



## Appeal Decision

Site visit made on 24 January 2017

by **CD Cresswell BSc (Hons) MA MBA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 March 2017

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**Appeal Ref: APP/D0840/W/16/3158823**

**Land at Elmsleigh Care Home, St Andrews Road, Par, Cornwall PL24 2LX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr G Thomas against the decision of Cornwall Council.
  - The application Ref PA15/06969, dated 24 July 2015, was refused by notice dated 1 August 2016.
  - The development proposed is erection of up to 10 age restricted dwellings together with amenity areas and associated open space and infrastructure.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Restormel Borough Council Local Plan 2001 no longer forms part of the statutory development plan for the area. I have determined this appeal against the policies of the Cornwall Local Plan, which was formally adopted by the Council during the course of the appeal process.
3. The application was made in outline with all matters, except access, reserved for future determination. I have considered the appeal on that basis.

### Application for costs

4. An application for costs was made by Mr G Thomas against Cornwall Council. This application is the subject of a separate Decision.

### Main Issue

5. The main issue is whether the site would provide a suitable location for the proposed development, having particular regard to the provisions of local and national planning policies.

### Reasons

#### *Location*

6. The appeal site is an open field which is situated within the wider grounds of Elmsleigh Care Home. Access to the site is via a narrow driveway which links the care home with St Andrews Road to the south. Whilst located outside the main built up areas of Tywardreath and St Blazey, the site forms part of a low density grouping of development and open spaces between these settlements.
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7. There are an assortment shops and services within the wider vicinity, a number of which are shown in Appendix 7 of the appellant's Statement. Many of these are within St Blazey, to the west of the appeal site via St Andrews Road. However, the exact distance of the appeal site from these shops and services is something of a moot point. For example, according to Appendix 7, there is a pharmacy within 400 metres of the site, a food store within 600 metres and a Post Office and bank within 700 metres. On the other hand, Table 1 of the appellant's further comments document suggests that the pharmacy is in fact 700 metres away, the nearest food store (St Blazey Co-op) is 800 metres away and the Post Office and bank are 1.1 kilometres away. Alternatively, the Council argue that the Co-op is 970 metres from the appeal site.
8. Having visited the area during the course of my site visit, I consider that the actual walking distances are likely to be towards the upper end of the ranges indicated within the evidence. Whilst some of the facilities may be within the walking distances advocated by Manual for Streets, the shops and services in the vicinity are relatively dispersed rather than being concentrated in one particular locality. For instance, St Blazey Co-op is accessed from Middleway whereas the Post Office is a reasonably substantial walk further to the north beyond Station Road and onto the A390. Given that everyday needs are only likely to be fully met through access to a range of services, future occupiers of the proposed development are likely to have to walk some distance to meet of all of their requirements for shopping, banking, health provision and other services.
9. As such, walking would not necessarily represent the most attractive option for all potential occupiers of the units, especially considering that they would be designed for older people. With older people in mind, I also note that the pedestrian routes to services in St Blazey involve crossing roads as well as negotiating the relatively steep access onto St Andrews Road. Whilst shops and services are reasonably accessible by bicycle, the surrounding road network is busy and some of the roads are relatively narrow. I am not aware of any dedicated cycle paths in the area. As such, there is some potential for conflict between traffic and cyclists, which is likely to reduce the attractiveness of this mode of transport. However, the area is relatively well served by public transport and there are bus-stops close to the appeal site and a railway station further to the south which is within a reasonable walking distance.
10. One of the core planning principles in paragraph 17 of the National Planning Policy Framework (the Framework) is to actively manage patterns of growth in order to make the fullest possible use of public transport, walking and cycling. Although the appeal site is no less accessible than many existing dwellings within the locality, I have found that it does not benefit from an optimal degree of accessibility when considered against all modes of transport. Policy 3 of the recently adopted Cornwall Local Plan (the Local Plan) aims to steer the majority of new development towards the main towns through planned housing allocations, including within St Austell (but excluding Tywardreath and St Blazey). Planned housing allocations of this nature have greater potential to provide infrastructure for local facilities, public transport and pedestrian and cycle linkages. Although the appellant argues that the Council deemed the site to be accessible under the provisions of former development plans, I have determined the proposal against the adopted Plan.

11. However, Policy 3 does allow some development to take place outside the main towns. This includes through infill which fills a small gap in an otherwise continuous built frontage. As the appeal site is an open field, this clearly does not apply. Indeed, paragraph 1.67 of the Local Plan supporting text states that "large gaps often exist between the urban edge of a settlement and other isolated dwellings beyond the edge of the settlement; they are not appropriate locations for infill development, and the development of these gaps would not therefore be considered as infill under the policies of this Local Plan". It seems to me that such circumstances apply to the appeal site.
12. Policy 3 also refers to the rounding off of settlements. This is defined in paragraph 1.68 of the plan as development on land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth (such as a road). In this case, the appeal site is an open field adjoining another open field and hence there is not a clear physical barrier to further growth. Consequently, the proposal cannot be described as rounding off for the purposes of the Local Plan.
13. I am therefore led to conclude that the proposed development would not be in accordance with Policy 3. Nonetheless, the appellant argues that the housing policies are out of date as the Council are unable to demonstrate a five-year supply of deliverable sites. In this respect, my attention has been drawn to a number of appeal decisions where it has been demonstrated that the Council has been unable to demonstrate a five-year supply in the past, the most recent of these being dated March 2016. However, I recognise that the supply of deliverable housing sites will inevitably vary over time.
14. Although delivery of Local Plan housing targets over the entire plan period is contingent on the future adoption of site allocation documents, the Council's latest monitoring report (September 2016) shows a current five-year supply of deliverable sites. The conclusions of this report are contested by the appellant who has provided an analysis of the figures to show that there is a shortfall. This analysis is based on an initial review of the data, although it is suggested that a more detailed analysis would only indicate a greater shortfall. However, if this is the case, it seems to me that there could just as easily be a margin of error in favour of the Council's position. Hence, I consider the appellant's evidence on this matter to be somewhat inconclusive. I give greater weight to the Council's recent monitoring report and I conclude that, for the purposes of this particular appeal, the Council can demonstrate a 5 year supply of deliverable housing sites.
15. I therefore conclude that the site would not provide a suitable location for the proposed development. There would be conflict with Policy 3 of the Local Plan which governs the distribution of new housing development.

*Other matters*

16. Conflict with one particular policy may not necessarily lead to the proposal being in conflict with the plan objectives as a whole. I am mindful that the proposal would provide housing for older people next to an existing care home. Paragraph 50 of the Framework encourages local authorities to plan for the needs of different groups in the community, including housing for older people. However, the Local Plan is only recently adopted and has been written to comply with the Framework. The supporting text of the Local Plan indicates

that it has been based on demographic evidence contained within the Strategic Housing Market Assessment and subsequent updates. It seems to me that both the qualitative and quantitative requirements for housing have been addressed within the plan.

17. Furthermore, I have been provided with little substantive evidence of an identifiable shortage of older person's accommodation within this particular part of Cornwall. While I have been referred to various publications and research papers which emphasise the importance of providing housing for older persons, these recognise a generic need for older persons housing rather than being specific to this locality.
18. I note the appellant's point that an increase in local housing supply could help to bring down general housing costs in the area. However, any contribution that a development of up to 10 units could make in driving down market prices is likely to be very limited. In contrast, the proposal referred to in Launceston was for 100 homes.
19. I accept that the Framework aims to significantly boost the supply of housing and therefore the targets expressed within the Local Plan are expressed in terms of minimums. Indeed, the appellant refers to various appeal decisions where the contribution to housing supply has weighed in favour of the development even when a five year supply of housing sites has been demonstrated. I recognise that the contribution of up to 10 residential units is a clear benefit of the proposal and I give this moderate weight.

#### *Planning balance*

20. Whilst the appellant cites no conflict with a number of Local Plan policies, the appeal proposal would nonetheless conflict with Policy 3. I have found that the benefits of the proposal in contributing to other Local Plan objectives do not outweigh this policy conflict. Therefore, the proposal does not accord with the provisions of the development plan as a whole. It is therefore necessary to decide whether there are other material considerations which indicate that permission should be granted, notwithstanding the conflict with the development plan.
21. Paragraph 6 of the Framework advises that the overall purpose of the planning system is to achieve sustainable development, which has three dimensions; environmental, economic and social. With regards to the economic dimension, I note that the development would provide a small contribution to the local economy during the construction process. In terms of the social dimension, there is little to indicate that there is a specific need for additional older person's accommodation in this location. The development would also have a limited impact on the affordability of market dwellings in the area. However, the addition of 10 residential units to the housing supply is a benefit to which I give moderate weight.
22. Turning to environmental considerations, I have already established that the proposed dwellings would not be situated in a location which makes the fullest use of walking and cycling opportunities. This harm conflicts with one of the 'core principles' of the Framework and I therefore assign it significant weight in my decision.

23. In conclusion, the balance of the other material considerations weighs against the appeal. The appeal should therefore be determined in accordance with the development plan.

*Conclusion*

24. For the above reasons, and having regard to all other matters raised, the appeal should therefore be dismissed.

*CD Cresswell*

INSPECTOR

Richborough Estates