



Appeal Decision

Site visit made on 7 May 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2025

Appeal Ref: APP/D0840/W/24/3352503

Land Adj to Parc Vean House, Coach Lane, Redruth, Cornwall TR15 2TT

- 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 Preston against the decision of Cornwall Council.
 - The application Ref is PA23/10320.
 - The development proposed is construction of two semi-detached dwellings.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Preston against Cornwall Council. This application is the subject of a separate decision.

Preliminary Matters

3. The site address used in the banner heading above is taken from the decision notice rather than the application form as this more accurately describes the position of the site. The location of the site and the position of the building proposed are clear on the documents provided and therefore no parties would be prejudiced by this alteration.
4. In December 2024, a revised version of the National Planning Policy Framework (the Framework) was issued. The main parties have been given the opportunity to comment on any implications of the revised Framework and I have taken these comments into account as part of my assessment of the scheme.
5. The second reason for refusal relates to the absence of technical information in relation to surface water drainage. Following the provision of a drainage strategy the Council is no longer pursuing this matter and has suggested a condition should the appeal be allowed. I see no reason to reach any different view on this matter.
6. The Council determined the application based on the plans originally submitted to them. During the application process revised drawings were submitted, however, the Council did not accept these changes and undertook no consultation on them. The differences between the original plans and the amendments include the building being set further back from the access lane. Alterations to the elevations were also proposed including changes to the windows on the front elevation and the addition of windows in the side elevation.
7. With regards to the acceptance of amended plans, the principles set out in *Bernard Wheatcroft Ltd vs. SSE* [JPL 1982 P37] cite that the main criterion is whether the

development is so changed that to grant it would deprive those who should have been consulted on the changed development the opportunity of such consultation. Under the tests set out in *Holborn Studio Ltd vs The Council of the London Borough of Hackney* [2017] EWHC 2823 the substantive and procedural tests need to be considered.

8. The substantive test is whether the proposed amendments involve a 'substantial difference' or 'fundamental change' to the application. In my view the changes to the siting of the building and to the fenestration are fundamental, whilst they may move the building away from some properties, they are closer to others and involve new windows which could result in different privacy considerations.
9. In terms of the procedural test accepting the amendments would cause unlawful procedural unfairness. Given that no consultation has taken place persons interested in the scheme would be deprived of commenting on the revisions resulting in unfairness. In light of this, I do not accept the revised drawings as part of the appeal and have assessed the proposals on the basis of the plans originally submitted to the Council.

Main Issues

10. The main issues are:

- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on the living conditions of the occupiers of the bungalows opposite the site, with particular reference to privacy and outlook;
- Whether the development provides a suitable and safe access; and
- Whether a financial contribution is necessary towards the provision of education and public open space facilities in the area.

Reasons

Character and Appearance

11. The area surrounding the access lane to the site is characterised by traditional two storey houses constructed of natural stone with slate roofs. A new development, Fairfield, has been constructed adjacent to the park near the site with more contemporary style houses with features such as bay windows and hanging tiles. These properties are two storeys with rooflights indicating accommodation in the roof space.
12. Park Vean, a lane off Coach Lane, has properties along one side. Nearest the entrance is a bungalow with a small dormer window. Further into the site and fronting the lane are a pair of semi-detached houses and beyond it three bungalows. At the far end of the site is Parc Vean House which has recently been converted into flats with associated parking and garaging.
13. With the appeal site currently undeveloped the area off the lane has a spacious feel. The side elevation of Parc Vean House, with its hipped roof, is visible in views from Coach Lane. Despite being a large building it does not appear dominant due to the sloping nature of the site. Parc Vean House is also visible from the adjacent

park. However, the bungalows on Parc Vean are partially screened by the intervening vegetation.

14. The proposal would introduce a pair of semi-detached houses with accommodation in the roof directly in front of the bungalows. The building would be visible from Coach Lane and the park. The side elevation of the proposed building, presenting a blank gable end and projecting front section would be highly dominant on the approach to the site and in surrounding views.
15. The arrangement of the proposed houses closely facing the bungalows opposite, across a lane, is not a common arrangement in the area. Parc Vean has a less formal lay out than roads in the vicinity, however, the close arrangement proposed would appear more cramped than surrounding houses. The new dwellings would be visible in views of the site from the bridge over the railway. This arrangement would be uncharacteristic and furthermore the difference in the scale of the proposed building compared to the bungalows further exacerbates the impact.
16. The design approach and materials are similar to those used on Fairfield. However, the large dormers on the rear roof slope, which would be visible from the park, and the creation of a second storey in this manner are not characteristic of the area. Whilst there are small dormer windows on the roof of Parc Vean House they are more discrete in scale and design. The proposed building would therefore be at odds with the adjacent bungalows, and the dormers would add to the uncharacteristic scale and massing of the proposal.
17. Overall, the siting of the proposed building would make the site appear uncharacteristically cramped. The massing of the proposed building close to the existing bungalows would appear out of scale which would result in a harmful effect on the character and appearance of the area. As a result, the scheme would be contrary to Policies 2 and 12 of the Cornwall Local Plan (CLP) and Policy C1 of the Climate Emergency Development Plan Document (CEDPD) which, amongst other things, seek high quality design which respects and enhances the quality of spaces.

Living Conditions

18. The proposed houses would be sited in front of 1 and 2 Parc Vean which currently have open outlook across the site. Although the proposed houses would be at a lower level than the bungalows, due to their scale and the short distance involved they would reduce the outlook from the front windows in these properties. The presence of a building with three storeys in such proximity would result in an oppressive living environment for the occupiers of those bungalows, and the effect on their outlook would be unacceptable.
19. The first-floor windows of the proposed houses would also face towards the bungalows at close range. From the study and landing views would be available into the living and bedrooms of the bungalows opposite. Due to the short distance this would result in overlooking of private living spaces and an unacceptable reduction in privacy for the occupiers.
20. The proposed houses, due to their siting and scale, would have an unacceptable impact on the living conditions of the occupiers of the bungalows opposite by virtue of loss of outlook and privacy. The proposal would therefore be contrary to Policy

12 of the CLP which seeks, amongst other things, to protect individuals and properties in these respects.

Access

21. A lane provides access to the houses and bungalows as well as the new flats within Parc Vean House. The narrowness of the lane, particularly further into the site is partially due to an existing hedge. Whilst the lane is not wide and is in poor condition in places it adequately serves the existing properties.
22. The development of the site would add to the traffic movements along the lane. However, it would also open up an area near to the entrance. Whilst the arrangement may be less favourable than a historic situation where cars could drive in a loop around the site there is no indication that such an arrangement would be reintroduced and there is no requirement on the landowner to make such a provision.
23. Although there would be limited places for vehicles to pass this would only be for a short distance and the level of traffic is likely to be low. It is also of note that the Council's Highway Development Management officer did not object to the proposals on this basis although they commented that tracking diagrams should be provided to demonstrate that the parking spaces could be utilised. The arrangement is tight, but the tracking diagrams since provided for a different scheme show an accessible arrangement could likely be achieved.
24. The access arrangements for the site are existing and whilst two extra houses would result in additional movements in a confined environment, I have no convincing evidence before me that it would result in harm to highway safety.
25. In my view, the proposal would provide a safe and suitable access. I find no conflict with Policy 13 of the CLP or T2 of the CEDPD which, along with other aspects, relates to onsite parking and waste storage. The proposal would also comply with Policy 27 of the CLP and T1 of the CEDPD which, amongst other things require safe and suitable access.

Adequate contributions for education and public open space

26. Policy 28 of the Cornwall Local Plan Strategic Policies 2010-2030 requires developer contributions to be sought to ensure that the necessary physical, social, economic, and green infrastructure is in place to deliver development. The policy allows for financial contributions for site specific infrastructure not in the Regulation 123 list.
27. The Council's Developer Contributions Guidance Note (2024) sets out that contributions for Education will be required on sites for five or more dwellings and Green Space Infrastructure and Open Space for six or more dwellings.
28. The Guidance Note makes reference to the subdivision of sites and explains that planning obligations will consider the use and mitigation of the entire site, regardless of phasing or ownership. It states that sites should not be purposefully subdivided or phased in order to avoid meeting the thresholds.
29. Whether the sites can be considered as being subdivided is a matter of planning judgement. Although no plans have been provided, the Council's pre-application

letter dated 21 December 2020¹ provides some useful background information in respect of the site. It confirms that the appeal site and Parc Vean House itself were originally a single planning unit with the site being the car park associated with the previous use.

30. The planning history provided within the officer report details that planning permission for the change of use of Parc Vean House to flats was originally granted in 2021 (ref. PA21/09090), with a non-material amendment and conditions applications being approved in 2022 and 2023. The application to which this appeal relates was submitted at the end of 2023. The projects have therefore been carried out/proposed within a similar timeframe.
31. Information submitted with the application, such as the Flood Risk Assessment (dated 2021), Contaminated Land Desk Study Phase 1 (dated 2021) consider the site as a single entity. Furthermore, the Foul and Surface Water Drainage Strategy and Flood Risk Assessment report dated November 2024 and submitted with the appeal refers to Phases 1 and 2 of the development. The Assessment also provides details of a shared drainage system including the fact that Phase 1 (the development of Parc Vean House) allowed for capacity for the second phase of development.
32. Given that Parc Vean House and the appeal site historically formed one site, share a single point of access, and that there is clear recent evidence that the site has been considered in its entirety it should be assessed as one development. I reach this view notwithstanding that two separate planning applications have been submitted. I have not been provided with any reasoning for why the development proposals have been put forward separately and I have no evidence to suggest that the sites are in different ownerships or are likely to be carried out by different developers.
33. With the submission of two separate applications each has been considered on its own merits. However, separating the site into separate applications, whether in a deliberate attempt to avoid contributions or not, does not in itself mean that the sites must be considered separately in respect of planning obligations.
34. Parc Vean House may be a conversion however it still results in the creation of dwellings. The Council's Developer Contributions Guidance Note does not provide any details of any exceptions for conversion and therefore I do not find any reason for them to be considered differently to new build homes.
35. In light of the above, I conclude that financial contributions towards public open space and education provision should have been provided, as the proposal together with the conversion of Parc Vean House would result in more than six dwellings. Two dwellings on their own may only generate minimal demand in respect of education and public open space. However, the requirements need to be considered cumulatively with the rest of the site. The Council has set a specific threshold, as many smaller developments when taken together, create demand within the authority area.
36. Given that the thresholds for the contributions have been reached they would be necessary to make the development acceptable. They directly relate to the development as occupiers would use the facilities. The contributions would be in

¹ PA20/02520/PREAPP

accordance with Council guidance, which set out formula for calculating the contributions which make them fairly and reasonably related in scale and kind.

37. To conclude, in the absence of the financial contributions the proposal would be contrary to Policies 16, 25 and 28 which relate to the provision of infrastructure including open spaces.

Planning Balance

38. The Council has stated that they cannot currently demonstrate a five-year supply of housing according to a revised calculation undertaken as a consequence of the revised Framework. The figure provided by the Council is approximately 3.8 years. Consequently, the presumption in favour of sustainable development in paragraph 11 d) ii. of the Framework is engaged by virtue of footnote 8. Therefore, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
39. In its favour the proposal would provide two additional houses in an accessible, established residential location on a brownfield site making more efficient use of the site as well as providing additional housing choice.
40. The addition of two houses which could be built out quickly would make a small but meaningful contribution to housing supply where there is a currently a significant shortfall.
41. The proposal results in a number of benefits. However, the extent of the adverse impacts I have identified in terms of the character and appearance of the area and the harm to living conditions, along with the lack of financial contributions would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. As such the proposal would not represent sustainable development.

Conclusion

42. The proposed development would conflict with the development plan, when read as a whole and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

H Faulkner

INSPECTOR

