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## Appeal Decision

Hearing held on 10 February 2015

Site visit made on 9 February 2015

**by Chris Preston BA (Hons) BPI MRTPI**

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

**Decision date: 17 March 2015**

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**Appeal Ref: APP/D0840/A/14/2223116**

**Goldmartin Field, Off Sampys Hill, Mawnan Smith, Falmouth**

- 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 Westcountry Land Ltd. against the decision of Cornwall Council.
  - The application Ref PA13/10163, dated 31 October 2013, was refused by notice dated 11 February 2014.
  - The development proposed was described on the application form as: proposed cross-subsidy residential development.
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### Decision

1. The appeal is allowed and planning permission is granted for an outline application for cross-subsidy residential development comprising 42 dwellings (landscaping reserved) at Goldmartin Field, Off Sampys Hill, Mawnan Smith, Falmouth in accordance with the terms of the application, Ref PA13/10163, dated 31 October 2013, subject to the conditions in the schedule attached to my decision.

### Application for costs

2. At the Hearing an application for costs was made by Westcountry Land Ltd against Cornwall Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The application was described on the application form in the manner set out in the banner heading above. It is an outline application including all matters apart from landscaping. The Council's decision notice, and the subsequent appeal form, adopted a different description of the development and I have used that description within my formal decision at paragraph 1. This provides a more precise description with reference to the number of dwellings proposed.
4. A completed s.106 planning obligation was submitted prior to the Hearing. This included provision for affordable housing, a financial contribution towards education provision, open space provision, the diversion of the public right of way that passes through the site and the extension of the 30mph speed limit on Sampys Hill across the site frontage. The provisions of the s.106 with regard to open space were intended to ensure the provision and maintenance of an area of on-site open space, as shown on the submitted layout plan, including a locally equipped area for play and associated landscaping. However, at the event, it was discovered that the definitions within the s.106

incorrectly referred to contributions towards 'off-site' public open space, as opposed to on-site provision. A supplemental deed of modification was submitted after the close of the Hearing in order to correct this error. This was signed and executed by all parties and, consequently, I am satisfied that no party will be prejudiced by my decision to take the deed of modification into account in reaching my decision.

### Definition of the Main Issues

5. The reason for refusal referred to the loss of high quality agricultural land. The appellant submitted a survey with the appeal which concluded that the land is within Agricultural Land Classification 3b, falling outside of the definition of Best and Most Versatile Agricultural Land (BMV). The Council accepted the findings of the survey, as set out within the Statement of Common Ground (SoCG). Consequently, they did not pursue that element of the reason for refusal in the appeal proceedings. No contrary evidence has been presented that would lead me to doubt the accuracy of the survey or its conclusions and, accordingly, the matter does not form a main issue within my decision.
6. The site is situated within the Cornwall Area of Outstanding Natural Beauty (AONB). It is common ground between the parties that the proposal would constitute 'major development' within the AONB for the purposes of paragraph 116 of the National Planning Policy Framework (the Framework). The Framework does not define major development in the context of paragraph 116 and whether a particular proposal falls within that description is a matter for the decision maker to determine on the facts of the given case.
7. Importing the definition of major development from the Town and Country Planning (Development Management Procedure) (England) Order 2010 has been held by the courts to be inappropriate<sup>1</sup>. The Secretary of State also considered that a proposal of 29 dwellings did not form major development<sup>2</sup>. However, that decision was taken on the merits of the case. In my view, matters of scale, character and the context of the location are relevant factors to consider. The site is on the edge of a village within a predominantly rural area. It would represent a considerable addition to the village in terms of scale and the likely increase in population. Consequently, from the evidence before me, it would constitute major development in the context of the location and I see no reason to depart from the views of the Council and appellant in this regard.
8. Paragraph 116 of the Framework identifies that planning permission for major development in AONB's should be refused unless there are exceptional circumstances. Furthermore, the presumption in favour of granting planning permission for sustainable development at paragraph 14 of the Framework does not apply if specific policies within the Framework indicate that development should be restricted. Footnote 9 to that paragraph identifies policies relating to AONB's as one such exception. In view of the above, the main issues in relation to the appeal are:
  - i) Whether the proposed development would be within the public interest and whether exceptional circumstances exist to indicate that it should be

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<sup>1</sup> R (on the application of Aston) v Secretary of State for Communities and Local Government [2013] EWHC 1936 and R (on the application of the Forge Field Society, Martin Barraud and Robert Rees) v Sevenoaks District Council [2014] EWHC 1895 (Admin)

<sup>2</sup> APP/F1610/A/12/2173305

approved, taking account of the requirements of paragraph 116 of the Framework. Including an assessment of the following:

- The need for the development, with specific regard to local housing need, including the need for affordable housing, and the impact of permitting it, or refusing it, upon the local economy;
  - Whether the proposal would have a detrimental effect on the landscape and the character and appearance of the area and, if so, the extent to which this could be moderated; and
  - Whether the need for the proposal could be met outside of the AONB or in some other way, with reference to alternative sites.
- ii) If the development is acceptable in relation to paragraph 116 of the Framework, whether the proposal would represent a sustainable form of development, when assessed against the policies of the Framework, taken as a whole.

### Reasons

***i) Whether the proposal would be in the public interest and whether exceptional circumstances exist to indicate that the development should be approved***

*Assessment of local housing need, including the need for affordable housing to meet the needs of those whose needs are not met by the market*

9. The proposal is put forward as a cross-subsidy residential development where the delivery of market housing will support the provision of affordable housing. 50% of the 42 units would be affordable dwellings, with a mix of 70:30 in favour of affordable rented accommodation over shared ownership units. The principle of cross-subsidisation is in accordance with paragraph 54 of the Framework. It is also in line with the intentions of Policy 9 of the emerging Cornwall Local Plan *Strategic Policies Proposed Submission Document (2010-2030)*. Paragraph 216 of the Framework identifies that weight may be given to relevant policies in emerging plans according to the stage of the plan, the extent to which there are unresolved objections, and the degree of consistency with the policies in the Framework.
10. In this case, although the plan has reached a relatively advanced stage, it has yet to be subjected to examination. It is not clear from the information before me if there are any unresolved objections to Policy 9. However, I am satisfied that the aims of the policy are largely compliant with the policies of the Framework, particularly at paragraph 54, with regard to cross-subsidised delivery of affordable housing. The policy also seeks to respond to the housing needs of smaller towns and villages, in line with the second bullet of paragraph 50 and advice on rural housing within the Planning Practice Guidance (PPG)<sup>3</sup>. Consequently, although the weight I can attach to the policy is limited due to the stage in preparation of the plan, and the absence of information regarding any objections, the principle of supporting affordable rural housing is clearly aligned with national policy.

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<sup>3</sup> Paragraph: 001Reference ID: 50-001-20140306

11. Given the absence of an adopted development plan for the area, and the lack of an identified target within the emerging plan, no quantitative target for housing provision is set within local planning policy. At a county level, the Strategic Housing Market Needs Assessment (SHMNA) identifies a five-year target for affordable housing. The council accepts that this target is unlikely to be met. From the evidence presented, there is a pressing need for affordable housing in the local area; in response to the planning application, the Council's Affordable Housing officer noted that there were 37 applicants on the Council's Homechoice register with a qualifying local connection to Mawnan Smith. At the Hearing, the Council suggested verbally that this had risen to 40.
12. Evidence at Parish level also indicates a need and desire for additional affordable housing in the village, notwithstanding the objection from the Parish Council to the appeal proposal. The Mawnan Parish Plan (2006) was developed following an extensive survey of residents in the village. 488 questionnaires were returned representing a good response rate based on the 660 that were delivered. 80% of respondents identified that Mawnan needed affordable housing for local people and 141 stated that there were people within their household looking for accommodation either at the time or within the next five years. Whilst the plan is now 9 years old, no evidence has been presented to suggest that the need or desire for affordable housing has diminished.
13. In response to a consultation on the Cornwall Core Strategy in 2012, Mawnan Parish Council stated that affordable housing was one of the top three priorities for the Falmouth and Penryn Community Network Area. The Mawnan Neighbourhood Development Plan was developed to a draft stage with the principal aim of delivering affordable housing, based on a housing needs survey that was undertaken in association with Cornwall Council in 2011. The draft plan included the appeal site as the preferred location for the provision of an affordable housing led scheme. Work on the neighbourhood plan has now been abandoned and the current members of the Parish Council do not agree with the content of the document. No public vote was taken on the draft plan and, consequently, it has no formal planning status and I can attach little weight to its content. However, no evidence has been presented that would lead me to conclude that the need for affordable housing has altered significantly since the Parish Plan and the housing needs survey were compiled.
14. The evidence from the Homechoice register and background surveys conducted at Parish level indicate a substantial unmet need for affordable housing within the local area. Discussion took place at the Hearing regarding the stated preferences of those on the Homechoice register as to the location in which they would like to live. Mawnan Smith was not the first choice for 26 of the 37 applicants. The appellant suggested that this was likely to be due to the absence of any affordable housing in the village and that applicants would select Falmouth on the basis that they considered there was a better prospect of being successful in that location. The Council suggested Falmouth would be more popular because of the accessibility to jobs and services. Both of these points may hold some truth but, without any evidence by way of surveys of those with a connection to the village, the reasons for individual preferences are unknown.
15. The response of the Affordable Housing officer highlighted that the selection system seeks to allocate properties based on the local connection of the applicant. Thus, for a dwelling in Falmouth, those with a connection to Mawnan

Smith would have to compete with those with a Falmouth connection who would receive preference. The evidence presented suggests that there is a substantial and pressing need for housing for those with a local connection to Falmouth. Consequently, it is clear that the most likely way that those with a connection to Mawnan Smith would be housed is if there was a supply within the village that would meet their needs. The proposal would contribute significantly in achieving that aim.

16. In addition to the demonstrable need for affordable dwellings, the Council cannot demonstrate a five-year supply of housing, as required by paragraph 49 of the Framework. The Framework aims to boost significantly the supply of housing and deliver a wide choice of high quality homes based on the type, tenure and range of housing that is required in particular locations. The proposed scheme would contribute towards meeting the housing needs of the area. Therefore, in terms of the first bullet of paragraph 116 of the Framework there is a clear need for housing within the housing market area and an acute need for affordable housing within Mawnan Smith. The provision of such housing would bring economic benefits in terms of short term job creation through construction but also through the support and additional custom for local shops and services as a result of additional residents.

#### *The Effect on Landscape Character*

17. The application was accompanied by a landscape and visual impact assessment which accurately describes the character of the village and how it sits within the wider landscape. The village is within the 'South Coast Western' section of the AONB which is split into three sub-areas, as described in the Cornwall AONB Management Plan 2011-2016. Of these, the site falls within the Helford River and Estuary. The Cornwall and Isles of Scilly Landscape Character Study (the LCS) defines the area as LC410 – The Helford Ria. The village forms part of the undulating plateau of pastoral and mixed farmland, with a mediaeval field pattern, which surrounds the river estuary. The LCS notes various characteristics including steeply sided, and often wooded, valleys connecting to the river system, with wooded parkland estates and groups of trees in the field corners and trees within Cornish hedges.
18. Unlike most settlements in the character area which have grown up around inlets or creeks enclosed by steep valley sides, Mawnan Smith occupies a relatively elevated and prominent position in the wider landscape. Steep sided valleys fall away to the east and west of the settlement which, as a result, has expanded along a 'saddleback'<sup>4</sup> on a roughly north-south axis. Whilst the centre of the village sits within a slight depression, the northern and southern extremes spread out along gently rising ground. Thus, the village is clearly visible from mid-range viewpoints within the landscape. The assertion within the Council's reason for refusal that the village sits within 'a natural bowl' is therefore incorrect. It does not reflect the established character of the village within the landscape.
19. The LVIA identified the key publicly accessible viewpoints (1-9) from which the appeal site could be seen, derived from a zone of theoretical visibility which took account of the position of the site and the contours of the surrounding landform but not the potential impact of natural features such as trees and hedgerows. The Council did not suggest any additional viewpoints from which

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<sup>4</sup> As described at paragraph 4.9 of Mr Matthew's proof of evidence

the site could be seen. I viewed the site from each of the 9 viewpoints and connecting footpaths, roads and bridleways in between those fixed points on an unaccompanied visit the day before the hearing. Having undertaken that exercise I am satisfied that the viewpoints are representative of how the site would be seen in the surrounding landscape.

20. The development would not be unduly prominent as a result of its elevation, above ordnance datum (AOD). The undulating character of the area and the enclosed nature of lanes, roads and footpaths, set adjacent to Cornish hedges, is such that views from public vantage points are fleeting. When viewed from the south-west (viewpoints 1 and 5 and points in-between) and the east (viewpoints 6 and 7) the site would be seen in the context of the existing village in the foreground. From the limited views available from the north (viewpoints 8 and 9) it would be largely screened by established trees and hedgerows and would not significantly alter the prominence of the settlement which is already visible in the backdrop to the site.
21. Thus, to my mind, the proposal would not cause harm to the wider landscape character of the AONB; conversely, it would reflect the established character of the village which is already visible within the landscape. The development would be visible from a limited number of vantage points but the fact that it would be seen is not, of itself, indicative of harm to the landscape. The site is closely related to the existing built form, running between Sampys Hill and Carlidnack Road and the dwellings would be read in the context of the existing development.
22. The retention of existing hedgerows and additional planting that would be secured under a reserved matters landscaping scheme would help to ameliorate any localised impacts from the diverted public footpath to the north of the site and along the entrance into the village. Policies PD4 and GP08.3 of the AONB Management Plan support the provision of affordable housing within the AONB, providing that the location and design respects historic settlement pattern and conserves and enhances the natural beauty of the AONB. I consider that the proposed dwellings have been sensitively designed to reflect local character and the scheme would present an attractive outward face on the entrance to the village. Clearly, the development of an open field will result in change in the immediate character of the area. However, for the reasons given, I am satisfied that this would not result in any undue harm to the wider landscape character of the AONB.

*Whether the need for the proposal could be met outside the AONB, or in some other way*

23. As set out above, the need for the proposal relates directly to the parish of Mawnan and to the housing needs of those with a local connection to the parish. All of the parish is within the AONB, with the exception of a small area of countryside that is unrelated to a particular settlement. Dwellings in that location would not relate to built form and would be isolated from local services. From the information before me, Mawnan Smith is the only suitable location to meet the identified local housing need for residents with a specific local connection to the village.
24. Following a previous reason for refusal, the appellant undertook an 'Alternative Site Assessment' based on a number of factors, including landscape impact and likely access arrangements. The Council's landscape officer concurred with the

findings of the report and considered that, in landscape terms, the appeal site was the preferred option. Whilst the assessment was based on a straightforward scoring matrix I am satisfied that it formed a reasonable basis on which to compare the relative merits of the sites that had been put forward. In landscape terms, the proposals have been examined by three qualified professionals, two on the side of the appellant and one from the Council. Those professionals are accustomed to assessing the likely impact of proposed developments and the absence of fully detailed schemes for each of the 4 sites would not hamper their ability to consider the relative merits and suitability in landscape terms.

25. Site 2 is not available for development due to the operational needs of the farming enterprise of the landowner. If a site is to deliver affordable housing to meet local need it seems to me that a pre-requisite is that it must be available within a reasonable timescale. Therefore, Site 2 would fail on those grounds alone. Even if it were available, the landscape impact would, to my mind be greater than that of the appeal proposal. The site falls away to the west of Sampys Hill. When viewed from the available vantage points to the west/ south-west, any dwellings would be conspicuous within the landscape as a result of their position on the hillside. The LVIA identifies that the settlement pattern of Mawnan Smith has grown predominantly in a northerly and southerly direction, responding to the local topography. Comparatively little development runs down the steeper valley sides to the west and east. On this basis, the appeal site would be more sympathetic to the existing settlement pattern. The fact that it occupies a more elevated position on comparatively level ground is more reflective of the way in which the village has expanded to date.
26. Similarly, Site 3 would occupy steeply sloping site to the east of Castle View Park. This is part of an attractive landscape where the valley sides expand up to the edge of the village with significant tree and hedgerow cover. This area is typical of the local landscape character for the Helford Ria, as described in the LCS. Although more elevated the appeal site is comparatively level and featureless and is less sensitive to landscape change. There is no readily definable access to Site 4. It also occupies a prominent position to the east of the village, in terms of its elevated position and relatively exposed position on the valley side. Unlike the appeal site, which is between two existing roads, Site 4 would appear as an unnatural addition to the village, 'tacked on' to the side of Carwinion Road. In addition to the problems of access, the landscape impact would be much more significant than that of the appeal proposal.
27. Consequently, on the evidence before me, I am satisfied that the site is the most suitable of those put forward, particularly in terms of impact upon the AONB. No other sites within the village have been suggested that would meet the need for housing and affordable housing in a manner that would have less impact on the character and appearance of the AONB.

*Conclusions on Main Issue i)*

28. There is a significant local need for affordable housing within the village; a need that cannot be met by developing sites that fall outside of the AONB. The AONB Management Plan recognises and allows for the provision of affordable housing within the designated area, subject to the design and location of any scheme being appropriate to the landscape character of the area. For the

reasons given, I am satisfied that the site is the most suitable location of those put forward to meet the pressing need, and that the design and location of the site is sensitive to the landscape character of the AONB. The proposal would also bring sustainable economic benefits for the rural community through construction and through on-going support for local shops and services stemming from the additional population.

29. Therefore, I conclude that the proposal would clearly be in the public interest and that exceptional circumstances exist to suggest that the proposal should be permitted, having regard to the tests at paragraph 116 of the Framework.

## **ii) Whether the proposal would represent sustainable development**

30. There is no adopted development plan for the area and the presumption in favour of sustainable development at paragraph 14 of the Framework applies. In view of my conclusions on the impact on the AONB, there are no specific policies within the Framework to suggest that permission should be refused.
31. The Framework identifies three, mutually dependent, strands to sustainable development; economic, social and environmental. There would be an economic benefit to the local economy, as described above, and the provision of affordable housing would be a social benefit in terms of housing members of the local community whose needs are not met by the market.
32. The proposal would respect the existing settlement character and the wider landscape character of the AONB. As set out within the SoCG, the site is sustainably located in relation to shops, employment opportunities and services. Subject to suitable conditions, satisfactory access can be achieved without detriment to highway safety. The site is not at risk from flooding, nor would it increase flood risk elsewhere, subject to the provision of a satisfactory drainage system, a matter that could be controlled by condition. The separation distances between the existing and proposed dwellings would also be sufficient to protect the living conditions of neighbouring residents. Consequently, no significant environmental harm has been identified.
33. Therefore, based on the three-stranded definition, the proposal would represent a sustainable form of development. No harm has been identified that would significantly and demonstrably outweigh the benefits of granting planning permission. Thus, the presumption in favour of granting planning permission at paragraph 14 of the Framework applies.

### *Conditions*

34. I have considered the suggested conditions, including those that meet the tests of paragraph 206 of the Framework, with amendments to the wording, where necessary, for precision. In addition to the statutory time limit for commencement, a condition is required to secure the submission of the reserved matter of landscaping, with a related condition setting out specific requirements in this regard, to ensure that the effect of the proposal on the character and appearance of the area is acceptable. I have also attached a condition to ensure that development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. As set out above, a condition is also required to ensure that the means of drainage and surface water management are constructed, in accordance with details that should first be submitted to and approved in

writing by the Local Planning Authority (LPA). Foul drainage is proposed to connect to the main sewer and South-West water confirmed that there are no capacity issues in that respect. A condition is necessary to ensure that the dwellings are connected prior to occupation, in the interests of satisfactory drainage and pollution prevention.

35. The site is in agricultural use and there is no evidence of contamination on the land. The suggested condition in relation to contamination is therefore unnecessary. Conditions are required to ensure that the access arrangements are completed prior to the occupation of any dwelling, that the parking and turning areas for respective dwellings are completed prior to occupation of those dwellings, in the interests of highway safety. For the same reason, a condition is required to ensure that the 30mph zone is extended, as shown on plan numbered PL03D. The highway authority have indicated that this measure is necessary and acceptable to them and I have no reason to doubt that the condition is capable of implementation. The works should be implemented prior to the occupation of any of the dwellings. The footpath connection to the south of the site entrance, as shown on plan numbered PL03D should be constructed prior to occupation of any of the dwellings, in line with details that should first be submitted to and approved in writing by the LPA. Details of a construction management plan should also be approved and complied with, in the interests of highway safety. Control over hours of construction is necessary to protect the living conditions of adjacent residents.
36. The removal of the Cornish hedge to improve visibility at the junction with the narrow lane on the opposite side of Sampys Hill (as shown on plan number PL03D) is not necessary in the interests of highway safety. The proposal would not lead to a significant increase in traffic using the lane or result in a significant increase of traffic on Sampys Hill itself. Any increase in that regard can be mitigated through the extension of the 30mph zone and the suggested works are therefore unnecessary and not directly related to the impact of the proposed development.
37. Permitted development rights should only be removed in exceptional circumstances. Any affordable housing provider would be able to control alterations to rented properties such that they remained affordable and of an appropriate size to meet the needs of the occupants and would retain similar control over shared ownership units in which they owned a share. There is no reason why a resident who had 'staircased' to full ownership of a shared-ownership dwelling should be prevented from extending the property in line with permitted development rights. The suggested condition is therefore unnecessary.
38. Details of any lighting scheme should be submitted and approved prior to installation, in the interests of the character and appearance of the area and the protection of bats. A condition to secure the submission and agreement of the external materials that will be used in the development is also necessary in the interests of the character and appearance of the area, as is a condition to secure details of boundary treatments. Once those boundaries have been erected I can find no reason to place a condition to ensure that they are retained in perpetuity. To my mind, this is unnecessary and would impede the ability of future residents to erect or replace boundaries in line with their own requirements and the established permitted development rights relating to means of enclosure.

*s.106 Planning Obligation*

39. I have considered the s106 agreement against the criteria set out within the Community Infrastructure Regulations (CIL) (2010) and paragraph 204 of the Framework. The provisions relating to affordable housing are necessary to ensure the proposal addresses the local need it is intended to meet, related to the development and reasonable in scale and kind, taking account of development viability. The provision of, and future maintenance of, the area of on-site open space is necessary to ensure that residents have access to a suitably equipped outdoor space in the interests of their health and well-being, as promoted by section 8 of the Framework. The quantum of space is reasonable in relation to the scale of development proposed.
40. I am also satisfied that the education contribution is necessary to off-set the impact of additional pupils who would reside in the scheme and that it is fairly and reasonably related in scale and kind to the scheme. The extension of the 30mph zone is a matter that can be dealt with by condition and the provisions of the s.106 are therefore unnecessary in that regard. I have taken account of the impact of the development on the footpath network and consider it to be acceptable in planning terms, particularly noting the suggested alternative route. However, my decision does not over-ride the right of people to pass and re-pass over the public right of way. The formal diversion of that route is a matter that would require separate consent under the Town and Country Planning Act 1990, or the Highway Act 1980. It is not appropriate for a planning condition or a planning obligation to pre-empt the grant of such consent<sup>5</sup>. Responsibility for obtaining approval for the diversion would rest with those developing the scheme. As such, the suggested obligation is unnecessary and I have taken no account of it in reaching my decision.

*The Village Hall Car Park*

41. The scheme includes for the provision of a car park to serve the village hall. This has been included as a result of discussions between the appellant and past representatives of the Parish Council. Whilst this element of the proposal is acceptable on its own merits, and would result in community benefits, the inclusion of the car park has had no bearing on my decision to grant planning permission for the proposed housing scheme. The need for the car park does not arise as a result of the development and, thus, it is not directly related to the proposal before me. As such, a condition or obligation that required the delivery of the car park would not comply with the relevant tests, as described above. Therefore, whilst that element of the proposal is included within the grant of planning permission, any agreement to deliver the car park is a private matter and my decision should not be taken as indication that the facility is necessary to make the development acceptable in planning terms.

**Conclusion**

42. I conclude that the effect of the proposal upon the Cornwall AONB would be acceptable and that it would comply with the tests that must be considered for major development to be acceptable within such areas, as set out at paragraph 116 of the Framework. It would respond to a local need for affordable housing and would represent sustainable development. There are no significant impacts that can not be mitigated through the provisions of the s.106

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<sup>5</sup> See paragraph 7.11 of *Rights of Way Circular* (01/09) (version 2) Department of Farming and Rural Affairs

agreement, or appropriate conditions. Thus, the benefits of granting planning permission would not be significantly and demonstrably outweighed by any harm and the presumption in favour of sustainable development at paragraph 14 of the Framework is applicable.

43. Taking this into account, in addition to all other matters raised I conclude that planning permission should be granted.

*Chris Preston*

INSPECTOR

Richborough Estates

**APPEARANCES**

**FOR THE APPELLANT:**

Mr Laurence Osborne Dip TP	Laurence Associates
Mr Russell Dodge BSc (Hons) MRTPI	Business Location Services Ltd
Mr Ivor Matthew	Laurence Associates
Mr Justin Dodge	CSA Architects
Mr John Schuttkacker	Westcountry Land Ltd.

**FOR THE LOCAL PLANNING AUTHORITY:**

Mr Peter Blackshaw	Principal Development Officer
Mr Neil Hatton	Councillor on Planning Committee
Mr James Evans	Cornwall AONB Unit

**INTERESTED PERSONS:**

Mr David Gibbons	Chair, Mawgan Smith Parish Council
Mr David Morgan	Local resident
Mrs Clare Lake	Local resident
Cllr Harry Blakely	Councillor on Planning Committee
Cllr Alan Jewel	Councillor

Richborough Estates

**SCHEDULE OF CONDITIONS:**

- 1) Details of the landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matter shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last reserved matter to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans, all prefixed job number 2706: PL-01 B; PL-02 A; PL-03 D (with the exception of the improved visibility at the junction with Sampys Hill and the rural lane on the opposite side of the carriageway to the appeal site, as shown in red on the approved drawing); PL-05 C; PL-07; PL-04 E; PL-10 A; PL-11 A; PL-12 A; PL-13 A; PL-14 A; PL-15 A; PL-16 A; PL-17 A; PL-18 A; PL-19 A; PL-20 A; PL-21 A; PL-22 A; PL-23 A; PL-24 A; PL-25 A; PL-26 A; PL-27 A; PL-28 A; PL-29 A; PL-30 A; PL-31 A; PL-32 A; PL-33 A; PL-34 A; PL-35 A; PL-36 A; PL-37 A; PL-38; and PL-50 C.
- 5) No development approved by this permission shall be commenced until details scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:
  - i) details of the drainage during the construction phase;
  - ii) details of the final drainage scheme;
  - iii) provision for exceedance pathways and overland flow routes;
  - iv) timetable for construction;
  - v) a construction quality control procedure;
  - vi) a plan for the future maintenance and management of the system; and
  - vii) a timetable for implementation.Thereafter, the approved scheme shall be implemented in accordance with the details and timetable so agreed and the scheme shall be managed and maintained in accordance with the approved details.
- 6) The foul sewerage disposal for the dwellings hereby permitted shall be connected to an adoptable main sewer prior to the occupation of those dwellings.
- 7) Before any building or engineering works are carried out on the site (other than in relation to the proposed access road), the access to the site shall be laid out and constructed in accordance with drawing PL03 D. Prior to the construction of work on the site access details of the gradient, surfacing materials, sight lines and drainage shall be submitted to and approved in writing by the Local Planning Authority. The access shall be retained as approved thereafter for the duration of the development.

- 8) No development shall take place until details of the design of estate roads; their construction and materials; and a timetable for their delivery have been submitted to and approved in writing by the Local Planning Authority. The estate roads shall be constructed in accordance with the approved details and timetable and shall be retained as such thereafter for the duration of the development.
- 9) Before any of the dwellings hereby permitted are occupied, the parking and turning areas for the respective dwellings shall be laid out and constructed in accordance with approved drawing no. PL03 D and the said areas shall not thereafter be obstructed or used for any other purpose.
- 10) No development shall take place until detailed plans have been submitted to and approved in writing by the Local Planning Authority relating to line, level and layout of the footway to the south of the site in line with the details shown on approved drawing number PL03 D. Thereafter, the footway shall be implemented in accordance with a timetable that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 11) The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size and type), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan for the duration of construction work at the site.
- 12) Prior to the occupation of any of the dwellings hereby permitted the 30 miles per hour speed limit at the entrance to the village shall be extended to the location shown on drawing number PL03 D.
- 13) Construction on site works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 14) No lighting shall be installed on the site unless details of the lighting scheme have first been submitted to and approved in writing by the Local Planning Authority. Thereafter any lighting scheme shall be implemented in accordance with the approved details.
- 15) No development shall commence until details of the materials to be used in the construction of the external surfaces (including doors, windows, lintels, sills, stonework and roof slates) of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 16) Details of the landscaping works required under condition 1 shall include the following:
  - i) hard surfacing materials including for the Village Hall Car Park;
  - ii) minor artefacts and structures;
  - iii) proposed functional services above ground;

- iv) planting plans and written specifications including schedules of plants noting species; plant sizes, numbers and densities; and an implementation plan for the landscaped buffer to the south-eastern boundary, and planting up of the western, northern and other retained boundaries;
- v) Details of all trees and hedgerows on site that are to be retained, along with measures to secure their protection during the course of development;
- vi) Specific detail on tree pits and future maintenance requirements;
- vii) A timetable for the implementation of all landscaping works, which shall take account of the phasing of development, as shown on phasing plan numbered 2706 PL05 C.

Thereafter, all hard and soft landscape works shall be carried out in full accordance with the approved details and timetable and retained thereafter. 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.

- 17) Notwithstanding the detail shown on the approved plans details of the proposed height, siting, appearance and construction of all boundary treatments (means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The approved boundary treatment (means of enclosure) shall be completed in accordance with a timetable that shall first be submitted to and agreed in writing by the Local Planning Authority.

Richborough Estates