



Appeal Decision

Site visit made on 8 January 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2025

Appeal Ref: APP/D0840/W/24/3343450

Land east of Treliske Lane, Malabar, Truro TR1 3QL

- 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 Source Development (Cornwall) Limited against the decision of Cornwall Council.
 - The application Ref is PA23/07221.
 - The development proposed is for up to five residential dwellings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Cornwall Council against Source Development (Cornwall) Limited. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal application is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017 (the Order). The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these two stages.
4. The PPG sets out that the scope of permission in principle applications is limited to location, land use and amount of development. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application.
5. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework. I am satisfied that no interested party has been prejudiced by my approach.

Main Issues

6. The main issues are:

- Whether the site is an appropriate location for new residential development having regard to local and national planning policies; and
- The effect of the proposed development upon the character and appearance of the area.

Reasons

Appropriate location

7. The appeal site forms part of a field located on the edge of Truro that sits within the Lower Kenwyn Valley - an undulating rural landscape comprising open fields and pockets of woodland. The site sits in the dip of a valley flanked by Treslike Lane on two sides as the road forks. Treslike Lane, once past Trevean Road, becomes narrow, wide enough for a single vehicle. The road width combined with high sided banks and mature planting along both sides gives the impression of being within the countryside. This rural character is reinforced by the verdant and open aspect of Truro Golf Club which extends to the north and by the Coosebean Greenway, a rising dense wooded trail, that combined with Treslike Lane acts as a visual and physical break and a well-defined border between the established built form of Truro and the countryside beyond.
8. I note the presence of dwellings extending in a broadly linear manner along Treslike Lane terminating opposite the site. However, the built form is set back from the roadside and partially camouflaged by mature vegetation to the extent that it has a limited influence on the rural character of the immediate area. Based on the above the site visually and physically forms part of a rural landscape rather than displaying an affinity with the City of Truro.
9. The Truro and Kenwyn Neighbourhood Plan (2023) (NP) establishes an Urban Extent Boundary (UEB) for Truro setting out the areas within which Policy 3 of the Cornwall Local Plan (2016) (LP) will apply.
10. Policy H1 of the NP states that development outside the UEB for Truro will be expected to be driven by meeting local housing need and of an appropriate scale that rounds off or infills the urban extent area.
11. Policy 3 of the LP directs new development to a number of identified settlements including Truro. Part 3 of the policy indicates that the rounding off of settlements and development of previously developed land within or immediately adjoining a settlement could be an appropriate form of development to deliver new windfall housing growth.
12. The supporting text to the policy provides a definition of “rounding off” which is supplemented by an Advice Note from the Chief Planning Officer. Whilst the note provides some additional guidance it essentially establishes that it is a matter of planning judgement for the decision maker.
13. In this regard whilst Treslike Lane defines the edge of the site on two sides there would be no barrier to further growth eastwards on account of the absence of any edging features and the undeveloped nature of the wider field pattern,

notwithstanding the rising topography. Whilst there is a cluster of built form to the south, this does not surround at least two sides of the site, nor does it enclose the site to any degree.

14. Whilst the appellant contends that the proposal would be sandwiched between the golf course and wooded trail, they are features that contribute to the rural character of the area and are not built form. I, therefore, give this aspect of the appellant's argument very limited weight.
15. Taking into account the limited influence of existing dwellings and that the lane provides a clear visual and physical break between Truro and the countryside the proposal would not be contiguous with the existing settlement. It would be read as a discordant outlier and not as a development that follows the form and shape of the Malabar Estate and Truro. Moreover, it would visually extend development into open countryside.
16. As such, for the reasons set out above, the proposal would not constitute a "rounding off" of the settlement. Nor has the scheme been presented on the basis of any essential local need for a countryside location.
17. The NP has proceeded through independent examination and there is nothing substantive to indicate that the NP does not meet certain basic conditions and other legal tests. As such, I give the appellant's comments that there is no planning basis for the settlement boundary around Truro negligible weight in coming to my decision.
18. Whilst its scale would be appropriate to the size and role of Truro the site would be located beyond the UEB of the city and would not be an appropriate location for new housing. It would, therefore, be contrary to Policies 3 and 7 of the LP and Policy H1 of the NP which, amongst other things, seek to direct new development to suitable locations and limit new housing in the countryside.

Character and appearance

19. The introduction of built form of up to 5 new dwellings and associated infrastructure and the resultant urbanisation of the site would significantly erode the site's open and verdant appearance unacceptably diminishing the contribution it makes to the wider field pattern and the rural character of the area.
20. The proposed development would unacceptably intrude into open countryside appearing as an anomalous feature rather than an extension of the built form being physically and visually divorced from the built-up area of Truro. Whilst views of the development would be localised and in part filtered by existing and new planting, I am not persuaded that it would mitigate the negative impact of the proposal. Nor am I satisfied that a low density or high-quality design would ameliorate this impact.
21. The presence of buildings associated with Truro School are not justification for a scheme that I have found to be harmful in respect of this main issue.
22. As such, the proposed development would adversely affect the character and appearance of the area contrary to Policies 1 and 23 of the LP and Policy E6 of the NP which, amongst other things, require development proposals to sustain local distinctiveness and character and to protect Cornwall's natural environment; respect the special character and wider setting of settlements including green foreground or background important to the character of a settlement.

23. The Council has referred to LP Policy 9 in the reason for refusal, however, I find that with specific regard to this appeal I give it negligible weight in coming to my decision.

Other Matters

24. The appellant has drawn my attention to examples of development which they consider relevant. Based on the evidence available it is apparent that these schemes have a closer spatial and visual relationship with established built form compared to the appeal scheme before me. In any event every application and appeal must be considered on its own merits. The examples provided do not lead me to reach a different conclusion in respect of the main issues.
25. The appellant has made reference to Policy 1 of the Site Allocations Development Plan Document (DPD). However, it is evident from paragraph 1.7 of the document and the wording of Policy 1 that the DPD is not relevant on account of the “made” NP. I note that planning policies can indeed pull in different directions, however, this statement is not substantiated by any further evidence with regard to the LP. Therefore, I give these aspects of the appellant’s case negligible weight in coming to my decision.
26. Whilst LP Policy 21 encourages the efficient use of land it also recognises that developments should take into account the character of the surrounding area and areas of environmental value.
27. The comments of Truro City Council weigh neither for nor against the proposal and are of neutral consequence.

Planning Balance

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
29. The Council accepts that they cannot demonstrate a deliverable five year supply of housing land as required by Paragraph 78 of the Framework. Consequently, Paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged. It states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
30. LP Policies 1, 3, 7 and 23 and NP Policies H1 and E6 are consistent with the Framework’s objective of achieving sustainable development; directing development to suitable locations; reflecting local character; restricting new housing in open countryside and the protection of valued landscapes. Whilst I concur with the Council that the housing supply and distribution aspects of LP Policy 3 are out of date the guidance in respect of “rounding off” is consistent with the Framework in respect of developments responding to local character.
31. The Council’s housing land supply position is in the region of 3.8 years. Therefore, it is evident that there is a pressing need for housing when considering this shortfall combined with the persistent under delivery of housing in the local area. I am also

mindful that the strategic sites identified in the NP are also underdelivering housing. As such, the delivery of up to five dwellings would make a modest contribution towards the area's housing supply and its small scale means it would likely be built out relatively quickly. I therefore give the provision of five dwellings great weight in the planning balance.

32. Future occupiers would also be able to access services and facilities on foot or bicycle providing them with transport choice and not an over-reliance on a car.
33. Turning to the economic implications - the development would provide jobs, but this would largely be limited to the construction phase. Whilst outside of the defined boundary of Truro the proposed development would be located close to nearby employment, education and leisure and other day to day services and facilities. Future occupiers would help to maintain the vitality of services and facilities in the city through increased use and spend. These benefits would be moderate.
34. The Framework makes clear that good design is a key aspect of sustainable development. Decisions should ensure that developments will function well and add to the overall quality of the area; are sympathetic to local character and history, including the surrounding built environment and landscape setting and recognise the intrinsic character and beauty of the countryside. Even taking into account the objective to promote the effective use of land and to significantly boost the supply of housing and the Council's housing land supply position, the conflict between the proposal and the most important policies in the development plan should be given very significant weight in this appeal.
35. In the context of the above, and taking into account the aforementioned other considerations, I find that the identified adverse impacts of the development would significantly and demonstrably outweigh the identified benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Consequently, I conclude that the proposal would not deliver a sustainable form of development. Therefore, the appeal is dismissed.

Conclusion

36. I conclude that the proposal conflicts with the development plan, when read as a whole. There are no other considerations, including the Framework, that outweigh that harm. The appeal, therefore, does not succeed.

B Thandi

INSPECTOR