



Appeal Decision

Site visit made on 8 May 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/D0840/W/24/3356496

Land west of The Meadow, Grenifer Road, Illogan, Cornwall, TR15 3SG

- 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 Peter Symons against the decision of Cornwall Council.
 - The application Ref is PA24/02437.
 - The development proposed is erection of two new semi-detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two new semi-detached dwellings at Land west of The Meadow, Grenifer Road, Illogan, Cornwall, TR15 3SG, in accordance with the terms of the application, Ref PA24/02437 and the plans submitted with it, subject to the conditions listed in the Annex to this decision.

Preliminary Matters

2. On 12 December 2024 the Government published a revised version of the National Planning Policy Framework (NPPF). However, the policies that are largely relevant to this appeal have not changed, albeit some of the paragraph numbering has. In relation to the NPPF's housing supply changes, this was addressed in the Council's Statement of Case (CSOC) dated 6 February 2025 and in the Appellant's Final Comments (AFC) dated 14 February 2025.
3. The appeal site originally formed part of the curtilage to The Meadow, but has now been fenced off from the latter. Planning permission was granted in 2019 to construct a 4 bed detached dwelling on the appeal site (ref. PA19/01830) (2019 Permission). A material start on that development was subsequently made and a Lawful Development Certificate was granted in 2022 to confirm that development had lawfully commenced (ref. PA22/04105). The extant 2019 Permission is an important material consideration to which I have had regard in determining this appeal.

Main Issues

4. Whilst there is only one reason for refusal there are essentially two main issues namely: (a) the effect of the proposed development on the character and appearance of the rural area; and (b) whether the proposed development would secure an appropriate standard and quality of amenity space for future occupiers.

Reasons

Character and appearance

5. The appeal site is located on Grenifer Road and comprises a vacant plot that, as I confirmed earlier, was previously part of the curtilage to The Meadow, the latter a large detached bungalow located to the east. Further east of this property are a cluster of predominantly two storey properties, on both sides of the road. To the west of the appeal site is a large detached bungalow and beyond that an open field before you reach the built limits of Illogan. The land to the north of the appeal site is undeveloped and largely wooded, beyond which is the A 30. To the south of the appeal site the land is again undeveloped with scrub and bushes leading to open fields. Grenifer Road itself slopes down gently from west to east.
6. The surrounding properties have no uniform character and comprise a mixture of old and new. The properties vary in terms of their layout, form (including roof form), scale, mass, style, design and pallet of materials. Several of these properties are the result of recent planning approvals for new or replacement dwellings, with each having its own architectural style, in some cases tailored to the topography and constraints of the individual plots. All of these examples reflect a flexible approach to new development within the road and appear to acknowledge its varied built form and character. In this respect, I agree with the Appellant that some of the existing properties are not “*simplistic*”, as the Council suggests, in that they include a variety of building styles and design features.
7. The appeal proposal involves the construction of two new semi-detached dwellings. Each unit would include 3 bedrooms and have an upside down layout with the living/dining room and kitchen on the first floor, partly accommodated within gable ended and mono pitched roofs.
8. The Appellant has submitted various plans comparing the 2019 Permission with the appeal proposal. From these it is apparent that the footprint, width and height of the appeal proposal would be similar to that in the 2019 Permission. Whilst the Council indicate that new Plot 2 would project further forward than the main front wall to the 2019 Permission, I note that new Plot 1 would be set back from that same main wall. The principal change, other than the subdivision of the plot into two, is that the 2019 Permission comprised a single chalet style dwelling with front and side gables, whereas the appeal proposal adopts a contemporary design.
9. The Council’s reason for refusal refers to policies 1, 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (CLP), policy C1 of the Climate Emergency Development Plan Document (DPD), policies NE3, D2 and D3 of the Carn Brea Parish Neighbourhood Development Plan 2024 – 2030 (NDP) and the advice within the Cornwall Design Guide (CDG). Combined, these seek, amongst other requirements, to ensure that new development: promotes the effective use of land; is sustainable, maintains and respects the special characteristics of Cornwall through a high quality design; promotes local distinctiveness and continuity of built form without preventing or discouraging innovation; conserves and enhances Cornwall’s natural environment and local landscapes; and is appropriate in terms of its scale, mass, density, layout and height.
10. A broadly similar approach is set out in paragraphs 124, 129, 135 and 187 of the NPPF, also referred to in the Council’s refusal. Paragraph 135, consistent with CLP and NDP policies, states that being sympathetic to local character should not

prevent or discourage appropriate innovation or change. Similarly, paragraph 139 b) of the NPPF states that significant weight should be given to innovative designs that help raise the standard of design more generally in an area provided the proposal fits in with the overall form and layout of their surroundings. The latter is reinforced in the National Design Guide (NDG), for example, paragraph 44, where it emphasises that well designed places do not need to copy their surroundings in every way, that it is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.

11. Within the above context, the appeal proposal would optimise the use of the site in a location where there is no requirement, in my view, to replicate any local vernacular as the area has no uniform character and existing properties vary in terms of their form, mass and style. I accept that there are some simplistic designs but there are also modern developments that include different architectural styles and materials that make a positive contribution to the character and appearance of the area. The appeal proposal would secure the same benefits with the innovative design respecting and enhancing its local context.
12. Taking account of the topography of the site, boundary treatment and trees and the large dwellings on either side, the proposal would integrate well and sensitively with the local townscape and landscape. The use of a pallet of materials that includes white render and natural slate, as found on other properties in the road, would assist in securing a development that complements rather than detracts from the existing built form. The proposal would be in proportion to other properties, whilst at the same time securing an innovative design, particularly in terms of its use of gabled and mono pitch roofs that adds interest to what is a spacious streetscene.
13. In relation to the CDG, I accept that the proposed design would be different to that on some adjoining properties and not as “*simplistic*”, but it would, in my view, enhance the context by adding a richness, diversity and quality that does not exist on some properties. Through an innovative design it would draw on some of the older and more traditional forms and materials, and would broadly be consistent with the urban grain, building lines, property widths, heights and massing. As there are no locally distinctive roofscapes, the proposed roof design would not appear out of character or visually prominent, and would work well with the gradient of the road to secure a high quality modern appearance. Consequently, the proposal would be consistent with a number of the aims and objectives of the CDG (as well as those of the Carn Brea Design Guidance & Codes).
14. Overall, I am satisfied that the proposal would secure a high quality contemporary design. I accept that there would be a material change to the streetscene, but even so the proposal would refresh and add interest through an innovative design that would elevate the appearance of the road and represent a significant improvement on some existing properties and, in my view, on the design of the 2019 Permission. The appeal proposal would sit comfortably on the appeal site, it would not dominate it visually and it would also assimilate well with its rural and landscape setting, which includes the long range views of Carn Brea.
15. For the above reasons, I disagree with the Council and consider that the appeal proposal would respond positively to its context and would not be visually intrusive or harmful to the character and appearance of the area. In doing so it would not

result in any harm to the key characteristics of Cornwall Character Area CCA 09 Silverwood to Camborne or to local distinctiveness or to the natural environment.

16. Accordingly, I find that the appeal proposal would be compliant with policies 1, 2, 12 and 23 of the CLP, policy C1 of the DPD, policies NE3, D2 and D3 of the NDP, relevant design guidance including the CDG and the corresponding policies of the NPPF and NDG.

Standard of amenity space – future occupiers

17. Part 1 b. of policy 12 to the CLP relates to the layout of new developments and states that these should include “*high quality safe private and public spaces*”. I note that the supporting text refers to a supplementary planning document on residential amenity standards but my attention has not been drawn to any approved document or approved amenity space standards for new dwellings. The Council’s reason for refusal also refers to policy C1 of the DPD but this does not deal with private amenity space. The latter is addressed in policy G1 of the DPD, but the Council have not referred to this. Part 8) of this policy states that new homes should have access to well proportioned and orientated gardens, generally equal in proportion to the footprint of the new dwelling. It continues by advising that the space should be usable for a range of activities and for nature.
18. I also note that whilst the Council’s reason for refusal includes various references to the guidance in the CDG, none of these refer to section 9.5 which deals with external amenity space. This guidance states that sufficient space should be provided to store bikes and leisure equipment, that front gardens should represent a defensible space that can accommodate waste/recycling storage and that a well proportioned private space be provided, generally equal in size to the footprint of the new house. The private amenity area should allow space for clothes drying, relaxation, play and food growing. In my judgement, the proposed garden areas for both new dwellings would meet those requirements.
19. The proposed front gardens include the retention of existing Cornish Hedging and behind it various margins for natural planning and the retention of existing trees. There are hardstanding areas (including gravel) that could accommodate storage and sufficient space at the sides of the new dwellings for bike, refuse and leisure storage. A plan of the rear gardens prepared by the Appellant shows that to the immediate rear of Plot 2 would be a garden of some 48 sqm and for Plot 1 some 50 sqm. If garden areas to the side are included these appear to rise to some 57 sqm and 80 sqm respectively. Even the smaller garden areas would, in my view, be private, usable, secure and appropriately located. Each dwelling would include french doors to provide easy access to their rear gardens and a paving (patio) area with a further area that could accommodate a shed, clothes dryer, play/relaxation space and margins for the planting of shrubs and trees.
20. Both gardens would, therefore, be functional, usable and of a good quality. They would also be south facing and as with the internal design of the new units, would benefit from long range views to Carn Brea. I accept that the main garden areas would be less than the 62 sqm footprint of the new dwellings, but the difference is modest and it would not be sufficient on its own to justify the refusal of planning permission. Even so, regard should be had to the level and quality of all the proposed garden and planting areas shown on the proposed layout, and not simply

the application of some general rule of thumb that does not include any specific standard to correlate with the amount of accommodation proposed.

21. For the above reasons, I am also satisfied that the appeal proposal would be consistent with paragraph 124 of the NPPF in ensuring safe and healthy living conditions for future occupiers. I accept that the main rear gardens are not large but they are functional, usable and proportional to the scale of the new dwellings. Together with the other garden and planting areas they would provide sufficient space for outdoor amenities that maximises sunlight, optimises views and secures healthy living conditions.
22. Accordingly, I find that the appeal proposal would secure a high quality of private amenity space for future occupiers and would, therefore, accord with policy 12 of the CLP, policy G1 of the DPD, policies D2 and D3 of the NDP, the CDG and the corresponding policies of the NPPF.

Conditions

23. The Council has suggested various conditions that I have considered against the advice in the NPPF and the Planning Practice Guidance (PPG) chapter on the use of planning conditions.
24. Conditions relating to compliance with the approved plans and requiring the submission and approval of a landscaping scheme, energy, water and renewable measures/efficiency and a biodiversity monitoring plan, are necessary and reasonable in order to secure a high-quality development, to reflect the details included in the application, to mitigate the effects of climate change and to secure net gain in biodiversity.
25. Whilst the PPG advises that permitted development rights should only be removed in exceptional circumstances, I am satisfied that those circumstances exist here and that removing rights to enlarge or alter the new dwellings, construct a porch or any outbuilding or enclosure, are necessary and reasonable in terms of future planning and in the interests of maintaining a high quality development.
26. Although not suggested by the Council, I have also added a condition that requires the development to be constructed in accordance with the materials shown on the approved plans.

Planning balance and conclusion

27. The appeal proposal would be located within a sustainable location, make more effective use of land and would respond to the recognised housing crisis within Cornwall through the provision of two new family sized dwellings. All of these considerations add further support to my findings.
28. Following the publication of the NPPF the Council have confirmed they can no longer demonstrate a five year supply of housing land supply. Paragraph 11 d) ii of the NPPF is, therefore, engaged and requires planning permission to 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.”*

29. As the proposal would not result in any adverse impacts, the presumption in favour of sustainable development applies and planning permission should be granted.
30. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR

Annex – Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on the approved plans.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans:
23/02 – ACF – 00 – XX – DR – A – 1001 P2;
23/02 – ACF – 00 – XX – DR – A – 1102 P5;
23/02 – ACF – 01 – 00 – DR – A – 2002 P3;
23/02 – ACF – 01 – 01 – DR – A – 2003 P4;
23/02 – ACF – 01 – RF – DR – A – 2004 P2;
23/02 – ACF – 01 – XX – DR – A – 3001 P3;
23/02 – ACF – 01 – XX – DR – A – 3002 P3;
23/02 – ACF – 01 – XX – DR – A – 4001 P3.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, C, D and E of Part 1 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission, namely: The enlargement, improvement or other alteration of a dwellinghouse; The enlargement of the dwellinghouse consisting of an addition or alteration to its roof; Any other alterations to its roof; The erection or construction of a porch outside any external door of a dwellinghouse; The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such building or enclosure.
- 5) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall provide planting plans with written specifications including: Details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development; Full schedule of plants; Details of the mix, size, distribution and density of all trees, shrubs and hedges; Cultivation proposals for the maintenance and management of the soft landscaping. The protection measures proposed shall be completed in accordance with the approved scheme before the development hereby permitted commences and shall

thereafter be retained until it is completed. Notice shall be given to the Local Planning Authority when the approved landscaping scheme has been completed. Any trees or plants which within a period of five 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 a similar size and species as those originally planted.

- 6) Before the first occupation of any individual dwelling hereby permitted, the car parking space and turning areas associated with the said dwelling shall be constructed in accordance with approved plan ref. 23/02 – ACF – 01 – 00 – DR – A – 2002 P3 and the said areas shall not thereafter be obstructed or used for any other purpose.
- 7) No development shall commence until a Biodiversity Management Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30 year objectives, management and responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Local Planning Authority within years 2, 5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the biodiversity net gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

- 8) Prior to the first occupation of the development hereby permitted, energy and water efficiency measures and renewable energy provision are to be submitted to and approved in writing by the Local Planning Authority. These measures shall be fully implemented in accordance with the details included on the approved plans. The energy and water efficiency measures and renewable energy provision shall thereafter be retained and maintained as such.
- 9) The development hereby permitted shall be designed and built to ensure all dwellings achieve a standard of 110 litres/person/day water efficiency prior to occupation.

End of Annex.