duck Lane, Trematon, Saltash PL12 4RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Dean Scantlebury, DS Developments (SW) Ltd against the decision of Cornwall Council.
 - The application Ref is PA23/02089.
 - The development proposed is Rural Exception Site comprising of four detached open market bungalows (1 x 4-bed with double garage, 3 x 3-bed with integral garage) and two detached affordable bungalows (2 x 3-bed, 1 x social rent and 1 x shared ownership) and two semi-detached bungalows (2 x 2-bed, 2 x social rent) along with parking spaces, access road, landscaping and open space area.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr Dean Scantlebury, DS Developments (SW) Ltd 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 However as 'Application for' and '(resubmission of withdrawn Application No. PA22/07188)' are not an act of development, I have removed these elements.
4. Following the decision of the Council, a signed Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990(UU) has been received. As well as committing to affordable housing provision, the UU commits to payment of contributions to mitigate additional recreational disturbance on the Plymouth Sound & Estuaries Special Area of Conservation & Tamar Estuaries Complex Special Protection Area (the habitats sites).
5. During the course of the appeal the revised National Planning Policy Framework (Framework) was published. The main parties have had the opportunity to make comment on any implications of this change within the appeal timetable.

Main Issues

6. The main issues are:

- whether the proposal would provide a suitable location for housing, having regard to accessibility of local services and facilities; and
- whether the proposal secures appropriate provision for affordable housing.

Reasons

Location

1. Policy 1 of the Cornwall Local Plan Strategic Policies 2010–2030 (LP) requires that development is 'sustainable'. This Policy notes that proposals that accord with the Local Plan and supporting Development Plan (including, where relevant, with policies in Neighbourhood Plans) will be regarded as 'sustainable development', and be approved, unless material considerations indicate otherwise. Nevertheless, it requires that when considering whether a development proposal is sustainable or not, account will be taken of, amongst other things, its location.
2. There is no dispute that the appeal site is located adjacent the development boundary of Trematon as defined within the Saltash Neighbourhood Development Plan 2021 (NP). In locations adjacent development boundaries, LP Policy 9 and NP Policy RUR2.4 support the principle of Rural Exception Sites (RESs), subject to certain criteria.
3. My attention has also been drawn to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (The CPOAN). The CPOAN does not form part of the statutory development plan and is to be regarded as informal guidance. It notes there are no expectations of services or facilities in settlements and indicates that smaller villages and hamlets should be part of a network in reasonable proximity to settlements with significant community facilities.
4. Trematon lacks any day-to-day services and facilities with the nearest town with a range of services being Saltash some 2km from the appeal site. However, the most direct route to Saltash consists of both a rural lane and the A38, whilst a longer route consists of solely rural lanes. I observed that the rural lanes lack pedestrian pavements or street lighting, are periodically enclosed by boundary features resulting in little or no refuge for pedestrians from passing vehicles and sections are within the national speed limit.
5. The A38 is a busy highway with fast moving traffic, is dualled in sections and does not provide separate pedestrian or cycle provision. The surrounding highway network also features undulating topography which could be challenging to some cyclists. Therefore, despite the proximity of Saltash, the character of the highway network is such that would discourage use by both pedestrians and cyclists, and I find it highly unlikely that future occupiers would access services and facilities by foot or bicycle.
6. Moreover, although there has been a limited bus service linking Trematon to Saltash, the evidence before me indicates that this service has now ceased, resulting in no public transport links within easy reach of the appeal site. Even if the service were still operational, it was limited to a single return trip one day

a week. As such, I find there are no realistic alternatives to private transport, resulting in future occupiers of the proposal having a significant reliance on private vehicles to access services and facilities.

7. Despite the acceptance of the principle of limited growth at Trematon within the LP and NP, policies C1.6 and T1 of the most recently adopted development plan document, that being the Climate Emergency Development Plan Document 2023 (CEDPD), seeks for all development, amongst other things, to be located to minimise the need to travel. They also seek to maximise the ability to make trips by public, sustainable and active modes of transport, and actively support walking and cycling rather than car use for day to day living.
8. Even if the proposal meets other climate change objectives, is a net zero development, and contains features such as cycle storage or electric charging points, due to its location, these factors would not overcome the need to travel for day to day living in private transport and the resultant environmental harm.
9. I have also taken into account that sustainable transport solutions will vary between urban and rural areas and the accessibility to the surrounding network of settlements, noting the appellant's reference to 'around 1300' villages and hamlets in Cornwall that do not have a reasonable level of services and facilities.
10. Notwithstanding, differing settlements may have differing levels of accessibility including public transport links to their surrounding network of settlements, thereby potentially providing alternative modes of transport for residents. As such each proposal must be assessed on its own merits given the particular circumstances and context of each location.
11. To conclude, while the proposal would accord with aspects of the development plan in relation to the principle of RESs adjacent a development boundary, it is in a location which would require future occupiers to be reliant on private vehicles to access services and facilities. The proposal would therefore conflict with CEDPD policies T1, C1.6 and LP Policy 1. The proposal would also conflict with the provisions of the Framework in relation to achieving the environmental objective of sustainable development.

Affordable housing

12. LP Policy 9 together with NP Policy RUR 2.4 outlines the approach to the provision of RESs stating that their purpose must be primarily to provide affordable housing. The inclusion of market housing will only be supported where the Council is satisfied it is essential for the successful delivery of the development based on a detailed financial appraisal.
13. The Housing Supplementary Planning Document 2020 (SPD) notes that viability appraisals should work backwards from 100% affordable housing with the number of market homes limited to the absolute minimum necessary to cross-subsidise the affordable homes. The appellant's 'Development Viability Report' (DVR) utilises established methodology and identifies that a 100% affordable housing scheme is not viable, and the development is only marginally viable with 50% of the units as affordable dwellings.
14. The DVR assesses viability on, amongst other things, fixed key variables including the SPD capped value of £10000 per plot, a fixed affordable housing income based on a conditional offer received from a Registered Provider (RP),

as well as an open market income based on market value at the time of a market assessment.

15. The submitted signed and dated UU provides a mechanism, amongst other matters, to secure an affordable housing scheme of four affordable dwellings, the quantum of which accords with the findings of the DVR. However, the UU does not go so far as to include a fixed RP price, or Gross Development Value clawback clause (the clauses) as requested by the Council's Affordable Housing Officer.
16. The SPD outlines that the Council may place additional controls where viability has been assessed (based on a stated land value) and a percentage of affordable housing has been set. I accept that both land and property values, as well as build costs fluctuate. However, I have no substantive evidence before me to lead me to conclude that these figures would be subject to significant upward change, noting the proposals modest size and resultant likely speed of buildout, or that the evidenced figures were in any other way inaccurate.
17. Therefore, given the proposal accords with the requirements of LP Policy 9 with regards the quantum of provision of affordable housing, such clauses are not necessary to make the development acceptable in planning terms as is required by the Framework and set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.
18. Consequently, I conclude that the proposal secures appropriate provision for affordable housing. The proposal therefore accords with LP Policy 9 and NP Policy RUR2, the purposes of which I have previously described and LP Policy 28, which seeks amongst other things, developer contributions to ensure necessary social infrastructure.

Other Matters

19. The Grade II listed Trematon Manor House lies to the southeast of the appeal site. From my observations its significance arises from its age and architectural features. The setting of this heritage asset is the immediate surrounding area of the building and is a contributor to its significance. Given the spatial relationship, the appeal site does not form part of the setting. The separation distances, combined with intervening road and boundary features would result in the proposal having a neutral effect on, and thereby preserve, the heritage asset.
20. The Council's second reason for refusal partially relates to a failure to make an appropriate contribution towards mitigation measures required due to an additional recreational pressure the proposal would place on the habitats sites. The UU commits to payment of contributions to Strategic Access Management and Monitoring schemes.
21. If the appeal were to be allowed, I would need to undertake an Appropriate Assessment in accordance with the Habitats Regulations. However, as I am dismissing the appeal for other reasons, the proposal would not take place and would not affect the habitats sites.

Planning Balance and Conclusion

22. Although the proposal accords with some policies of the development plan including LP policies 9, 28 and NP Policy RUR2, the development would however be in a location where occupiers would be reliant on private transport to access local services and facilities. It is therefore contrary to CEDPD policies T1, C1.6 and LP Policy 1 and I give significant weight to the conflict with these policies. This harm must be balanced against the benefits of the proposal.
23. Whilst not forming part of the Council's reasons for refusal, interested parties have raised a number of matters including character and appearance, landscaping, highway safety, ecological matters, effects on nearby commercial premises, neighbouring occupiers living conditions, drainage and environmental building credentials. Even if I were to find the proposal acceptable in these aspects, the absence of harm is a neutral factor in the planning balance.
24. The proposal would contribute to the supply of energy efficient housing, including the delivery of mixed tenure affordable units within an area with a demonstrable need for affordable housing. However, due to the limited scale of the proposal and modest number of affordable homes, I afford this only moderate weight. The proposal would also provide an area of open space and a net-gain in biodiversity and help to support the construction industry during the short term, as well as further economic and social benefits as a result of their future occupation. However, these benefits would be limited due to the scope and scale of the development.
25. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR