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## Appeal Decision

Site visit made on 3 December 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: 06 February 2025

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### **Appeal Ref: APP/D0840/W/24/3342937**

### **The Quarry, Road Joining Malpas Road to Bar Meadows, Malpas, Truro TR1 1SQ**

- 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 Paul Stephens (The Hideout Malpas Ltd (now Embankment Malpas Ltd)) against the decision of Cornwall Council.
  - The application Ref is PA22/00438.
  - The development proposed is the demolition of redundant buildings and construction of 8 new dwellings with associated infrastructure.
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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.

### **Preliminary Matters**

3. Areas of Outstanding Natural Beauty (AONB) are now known as National Landscapes. This change in terminology has not affected the reasons for their designation or the fundamental aspects of their special qualities. I have accordingly referred to the Cornwall AONB as the Cornwall National Landscape (CNL) in my recommendation. The CNL is made up of 12 geographically separate areas, in this instance the relevant area is South Coast Central area 09.
4. The National Planning Policy Framework (the Framework) was updated in December 2024, and I have provided the main parties with the opportunity to comment on the provisions of that updated document in respect of this appeal.

### **Main Issue**

5. The effect of the proposal on the character and appearance of the area with particular regard to the location of the site within the CNL.

### **Reasons for the Recommendation**

6. The appeal site is prominently located on the bank of the Truro River where it meets the Tresillian River, specifically at the gateway to the village of Malpas and outside of the settlement. The site is nestled within the void of an old

quarry, the walls of which surround the site on three sides and mature vegetation sits atop the walls. Derelict buildings squat into the void left by the quarry activity and to the north and east of the site are estuarine woodland. The site lies within Cornwall Character Area 20 Truro and Tresillian Valleys (the CCA) and within the CNL. Key characteristics of the area are, amongst other things, the steep valley estuarine woodland present at this location and small villages at the meeting of navigable sections of the river. The proposal site is located at the meeting of the Truro and Tresillian Rivers and estuarine woodland is clearly present.

7. The CCA also notes the use of vernacular building methods and materials including traditional shillet and slate as a key characteristic of the area. I noted on my site visit that in Malpas there are many examples of development cut into or placed atop the steep valley side and that properties have been constructed to work with the land. The gateway to Malpas has a mix of traditional designed and built single and double storey properties and some more modern properties that appear as bungalows with lower ground floors. At this gateway location, the majority of construction is to the eastern side of the road, of detached design and constructed with traditional vernacular materials. However, there are exceptions that use more modern materials, including bungalow design, painted render, and large fenestration in places. In contrast, the heart of the village has a more concentrated density, with different levels and a clear mix of building styles and materials.
8. The proposal for eight four floor dwellings, in three blocks, would introduce development that has an uncharacteristic height. The height would be significantly higher than the neighbouring property which the appellant maintains has the appearance of a four-storey dwelling due to its elevation set high up on a slope. Given the appeal site is considerably lower than the neighbouring property, the height variation would starkly contrast and demand attention, drawing the eye away from the high-quality landscape.
9. The height of the proposal and its visibility from multiple locations, including the river and the road, would exacerbate a key design feature of large fenestration on the upper floors of the front elevations. The large fenestration would be highly visible and from multiple locations and particularly apparent on the upper floors. Whilst there are elements of large fenestration to be seen in Malpas, these are typically at ground floor level and in isolation. Large fenestration at height and in groups is not a character feature of this location and would jar against the natural woodland and quarry wall backdrop.
10. At nighttime and with lights on, these windows would spill light. At this location that would be framed by the darkness of the woodland and quarry wall behind, resulting in a stark contrast that would demand attention and adversely affect the landscape quality and scenic beauty of the location. Whilst the use of appropriate mitigations mandated by a suitably worded condition could potentially control the amount of light spill to some degree, I cannot be certain that the mitigation would be sufficient to overcome the stark contrast identified above and its adverse impact on the landscape at night.
11. The density of the proposal is uncharacteristic of development at this gateway location, which is mainly detached. Whilst the density and height may reflect a historic warehouse industrial use, in my view it would not be likely that such warehousing would have been in this location outside of the settlement.

12. My attention has been drawn to development at Victoria Quay with the appellant maintaining similarities to the proposed development. I noted the location of the Victoria Quay development directly adjacent to the Tresillian River at low level and having a long linear nature. The backdrop of this development is the main body of the village of Malpas. Whilst the proposal is also large, of high density and has a modern approach to design, the similarities end there. The appeal site is in a prominent edge of village, gateway location with the backdrop of old quarry walls and estuarine woodland. As such I find the proposal dissimilar to the development at Victoria Quay.
13. The harms of the proposal identified above would be exacerbated by the expanse of frontal feature paving and open frontage, exposing the incongruous development in a highly visible location, and would appear to extend the urban form of the village.
14. In considering this appeal I have had regard to the photographs submitted by the appellant, which show the view presented of the appeal site from the river. I note the current development is visible and that the photos were taken at a time when the vegetation was in leaf. There would be a moderate amount of screening of the proposal from trees from the provided river perspective and the trees at the rear of the development would soften its impact. However, that screening would only cover some part of the proposal, which is significantly larger than the existing buildings which squat into the site. Furthermore, that would only be effective, in its moderate amount, when the surrounding vegetation was in full leaf. At other times during the year, the incongruous, and much larger than existing, development would be highly visible from the river as well as from the road, compounding its adverse effect on the area.
15. For the above reasons, the proposal fails to comply with Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) Policy 23, St Clement Neighbourhood Development Plan Policy 7 and the relevant paragraphs of the Framework which, amongst other matters, concern the natural environment and the conservation and enhancement of the landscape and scenic beauty of the CNL.
16. Following submission of the Appeal, the Council has confirmed that it is unable to demonstrate a five year housing land supply of deliverable housing sites. Where the development plan is considered to be out of date for the policies most relevant to the determination, paragraph 11(d) requires that presumption in favour of sustainable development is applied unless the application of policies in the Framework that protect assets of particular importance provides a strong reason for refusing the development proposed. For the purposes of paragraph 11 of the Framework, the CNL is an asset of particular importance as denoted by footnote 7.
17. The policy in paragraph 189 of the Framework seeks to conserve and enhance the landscape and scenic beauty of National Landscapes. In contrast, the proposal would cause significant harm to the CNL, and the application of the policy in paragraph 189 of the Framework provides a strong reason for refusing the proposed development. Consequently, the provisions of paragraph 11(d)ii) of the Framework are not engaged in this instance.
18. The proposal would provide eight new open market dwellings at the site. The Framework seeks to significantly boost the supply of homes and advises that small and medium sized sites can make an important contribution to meeting

the housing requirement of an area and are often built out relatively quickly. There would be very limited economic benefits in terms of short term employment opportunities during construction and from the future spend of residents within the wider area. The proposal would also make use of previously developed land located outside of the settlement and could provide a biodiversity enhancement.

19. Furthermore, the proposal would make a contribution towards affordable housing in the locality, to be secured by planning obligation. Whilst financial contributions towards education provision and off-site open space could be secured through a suitable planning obligation, such matters relate to mitigation and therefore cannot be considered to be a benefit of the proposal. Nonetheless, I consider that, cumulatively, the benefits of the proposal attract significant weight.
20. In contrast, and for the reasons given above, the impact of the proposal would cause significant harm to the CNL, a landscape which the Framework confirms has the highest status of protection in relation to issues concerning the conservation and enhancement of landscape and scenic beauty. This is a matter that carries considerable and substantial weight and, consequently, the benefits of the proposal are insufficient to outweigh the harm which it would cause.

### **Conclusion and Recommendation**

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*S Wilson*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

22. The appeal site is 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 I am dismissing the appeal for other reasons as outlined above in the recommendation.
23. 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