



Appeal Decision

Site visit made on 21 May 2019

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 19th June 2019

Appeal Ref: APP/D0840/W/19/3224526

Ball Meadow, Bodieve, Wadebridge PL27 6EG

- 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 Wyndthorpe Estates Ltd & Kier Living Ltd against the decision of Cornwall Council.
 - The application Ref.PA18/05209, dated 25 May 2018, was refused by notice dated 31 January 2019.
 - The development proposed is described as 'outline planning consent with all matters except of access (i.e. appearance, layout, scale and landscaping) reserved, for residential development comprising up to 225 dwellings, a new link road between Ball Roundabout and B3314, new highway access, provision of a new pedestrian/cycle bridge over A39, new primary school, new local centre, employment area, family pub, public open space, landscaping and associated infrastructure'.
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Procedural Matters

1. The original application was made in outline with access for consideration, and appearance, landscaping, layout, and scale reserved for future determination. I have dealt with the appeal on the same basis.
2. A number of plans were submitted with the application which are helpfully listed on the Council's decision notice, and others were put in with the appeal. However, in tune with what I have set out above about the outline nature of the application, I have treated all of them as illustrative, aside from the Site/Location Plans¹.
3. The application was accompanied by an Environmental Statement² as the proposal was considered to fall within the scope of the EIA Regulations as 'Schedule 2 development' in the context of 'Urban Development Projects'. The Council's screening opinion set out that the proposal had the potential to give rise to significant impacts in relation to traffic and landscape only. The ES concentrates on these areas; others having been scoped out. I have taken the information provided into account to the extent that it bears on my decision.

Decision

4. The appeal is dismissed.

Main Issue

5. The Council cited four reasons for refusal in its decision notice.

¹ SPB-01: Site Boundary Plan and CEC2791b/01 rev.B: Location Plan

² Referred to hereafter as ES

6. There is, however, a clear hierarchy in those reasons. The first relates to the general principle in policy terms, while the second, third, and fourth reasons relate to accessibility, landscape impact, and infrastructure provision respectively. It is clear to me that the proposal must cross the hurdle presented by the first reason for refusal before the others require any detailed consideration.
7. Against that background, the first main issue is: (1) whether the proposal complies with the development plan and if not, whether there are any material considerations that would justify a departure from it. Following on from that the other main issues are: (2) whether the proposal is acceptable in accessibility terms; (3) the effect of the proposal on the character and appearance of the area; and (4) whether the proposal makes adequate provision for affordable housing, and other infrastructure requirements.

Reasons

Policy

8. The development plan for the area includes the Cornwall Local Plan: Strategic Policies 2010-2030³ that was adopted in November 2016. LP Policy 1 gives expression to the presumption in favour of sustainable development as set out in (the original version of) the National Planning Policy Framework⁴. The policy explains that proposals that accord with LP policies and supporting parts of the development plan, including where relevant, Neighbourhood Plans, will be regarded as sustainable development and approved, unless material considerations indicate otherwise.
9. LP Policy 1 goes on to outline that the issue of sustainability will be considered against economic, social and environmental pillars. Where no policies are relevant to a proposal, or relevant policies are out of date, then permission will be granted, unless material considerations indicate otherwise, taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the (original version of the) Framework taken as a whole; or specific policies in the (original version of the) Framework indicate that development should be restricted.
10. I should set out that the version of the Framework that LP Policy 1 is based around has been replaced and I am of course proceeding on the basis of the current, February 2019, version. However, I would observe at this stage, that I do not consider that the differences between paragraph 11 of the current version and paragraph 14 of the original to be of an order that would render LP Policy 1 out-of-date.
11. LP Policy 2 outlines the overall spatial strategy for Cornwall and LP Policy 2a the key targets in the period up to 2030. These targets include a minimum of 52,500 homes at an average annual rate of around 2,625 per year, and 704,000 square metres of employment floor-space
12. Underpinning that, LP Policy 3 says that the scale and mix of uses of development and investment in services and facilities should be based on the role and function of places.

³ Referred to hereafter as LP

⁴ Referred to hereafter as the Framework

13. As such, new development to 2030 is to be developed in accordance with a hierarchy. At the top of that hierarchy we are told that the delivery of housing, community, cultural, leisure, retail, utility and employment provision will be managed through a Site Allocations DPD, or Neighbourhood Plans for the main settlements, including Wadebridge.
14. The Cornwall Site Allocations Plan⁵ has been submitted for examination and that process has commenced. Of the sixteen towns/conurbations and eco-communities with their own housing and economic targets in the LP, ten have elected to deal with allocations through the CSAP. That group of ten does not include Wadebridge. Rather, Wadebridge has elected to allocate sites through the Neighbourhood Plan process. To that end, the Egloshayle, St Breock and Wadebridge area was designated as a Neighbourhood Area in February 2013. The pre-submission draft of the Egloshayle, St Breock and Wadebridge Area Neighbourhood Plan⁶ was ratified in December 2017 and a Regulation 14 public consultation took place between March and May 2018.
15. NP Policy SD04 allocates the appeal site, together with land to the north of it, for mixed use development. However, as well as some support, this allocation drew some criticism through the Regulation 14 process. In response, those behind the NP have identified that *'there is work to do; whether it to be to reaffirm and justify the current policy approach and preferences, and provide a clear and rational 'audit trail' in support, or to reconsider the preferred allocation site'*. As things stand, the NP is parked, presumably for the 'work' referred to above to take place.
16. What that means, in policy terms, is that the proposal is not included in the SAP, and neither is it allocated in a NP that has been made. It cannot comply, therefore, with the approach to development in Wadebridge set out in LP Policy 3. Given the importance of that policy to the overall strategy of the LP, the proposal does not, therefore, comply with the development plan as a whole.
17. That is not the end of the matter, obviously. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
18. The first material consideration to be considered is the (current version of the) Framework. It is suggested that Government objectives enshrined therein such as significantly boosting the supply of homes, and supporting economic growth and productivity, amongst others, ought to override the provisions of the LP. However, there is no dispute that the Council can demonstrate a five-year supply of deliverable housing sites, and no convincing evidence that its economic policies are somehow failing. There seems to me to be no good reason to set aside the development plan, or treat it as somehow out-of-date, in favour of the (current version of the) Framework in that context.
19. Reference has been made to Inspectors' decisions where versions of the Framework have been found to outweigh provisions of the development plan even though a five-year supply of deliverable housing sites can be demonstrated, because the proposals concerned are said to be 'sustainable'.

⁵ Referred to hereafter as CSAP

⁶ Referred to hereafter as NP

20. While there might well be proposal-specific reasons for that finding in some cases, in general terms, I believe that approach to be fundamentally wrong because it undermines the plan-led system; a system the (current version of the) Framework recognises the importance of, as it must. To give but one example, paragraph 15 tells us that the planning system should be genuinely plan-led. It is difficult to see how setting the development plan aside, in favour of (the various versions of) the Framework, in situations where the development plan is meeting delivery targets, can comply with that statement.
21. On top of that, the workings of LP Policy 3 allow local communities to choose how development in their area is to be brought forward. The communities of Egloshayle, St Breock and Wadebridge chose to make provision for the 1,100 homes allocated by LP Table 1, employment floor-space, and other requirements, through a NP. The NP process may well be stalled at present, but while there are different views in the community about the way forward, there is no convincing reason to believe that the NP cannot be revived. It seems to me that to allow a scheme of the scale at issue in this case to proceed outside that process would take away from the local communities the ability to bring forward development in the way they prefer.
22. I do not suggest that this is a 'prematurity' point; rather it is about retaining the primacy of the plan-led system unless there are good reasons not to. As set out, in a situation where Cornwall is meeting its overall housing, and other targets, the circumstances where one might reasonably conclude that the development plan is outweighed by the provisions of the (latest version of the) Framework are not in place.
23. Weighty material considerations too are the significant benefits the proposal would bring forward. These include land that could accommodate a new primary school – something that the settlement requires – and a new link road, as identified in the Wadebridge Transport Strategy. This link road would, it is said, alleviate some existing traffic issues in Wadebridge and could not be provided on a site other than the appeal site. It appears that land suitable for a new primary school is unlikely to be found elsewhere too.
24. The scheme would also provide housing and a policy compliant (30%) proportion of affordable housing that would contribute significantly to the 1,100 dwelling target for Wadebridge, an employment area, and other facilities. There would be opportunities to upgrade public footpaths, promote cycling, and extend a bus route, and ecological and biodiversity enhancements would be realised too. Associated infrastructure requirements could be addressed through Planning Obligations.
25. The point is made by the appellant that all this benefit can be achieved on a site that is accessible to and from Wadebridge, which can be made even more accessible through the proposed pedestrian and cycle bridge over the A39. Moreover, the site could, according to the appellant, be developed in a way that has limited landscape impact.
26. I do not seek to bring any of that into question. However, as paragraph 1.69 of the LP outlines, the Council is committed to supporting the development of Neighbourhood Plans to ensure delivery of the spatial strategy and key targets. LP Policy 3 reflects that. As I have set out, Cornwall can currently demonstrate a five-year supply of deliverable housing sites, and no there is indication that economic development is lagging.

27. In that context, it would be at odds with the plan-led system to decide that a departure from the development plan was warranted by the scale and nature of the benefits the proposal would bring forward. I am sure that those behind the NP are well aware of those benefits and there seems to me to be no good reason why those significant benefits could not be realised through the allocation of the site as part of the NP process. In current circumstances, the local community should be free to take the decision to proceed with the allocation of the site through the NP, or to take a different approach. Again, I make the point that to act otherwise, would be to subvert the plan-led system.
28. Neither do I see that as a recipe for inertia. Paragraph 1.69 of the LP sets out clearly that should Neighbourhood Plans not reach submission stage within two years of the adoption of the LP, or do not make sufficient housing provision to meet key targets, the Council will undertake the necessary site allocations to support the delivery of the targets set out in the LP. That two year period has passed so I would expect the Council and those behind the NP to be acutely aware of the urgency required.

Conclusion

29. Taking all those points together, I conclude that the proposal fails to comply with the development plan, and LP Policy 3 in particular, and at this point in time, there are no material considerations, considered alone, or in combination, that would justify a departure from the approach therein. On that basis, as I have set out above, there is no need to take the other main issues identified further.
30. For all those reasons, I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR