



Appeal Decision

Hearing Held on 10 January 2025

Site visits made on 12 November 2024 and 10 January 2025

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2025

Appeal Ref: APP/D0840/W/24/3349031

The Paddock, St Stephen Road, Sticker, St Austell, Cornwall PL26 7HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr H Crocker against the decision of Cornwall Council.
 - The application Ref PA23/01949 was refused by notice dated 10 April 2024.
 - The development proposed is extension to existing Gypsy & Traveller site.
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Decision

1. The appeal is allowed and planning permission is granted for extension to existing gypsy and traveller site - 6 x mobile homes, 4 x day rooms, 5 x touring caravans and 1 x plant room at The Paddock, St Stephen Road, Sticker, St Austell, Cornwall PL26 7HA in accordance with the terms of application Ref PA23/01949 subject to the conditions in the attached schedule.

Procedural Matters

2. In December 2024, during the appeal, both the National Planning Policy Framework (the Framework) and the Planning Policy for Traveller Sites (the PPTS) were updated by the government. The main parties were provided with the opportunity to respond to this change in circumstances during the Hearing.
3. It was agreed by the main parties at the Hearing that I should adopt the description of development set out on the Council's decision notice as it is the more specific. This is reflected in my decision above. For the same reason, I have also used the site address given on the decision notice.
4. The Council confirmed at the Hearing its agreement that Mr Crocker has Gypsy and Traveller status, both in terms of the definition of such as set out within the PPTS and as a Romany Gypsy. There was also no dispute that this extends to the family members that the appellant intends to live at the appeal site. I have no reason to reach any different finding in relation to these matters.
5. During the Hearing there was also discussion about whether the proposed development would extend the Gypsy and Traveller site at The Paddock, or instead simply intensify development within its preexisting limits. This is because the red line of the approved site location plan for The Paddock under Ref PA11/01682 incorporates the appeal site. However, given the description of the development, I have approached this appeal on the basis that it would extend the existing Gypsy and Traveller site.
6. A utility structure has been built at the northwest corner of the site. However, it does not match the design of the plant room on the drawings. I therefore have approached the appeal on the basis that the development has not begun.

7. Although not an issue raised by the Council, it is incumbent upon me as the competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the Fal and Helford Special Area of Conservation (the SAC). This is because it is a European Designated Site afforded protection under the Conservation of Habitats Regulations 2017 as amended (the Habitat Regulations).

Application for Costs

8. Before the Hearing an application for costs was made by Mr H Crocker against Cornwall Council. This application is the subject of a separate decision.

Main Issues

The main issues are:

- the suitability of the site for the development, having regard to local and national policy for the provision of Gypsy and Traveller sites;
- the effect of the proposal on the character and appearance of the area;
- the question of the need for and supply of Gypsy / Traveller sites and the concept of policy failure; and
- the personal circumstances of the appellant.

Reasons

Suitability of the site

9. The Paddock is a parcel of land with vehicular access from St Stephens Road to the west and Mr Crocker's permanent Gypsy pitch at its south end. To the north is another Gypsy and Traveller site 'The Meadows'. A solar farm is to the east. This area is in the open countryside to the immediate north of the village of Sticker, from which The Paddock is separated by the A390 in a cutting below. A bridge carries St Stephens Road over the A390 down into the village.
10. The St Mewan Parish Neighbourhood Development Plan (the NDP) (made 2018) covers this area. It draws boundaries around the local settlements pursuant to Policy 1. Policy 1 supports development within the settlement boundaries subject to certain criteria. The appeal site is outside of and to the north of Sticker's settlement boundary.
11. Outside of these boundaries, Policy 2 of the NDP requires development to adhere to Policy 9 of the Cornwall Local Plan Strategic Policies 2016-2030 (adopted 2016) (the CLP), but with further caveats. The supporting text to Policy 2 elucidates that its purpose is to '*ensure that additional criteria are applied to the Rural Exception Sites Policy (Policy 9) of the Cornwall Local Plan*'.
12. Policy 9 applies principally to bricks and mortar affordable housing and, amongst other things, sets requirements for the appropriate locations for such. Policy 11 of the CLP represents the CLP's bespoke policy for Gypsy and Traveller site provision. It sets different locational tests for the suitability of Gypsy and Traveller sites. On this basis, when the development plan is read as a whole, it is my view that CLP Policy 9 does not apply to the appeal proposal. It flows logically from this that Policy 2 of NDP does not apply to the proposal either.

13. The relevant locational test within Criterion 3 of Policy 11 requires Gypsy and Traveller sites to be located to ensure reasonable access by a range of transport modes, where possible including walking, cycling, public transport and car sharing to services including GP and other health care provision, education facilities, shops and public transport. The PPTS informs us that decision makers should very strictly limit new Gypsy and Traveller development in open countryside that is away from existing settlements.
14. Sticker has a village hall, shop, public house and bus links to St Austell, which is close by to the northeast and offers all of the facilities listed in Policy 11. The site is just the other side of the A390 to the village, and Sticker is easily reachable over the bridge on foot. Given this proximity, the site is adequately accessible to services and could not be described as 'away' from Sticker by any reasonable application of the term. As such, the proposal would accord with Criterion 3 of Policy 11, and the PPTS in this respect.
15. The PPTS also states that in rural areas proposed sites should not dominate the nearest settled community. In this case, the development would not dominate Sticker but would rather appear as a proportionate adjunct to the settlement. Equally, the site would not be unduly enclosed by high landscaping, so would not give an impression of isolation from the settled community.
16. Criterion 7 of Policy 11 requires schemes to provide opportunities for occupants to live and work from the same location where this can be sensitively designed to mitigate potential impacts on other residential uses near to the site. No such opportunities are proposed within the scheme. However, at the Hearing I heard from nearby residents about previous noise issues associated with generators. Given the evident sensitivity of nearby residences to previous noise, I do not consider the site to offer an opportunity for a live / work arrangement. The preclusion of commercial activity on the site could be secured by a condition.
17. Criterion 4 seeks for proposed developments to also provide safe road access and sufficient space within the site for parking and turning of vehicles as well as the storage of equipment. Given that the site is not suitable for a live / work arrangement, I am satisfied that sufficient space would be provided on site for domestic vehicles to turn and park, and for the storage of domestic items. The Council's guidance for dwellings in areas that are not highly accessible is two parking spaces¹, and I see no reason why that should not also extend to the two spaces for each pitch in this particular, edge of village location.
18. The proposed splay would provide adequate visibility to ensure safe access and egress to and from the public highway. Whilst the site is located at the brow of a hill, I did not observe it to act as a clear impediment to visibility. Members of the community have local knowledge of excess speeds along the highway here. The proposal would enhance the appreciable place function of this part of St Stephens Road, and so logically would encourage vehicles to slow down. There is no substantive evidence that the additional trips from the scheme would pose an unacceptable increased risk to the safety of existing or future residents, including those using the nearby Sticker Activity Park, pedestrians seeking to access the Public Right of Way (PRoW) network, and horse riders.
19. Consequently, I conclude on this issue that the site would be suitable for the proposed development, having regard to local and national policy for the

¹ Travel Plan and Parking Standards: Advice for Developers 2013

provision of Gypsy and Traveller sites. The proposal would accord with the relevant criterion of Policy 11 of the CLP, the PPTS and the Framework.

Character and appearance

20. Gypsy and Traveller sites are a not uncommon sight and are not intrinsically discordant features within the countryside generally. However, each proposal must be assessed on its own merits in the context of the receiving landscape.
21. The site is in Cornwall Character Area CCA22 'Gerrans, Veryan and Mevagissey Bays'². Buildings here are sparse and tend to be vernacular and isolated, giving the area an overall unspoilt rural character. The site makes a small but positive contribution to this character area as part of a modest, irregular landscape of enclosed small or medium parcels of pastoral land, bound by Cornish hedges. The NDP includes a further study of the landscape to the north of Sticker, which it calls 'Rolling farmland Sticker North'³. The appeal site also makes a small, positive contribution to this landscape area for the same reasons.
22. CCA22 sets out that caravan sites, and particularly static units, are a pressure on this environment. The proposal would have a high density, with rows of touring and static caravans, together with the day rooms and vehicles, having an obvious presence from St Stephens Road. Together with The Meadows and the pitch at The Paddock, the scale and density of the development would be visually incongruous. It would be at odds with the gentle, sparsely developed character of the area to a degree that would not be adequately mitigated with planting. The engineered splay and translocation of the hedge would also harm the unspoilt character. The adjacent solar farm is a temporary development, and so is not a long-term justification for the density of development sought.
23. These effects would be compounded by light pollution from the development, another issue listed as a pressure on the landscape. Although a football club with flood lighting is close by to the north, the use of the flood lights is likely to be much less frequent than the light pollution that which would arise from constant residential use.
24. I agree with the Landscape and Visual Impact Assessment (LVIA) that the impact of the development would be acceptable from the identified viewpoints. However, the LVIA does not address the viewpoint from the section of St Stephens Road directly around the site entrance, from where at least the top sections of the caravans and day rooms would likely be visible. Given the immediacy of the site to this public receptor, and as St Stephens Road connects Sticker to the surrounding PRoW network, this is a significant omission within the LVIA. It lessens the influence of the LVIA's overall conclusions.
25. Accordingly, I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. It would conflict with the relevant objectives of Policies 2, 12 and 23 of the Local Plan, Policy 11 of the NDP, Policy C1 of the Climate Emergency Development Plan Document (adopted 2023) and the Framework. An interested party has also referred to Policy 3 of the NDP. However, this policy refers to biodiversity, and so is not directly relevant to this main issue.

² Cornwall Council Landscape Character Assessment 2023 Review

³ St Mewen Parish NDP Landscape Character Assessment 2016

The need for and supply of sites and the concept of policy failure

26. The CLP does not allocate sites and so the Council cannot demonstrate a five-year supply of sites as required by the PPTS. Nonetheless, the CLP requires at least 318 permanent Gypsy and Traveller pitches in Cornwall over a 20-year period to 2030. Going by the most up to date evidence, around 118 pitches have been permitted so far, well short of the minimum requirement. When monitoring delivery, the Council splits Cornwall into three. Whilst I recognise that a disproportionate number of pitches have come forward in the Central Cornwall sub area, the CLP itself does not subdivide delivery in this way, so there is no policy objection to more sites coming forward in any sub area.
27. The November 2015 needs assessment⁴ which underpins the CLP's policy approach to Gypsy and Traveller development is now well over five years old. The new PPTS has broadened the definition of Gypsies and Travellers to incorporate people who have permanently stopped travelling and also those who simply have a cultural tradition of nomadism or caravan living. The latter may include people in bricks and mortar housing not included in the 2015 assessment. It therefore stands to reason that the need for sites over the plan period is likely to be higher than the 318 pitches identified by the Local Plan.
28. Last year the Council published the 'Gypsy, Roma and Traveler Strategy 2024-2034' which contains intended actions linked to the preparation of the nascent emerging local plan. It is unclear if the emerging plan will allocate sites, but it is clear that any plan led solution to addressing unmet need is a long way off. This is compounded by the likelihood that any data collected for its evidence base will require revisiting due to the new PPTS definition. For these reasons, the absence of a five-year supply of sites and the pressing unmet need for sites in Cornwall provides substantial weight in favour of the scheme.
29. The Council accepts that there has been a failure on its part to meet the needs of Gypsies and Travellers for a significant period of time, back to 1994 when including Cornwall's former district council areas. No sites have been allocated in Cornwall for all of this time. I understand that it was intended for the CLP to be complemented by a development plan document allocating Gypsy and Traveller sites, but this has not come to pass. It is unclear why. This longstanding failure of policy attracts substantial weight in its own right.

Personal circumstances

30. The Human Rights Act 1998 (HRA) establishes a right to respect for private and family life and the Public Sector Equality Duty (PSED) requires that a public authority must foster good relations between persons who share a relevant protected characteristic and those who do not.
31. Mr Crocker intends for the pitches to be occupied by members of his family. This includes children currently enrolled at local schools and a baby, in addition to elderly family members, one with a medical condition. The family currently resides on a lawful Gypsy and Traveller site at Threeways. However, there are only two pitches at that site, so it is overcrowded. The Council has accepted in the Statement of Common Ground that there are no suitable, affordable or available alternative sites for Mr Crocker's family to resort to at this time.

⁴ Supporting an Assessment of the Accommodation Needs of Gypsies and Travellers in Cornwall

32. Dismissing this appeal would therefore retain an unsatisfactory, and unauthorised in planning terms, living arrangement. The risk of enforcement action and a subsequent roadside existence for Mr Crocker's wider family, including the children and the elderly family members, would remain. This is a matter which also carries substantial weight in favour of the appeal.

Appropriate Assessment

33. The proposed development would be inside the zone of influence of the SAC. The Habitats Regulations require that permission may only be granted having ascertained that the development will not affect the integrity of the SAC.
34. The SAC is designated for its habitats of Atlantic salt meadows, estuaries, mudflats, sandflats and sandbanks, its large shallow inlets and bays and its reefs, which support Shore dock. The SAC is also an important recreational resource, and it is likely that occupants of the site would visit it. On this basis, there is no dispute between the main parties, nor Natural England (NE), that it cannot be ruled out that the proposal, considered alone or cumulatively with other schemes, would have significant effects on the features of interest of the SAC due to increased recreational use. I have no reason to disagree.
35. It is also agreed by the main parties and NE that to mitigate against such effects, a financial contribution should be secured and that it would be secured by the agreement, made pursuant to S111 of the Local Government Act 1972, which accompanies the appeal. I understand from the Hearing that it is likely that the contribution would be put towards ongoing costs associated with the employment of an Estuary Officer, who is responsible for directly managing and monitoring recreational activity within the site.
36. As such, I am satisfied, on the basis of the specific evidence before me, that the S111 agreement provides a sufficient mechanism to enable the delivery of proportionate and relevant mitigation pursuant to the Council's strategy for development which could affect the SAC. I therefore find within my Appropriate Assessment that the proposal would not have an adverse effect on the integrity of the SAC. It would accord with Policy 22 of the CLP, 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.

Other Matters

37. I observed St Stephens Road to be fairly busy with traffic. The additional trips that would be generated by the development would be negligible within this context. I have no reason to doubt that local facilities such as schools and GP surgeries have the capacity to deal with the needs of residents of the proposed development. Equally, there is no compelling technical evidence that the plant room would emit noise to the unacceptable detriment of nearby residents.

Planning Balance

38. Planning law and the Framework require proposals to be determined against the development plan unless material considerations indicate otherwise. The Framework emphasises that the planning system should be genuinely plan-led. I am mindful that the local community has invested significant time to make a neighbourhood plan to develop with the Council a shared vision for this area. In this context, the harm to the character and appearance of the area draws the scheme into conflict with the development plan read as a whole.

39. However, the significant unmet need for Gypsy and Traveller sites and the longstanding policy failure in Cornwall to address the needs of the travelling community both attract substantial weight in the balance. Extending this existing site would meet the government's aim to reduce unauthorised encampments. Also in its favour, the scheme would provide an onsite play space for children, and the landscaping scheme would avoid any impression that the site and its occupants are deliberately isolated from the rest of the community. The landscaping would also provide biodiversity enhancement.
40. These considerations are together compelling and indicate that I should make a decision other than in accordance with the development plan. This is even before the personal circumstances of the appellant are taken into account.

Conditions

41. I have considered the conditions suggested by the Council and discussed at the Hearing. Some have been amended for the sake of clarity and precision. Aside from the standard time condition, a condition is necessary to specify the approved plans in the interest of certainty. In the interest of highway safety, a condition shall ensure that the visibility splay is set out and retained as approved. A condition is necessary to secure delivery of the recommendations set out within the ecological evidence, in the interest of biodiversity. At the Hearing the need for greater details as to the density, height and species of soft landscaping was discussed, and this is reflected by a landscaping condition, in the interest of the character and appearance of the area.
42. As the scheme is for Gypsy and Traveller development, a condition is essential to ensure that residents fulfil the definition of such within the PPTS. With that condition in place, it is not necessary for occupants to maintain an up-to-date register of their names. It is however necessary, in respect to the character and appearance of the area, for a condition to control the number of caravans on the site and on each pitch. Foul water generated by the site would be managed by the existing septic tank together with a new septic tank. A condition is necessary to secure the finer details of this arrangement and to ensure the foul drainage is delivered and retained going forward. To minimise light pollution, a condition shall control external lighting.
43. As I have found the site unsuitable for commercial use, a condition is needed to preclude such. Given comments made by interested parties about land contamination, a condition is essential to ensure that appropriate work is carried out if unsuspected contamination is discovered, in the interests of public health. There is written evidence of an historic round at the site. It is therefore proportionate for a condition to secure a programme and methodology of archaeological site investigation and recording before development commences on the site.

Conclusion

44. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones
INSPECTOR

APPEARANCES

FOR THE APPELLANT

Dr Simon Ruston MRTPI	Agent
Rhodri Crandon BA (Hons.) Dip LA	Landscape Architect
Henry Crocker	Appellant
Debbie Crocker	Appellant

FOR THE LOCAL PLANNING AUTHORITY

James Holman MRICS MRTPI FAAV	Principal Development Officer
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INTERESED PERSONS

Cllr Michael Bunney	Ward Member, Cornwall Council
Cllr John Vine	Vice-Chair, St Mewan Parish Council
John Kneller	Resident
David Robins	Resident

DOCUMENTS SUBMITTED DURING AND AFTER THE HEARING

Document 1	Council's rebuttal to costs application
Document 2	Council Interim Policy Position Statement
Document 3	SAC Recreation Mitigation Progress Report
Document 4	Appellant's agreement to pre-commencement conditions

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TDA.2835.01, TDA.2835.02, TDA.2835.03 Rev A, TDA.2835.04, TDA.2835.05, TDA.2835.06, TDA.2835.07, TDA.2835.08.
- 3) Before any other building or engineering works are carried out on the site in accordance with the permission hereby approved, all land within the visibility splays set out in Drawing Number TDA.2835.08 shall be reduced to a height not exceeding 0.9 metres above the adjacent carriageway level and thereafter no obstruction shall be permitted within the approved visibility splays.
- 4) The development hereby permitted shall be carried out in accordance with the recommendations for mitigation and enhancement measures set out in the Ecological Impacts Assessment by Richard Green Ecology dated October 2023. The biodiversity enhancements shall be provided in accordance with the approved details prior to first occupation of the development.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (December 2024) (or its equivalent in replacement national policy).
- 7) There shall be no more than 6 pitches on the site and on each of the 6 pitches hereby approved no more than two caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended) shall be stationed at any time, of which only one caravan shall be a static caravan.
- 8) The site shall not be occupied until foul drainage works shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The approved foul drainage shall be thereafter retained.
- 9) No external lighting shall be used on the site other than in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

- 10) No commercial activities shall take place on the land, including the storage of materials.
- 11) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.
- 12) A) No development shall take place until a project design\ Written Scheme of Investigation (WSI) for archaeological recording has been submitted to and approved by the Local Planning Authority in writing. The WSI shall include an assessment of significance and research questions, and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. 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 project design/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 approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

D) The archaeological recording condition will only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed, and a final report has been submitted to, and approved by, the Local Planning Authority.