



Appeal Decision

Site visit made on 29 September 2025

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 October 2025

Appeal Ref: APP/D0840/W/25/3362099

Land North of Laurisdale, Whitecross, Wadebridge

- 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 Mine and Quarry Services Limited against the decision of Cornwall Council.
 - The application Ref is PA23/03877.
 - The development proposed is affordable led housing proposal for 15 no. dwellings and associated access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for affordable led housing proposal for 15 no. dwellings and associated access and parking at Land North of Laurisdale, Whitecross, Wadebridge, in accordance with the terms of the application, Ref PA23/03877, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's refusal refers to the loss of best and most versatile (BMV) agricultural land. However, the appellant's *Agricultural Land Classification Report*¹ concludes that the site is grade 3b and thus, not BMV. The Council's statement confirms that this aspect of the refusal falls away and I find no reason to disagree.
3. Since the appeal application was determined, the publication of the National Planning Policy Framework (December 2024) (the Framework) has affected the housing land supply position in the county. Whilst the Framework requires authorities to demonstrate a five year supply of housing land with relevant buffer, the Council acknowledge that it cannot demonstrate such at the present time.
4. A S106 planning obligation, dated 5 August 2025, was submitted which provides for 8 affordable dwellings (53%), public open space and contributions towards education and healthcare facilities.

Main Issue

5. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

6. The site comprises a broadly triangular area of around 1 hectare which forms part of a larger agricultural field used for pastoral purposes. Whilst elevated to a

¹ Tim Ryland Chartered Surveyor, 8 November 2024

modest degree from the adjoining minor road to the west (the U6121), it is gently sloping and is adjoined on at least two sides by existing dwellings which form part of the small settlement of Whitecross. A public right of way (PROW) runs along the eastern boundary of the site.

7. The proposal seeks permission to construct 15 dwellings on a rural exceptions site basis under Policy 9 of the *Cornwall Local Plan Strategic Policies 2010 - 2030* (adopted 2016) (CLP). The tenure split between the dwellings would be 8 affordable and 7 open market (around 53%) and would include a mix of bungalows and dwellings with a low overall height so as to assimilate with dwellings in the immediate surroundings which are largely of a bungalow and dormer bungalow character. The access to the site would be created in the position of the existing field access, albeit widened through additional hedgerow removal. Parking, drainage infrastructure and an area of open space would also be included as part of the scheme.
8. The submitted *Landscape and Visual Impact Assessment*² (LVIA) refers to the site's location within landscape character area (LCA) CCA28: *Camel Estuary* under the *Cornwall and Isles of Scilly Landscape Character Study (2023)*, with the CCA29: *Camel and Allen Valleys* LCA extending south from the A39. The Camel Estuary is a key feature of the LCA and its influence extends across a wide area, though not at the appeal site level. The attributes of the LCA which can be found in the vicinity of the site include the mostly intact pattern of medieval fields enclosed by a network of Cornish hedges; the scenic qualities of the landscape, with long views out to and along the coast and across the estuary. The sparsely settled nature of the LCA is not particularly apparent at the site level given its relationship to Whitecross, nearby Wadebridge, the A39 and the Royal Cornwall Showground.
9. The proposal would inevitably result in the extension of the settlement and change to the field pattern to separate the site from the remainder of the adjoining field. There would be further effects on the tranquillity of the area through additional residents and their respective comings and goings. However, the site is well related to the existing settlement and the scale of the development would be in proportion to it. These effects would result in a degree of landscape harm, but on a small scale and with limited change to the LCA's notable attributes.
10. The LVIA focusses on a study area of no greater than 2.5 km of the site. Given the surrounding undulating landform and established hedgerows in the area, the extent of the visibility of the site is relatively limited. Views from the area of Edmonton to the north-west are limited by existing hedgerows and topography and beyond this, the land falls sharply to the Camel Estuary. Views from the A39 largely have the existing dwellings in Whitecross in the foreground. Views from around the south and south-east³ have glimpses of the appeal site behind the existing settlement and with the Royal Cornwall Showground in the mid-ground. If obtainable at all, views of the development from these viewpoints would be of rooftops and dwellings above and through existing dwellings.
11. The visual effects of the proposal would be most noticeable from on the minor road from which the development would take its access and also from the PROW which runs alongside the eastern boundary. Due to the existence of other dwellings and the settlement edge, parts of this road have a domestic character and the

² Mei Loci, November 2023

³ LVIA viewpoints 5 and 6

development would not appear incongruous in this context. Though views in through the access point would be unavoidable, the retention of the roadside boundary, save for the widened access point, would assist in mitigating the effects of the development in wider views. Views from the PROW would also be relatively clear even beyond the establishment of a hedgerow alongside part of the development. However, the section of the PROW which would be most affected is already bordered by the presence of development at the entry point and on the other side of the site's boundary hedgerow. It becomes a PROW in a more rural context with longer views of the surrounding landscape beyond the extent of the appeal site. These visual effects would be experienced in close proximity and would be permanent, even if softened in time through the effects of landscaping.

12. Part of the Cornwall National Landscape (formerly Area of Outstanding Natural Beauty) lies in close proximity to the west. However, due to the topography and intervening landscape features, in combination with the scale and form of the development, it would not harmfully affect the Valued Landscape. Similarly, the Camel & Allen Valleys Area of Great Landscape Value (AGLV) lies around 800m to the south but the scale and form of the development, combined with restricted intervisibility, means that the development would be of minor consequence to the AGLV.
13. There would be an effect on some private views from the neighbouring dwellings, although the orientation and intervening distances would mean that such effects would not be overbearing in nature. The provision of boundary hedgerow enhancements and tree planting will soften the effects further, though they would not entirely block these views.
14. Having regard to its scale, form, the individual design of dwellings and proposed landscaping scheme, the development would be well designed and would assimilate into the built form of the host settlement. It would be well related to the physical form of the host settlement and appropriate in scale, character and appearance such as to comply with Policy 9 of the CLP which relates to rural exceptions sites. However, taking the above points together, the proposal would result in a modest degree of localised landscape and visual harm which conflicts with, in particular, policies 2 and 23 of the CLP. These policies collectively seek to ensure that development protects and where possible enhances Cornwall's natural environment.
15. Whilst not referenced in the reason for refusal, saved policy ENV1 of the North Cornwall Local Plan (adopted 1999) (NCLP) is also a relevant development plan policy as it seeks to avoid adverse effects on the amenity and landscape character of the area. There would be a degree of conflict with this policy as well.

Other Considerations

16. The Council has not raised any other issues in respect of the sustainability of the site's location, drainage matters or effects on biodiversity. I find no reason to reach alternative conclusions in these regards.
17. I have taken into account the representations made by local residents in respect of the proposal. In respect of the absence of everyday facilities and shops in Whitecross, those closest to the site are based in Wadebridge and I find that it would be suitably connected to allow future residents to access facilities therein, without undue reliance on private vehicles. Where required by the relevant service

providers, financial contributions have been sought to increase capacity to offset the impact of new incoming residents.

18. I note that a number of representations refer to other housing schemes having been built in the wider area of Wadebridge and Bodmin recently. However, it is evident that these have not addressed the local need for affordable housing in full and nor can the Council demonstrate a five year supply of housing land that may otherwise suggest that the scheme is surplus to requirements.
19. Whilst it has been indicated that construction traffic would cause disruption, this would be for a temporary period and could be minimised through aspects controlled by planning condition.
20. The potential for light pollution has been considered and could be controlled by way of a planning condition. Similarly, the potential impacts on neighbouring occupiers through privacy or outlook have been minimised through design, but a further planning condition could be used to prevent the installation of windows that could result in harm at a later date.

Planning Obligation

21. The engrossed planning obligation secures the 53% affordable housing in the form of 5 affordable rented dwellings and 3 shared ownership dwellings, along with occupancy, pricing and resale restrictions relating to the same. It also provides for a clawback mechanism if the development achieves a greater value than anticipated in the financial viability assessment reviewed by the Council. The S106 also provides contributions towards healthcare and education facility enhancements to offset the impacts of new residents of the open market housing, along with an area of public open space within the development.
22. Regulation 122 of the Community Infrastructure Levy Regulations (2010) (CIL Regulations), as amended, and the Framework set out that planning obligations must only be sought where they meet the relevant tests, including where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the same. The Council has outlined the necessity for the various components of the S106, the methods of calculation for the financial contributions and the related development plan policies.
23. I am satisfied based on the agreement between the main parties and the wording of the S106 that all of the obligations are necessary, directly related, and fairly and reasonably related in scale and kind to the development and can be taken into consideration.

Planning balance

24. Through its harm to the character and appearance of the area, the proposal conflicts with the development plan, in particular policies 2 and 23 of the CLP and Policy ENV1 of the NCLP. However, Policy 9 of the Cornwall Local Plan permits some landscape and visual change through the construction of exceptions housing schemes adjacent to existing built up areas, provided that they are well related to the physical form of the settlement and appropriate in scale, character and appearance. I find that the limited landscape and visual harms that would occur

are no less than would be expected for such a scheme that complies with CLP policy 9.

25. In any event, as the Council is unable to demonstrate a five year housing land supply as required by the Framework, the provisions of paragraph 11 d) are engaged.
26. The main benefit of the scheme is the delivery of 15 dwellings in the context of an undersupply of the same. Whilst neither party has sought to precisely quantify the degree of shortfall that currently exists, the difference between the current five year requirement compared to the pre-Framework changes⁴ suggests that the shortfall is sizeable. Furthermore, a key purpose of the scheme is to deliver affordable housing to meet an identified local need and at a level that has been agreed to be viable without external sources of financial subsidy. Relative to the scale of the scheme, these are separate benefits that each attract great weight.
27. There would be economic benefits associated with the scheme, both during the construction phase and during the lifetime of the development with future residents spending at local facilities and shops. There would also be some biodiversity enhancements. These benefits attract modest additional weight in favour of the scheme.
28. Under Framework paragraph 11 d) ii), consideration must be given to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies 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. Having given due regard to these matters, I consider that the adverse impacts of granting permission would not significantly and demonstrably outweigh the totality of the benefits outlined above.
29. As a consequence, the presumption in favour of sustainable development forms a consideration of such weight that, to the extent that there is any conflict with the development plan when taken as a whole, it indicates that a decision should be made other than in accordance therewith.

Planning conditions

30. I have considered the suggested planning conditions in the context of the Framework and Planning Practice Guidance.
31. The standard conditions requiring implementation within 3 years and specifying the approved plans are necessary in the interests of proper planning. In the interests of creating a high quality of development, a condition is necessary specifying the natural stone and slate finishes on the dwellings.
32. In order to protect the privacy of adjoining occupiers, a condition is needed to prevent the installation of additional openings where specified on Plot 14.
33. In the interests of certainty, conditions are necessary in relation to the provision, timing, delivery and maintenance of the on-site public open space.

⁴ Council's Statement Appendix 1: Interim Policy Position Statement, para. 1.3 notes 4,421 dwellings per annum required over the previous 2,600 dwellings per annum

34. In the interests of the amenity of neighbouring occupiers and environmental quality, a condition is necessary specifying adherence to the approved Construction Environmental Management Plan. For similar reasons in relation to environmental quality, conditions are also needed to secure the non-mains foul drainage works and surface water drainage scheme.
35. A number of conditions are required to protect and enhance the site's biodiversity value, including conditions requiring enhancement measures, monitoring, low lighting levels and specific method of removal of the site's hedgerow.
36. In the interests of the character and appearance of the area, conditions are also required to secure the protection of existing hedgerows, the provision of additional tree planting and the provision of new hedgerows where specified on the plans.
37. Lastly, a number of conditions are necessary in relation to the highways infrastructure to ensure the safety of all users, including the provision of adequate visibility splays at the new access point, the provision of the estate roads, footways and parking spaces and provision of external highway works, including the relocation of the existing speed restriction signs.

Conclusion

38. For the reasons given above, the appeal is allowed.

H Nicholls

INSPECTOR

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:
 - Site/location Plan
 - Proposed Site Plan, Ref 22039/01G(b) Rev b
 - Proposed Plot 14, Ref 22039/20
 - Proposed Plots 1, 1A and 2, Ref 22039/05D
 - Proposed Plot 13, Ref 22039-20B
 - Proposed Plot 9, Ref 22039-20A(a)
 - Proposed Plot 11, Ref 22039-21
 - Proposed Plot 12, Ref 22039-21B
 - Proposed Plots 3, 5 and 7, Ref 22039-22A
 - Proposed Plots 8 and 10, Ref 22039-23B(a)
 - Proposed Plots 4 and 6, Ref 22039-24B
- 3) The development shall be constructed using natural stone and natural slate for the roof as shown on the approved plans and shall be retained as such thereafter.
- 4) No openings shall be inserted into the upper floor of the southern gable elevation of Plot 14.
- 5) No works shall commence on site until details of the open space and recreation space provision within the application site as shown on Plan 22039/22 has been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - Type of open space
 - The typical uses to be including within the open space
 - Detailed design specifications
 - Any specific requirements e.g. a Local Equipped Area of Play
 - The open space/recreation areas shall be completed and available for use in accordance with the approved details prior to the occupation of 75% of the dwellings on site.
- 6) Prior to the commencement of works on site details of the management and maintenance of the public open space/recreation space agreed via Condition 5 of this permission shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a maintenance management plan including confirmation of who will maintain the area of public open space, the timings of all maintenance, an associated health and safety statement and a plan for the future funding to cover the operational costs of the ongoing maintenance and management including full details of any management company proposed and how it will operate and involve residents in governance arrangements.

The approved scheme shall be implemented, managed and maintained in accordance with the approved details. Details of the maintenance schedule shall be kept up to date and be made available to the Local Planning Authority within 28 days of the receipt of a written request.

- 7) The development shall be undertaken in full accordance with the Construction Environment Management Plan dated June 2024 submitted by Mine and Quarry Services throughout the entire construction period.
- 8) No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved by the Local Planning Authority. The details shall include:
- Details of the final drainage schemes including percolation testing results, calculations and layout.
 - Details of how surface water will be managed during construction phase.
 - The Construction Quality Control plan.
 - A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features.
 - A timetable of construction.
 - Confirmation of who will maintain the drainage systems and a plan for the future management and maintenance, including responsibilities for the drainage systems and overland flow routes. The plan must include a drawing which clearly indicates the management responsibility for each drainage element, and schedule of maintenance.

The Developer must inform the Local Planning Authority of any variation from the details provided and agree these in writing before such variations are undertaken.

The approved scheme shall be implemented in accordance with the timetable so agreed and the scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.

- 9) Prior to commencement of the development hereby approved (including demolition and all preparatory works), a scheme for the protection of the retained hedgerows and/or Cornish Hedges shall be submitted to and approved in writing by the Local Planning Authority. Specific details to be included:
- The location of the retained hedgerows and/or Cornish hedges,
 - Location of protective measures,
 - Specification of protective measures,
 - Timing of implementation and duration of protection.

The development thereafter shall be implemented in strict accordance with the approved details.

- 10) Prior to the commencement of the development hereby approved, full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the

implementation of the tree planting scheme (whichever is later), shall be replaced in the next planting season by specimens of same size and species.

- 11) Prior to the construction of the dwelling(s) hereby approved, a scheme for the incorporation of bat boxes and bird boxes and bee bricks at a minimum rate of one measure per dwelling shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location and specific details of each feature. The approved features shall be installed prior to the occupation of the dwelling(s) to which they relate and shall thereafter be retained and maintained as such.

- 12) No development shall commence until a Biodiversity Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

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

- 13) The development hereby approved shall not be occupied until the lighting has been installed and is operational as shown on plan 22039/22.
- 14) The removal of the 24m of hedgerow shall be undertaken in a two phased approach under the supervision of a qualified ecologist. Removal of woody/bushy vegetation down to the bank top shall only be undertaken between November and March. The hedge base shall be retained to ensure any Dormice hibernating in the bank or other species present remain undisturbed. From the following May, the hedge base can be removed. If any Dormice are found on site during this time work shall stop and further recommendations from a qualified ecologist shall be received and agreed by the local planning authority prior to work recommencing.
- 15) No development shall commence until the access and visibility splays have been constructed in accordance with Plan 22039/01 G(b) Rev B. All land within the said visibility splays shall be reduced to a height not exceeding 900mm above the adjoining carriageway level and thereafter no obstruction shall be permitted within the approved visibility splays. The access and splays shall thereafter remain as per the approved plans.
- 16) Prior to occupation of the development hereby approved all the parking spaces serving the individual dwellings and the visitor bay shall be laid out, drained and constructed in the positions as shown on plan 22039/01 G(b) Rev B. The parking spaces shall thereafter remain in situ. The off-street parking spaces shall not be obstructed or used for vehicle storage or any other purpose other than parking.
- 17) The development hereby permitted shall not be occupied until the installation of a system to serve the development for the disposal of sewage has been

completed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The details shall include a programme for maintaining the system if required. The system shall be retained and maintained thereafter in accordance with the approved details.

- 18) Prior to the development hereby approved first being occupied the developer shall undertake all the works to the highways including the construction of the visibility splays, footway connections and relocation of the speed restriction as shown on Plan 22039/01 G(b).
- 19) New Cornish hedgerows shall be planted in the positions as shown on Plan 22039/01 G(b).

The hedgerow shall be constructed of natural stone and planted with native species a list of which shall be submitted to and approved by the local planning authority prior to planting.

The hedge construction shall be completed prior to occupation of the last dwelling hereby permitted.

All planting, seeding or turfing comprised in the hedgerow creation shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Notice shall be given to the Local Planning Authority when the approved 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.

- 20) No dwelling shall be occupied until the estate road carriageway and footway to be constructed in association with those dwellings has been laid out and constructed to an adoptable standard in accordance with Plan 22039 01 G(b) Rev B.

ENDS -----