



Appeal Decision

Site visit made on 19 November 2024 by S Wilson LL.B. MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 09 December 2024

Appeal Ref: APP/D0840/W/24/3343075

Longdowns Industrial Estate, Longdowns TR10 9NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Des Allen of Truro Portable Buildings against the decision of Cornwall Council.
 - The application Ref is PA23/09794.
 - The development proposed is construction of up to 5 dwellings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for costs

3. An application for an award of costs has been made by Mr Des Allen of Truro Portable Buildings against Cornwall Council. This is subject of a separate decision.

Preliminary Matters

4. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
5. The scope of the considerations for permission in principle is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

6. The main issue is whether the principle of the proposed development is acceptable, having regard to the location of the appeal site and to the proposed land use.

Reasons for the Recommendation

Noise and Disturbance

7. The application site makes up part of Longdowns industrial estate which is occupied by Truro Portable Buildings (TPB). The proposal site currently has a mix of industrial buildings, an office/reception and demonstration portable buildings located upon it. Residential housing is adjacent to the west, north and south-east. The evidence demonstrates how the TPB site would be re-orientated to accommodate the development.
8. The principle of acceptability of the proposal in relation to location is framed by the fact that the proposal would be directly adjacent to an industrial estate. Noise and disturbance from the adjacent commercial uses could result in unacceptable living conditions for future residents of the proposal. The noise assessment submitted by the appellant was undertaken in July 2020 and is over four years old as at the date of this recommendation. Furthermore, it relates to a different site, in a different location, with different receptors and potentially different operations being undertaken nearby. Consequently, I cannot be certain that future occupants of the appeal proposal would experience acceptable living conditions with regards to noise and disturbance.
9. Accordingly, the proposal would fail to comply with the Cornwall Local Plan Strategic Policies 2010 – 2030 (the Local Plan) Policies 12, 13 and 16, policy C1 of the Climate Emergency Development Plan Document 2023 and the relevant paragraphs of the National Planning Policy Framework 2023 (the Framework), in so far as they seek to contribute positively to the resilience of communities and safeguard the living conditions of present and future occupiers.

Loss of Commercial Land

10. The Council rely on Policy 5(2)(i) of the Local Plan, arguing that the proposal site is intrinsically linked to the industrial estate and that no evidence has been submitted to demonstrate active marketing of the proposal site for other commercial uses. Policy 5(2) has four scenarios whereby the loss of business space would be acceptable. It is not a list requiring all four scenarios to be met, rather it is a list of available scenarios demarcated by the word 'or': where if any of the criteria are met then the proposal could be acceptable. Policy 5(2)(ii) sets out that proposals that would result in the loss of business space must result in the provision of better-quality employment space allowing for mixed use. The Council accept that the rationalisation of the industrial space may prove to be a more effective business model for this particular operation, and I have no reason to disagree.
11. Accordingly, in these respects the proposal would comply with Policies 1, 2 and 5 of the Local Plan and the relevant paragraphs of the Framework, insofar as they seek sustainable growth that provides a well-balanced mix of economic, social and environmental benefits and safeguards against the loss of business space.

Other Matters

12. The proposed development would be located within the zone of influence of the Fal and Helford Special Area of Conservation. Whilst an important issue, I have not found it necessary to examine this matter in greater detail as, for the

reasons outlined above, it does not alter my overall conclusion in relation to this appeal.

Conclusion and Recommendation

13. For the reasons given above, the proposal would conflict with the policies of the development plan when taken as a whole. The limited benefits of the proposal, including the provision of housing and limited economic benefits during construction, would not outweigh the harm identified above to which I attach substantial weight. For these reasons and having regard to all other matters raised, I recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Mr A Spencer-Peet

INSPECTOR