



Appeal Decision

Site visit made on 6 April 2021

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021

Appeal Ref: APP/D0840/W/20/3265831

Parka Road, St Columb Road, St Columb, Cornwall TR9 6PF

- 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 Legacy Properties against the decision of Cornwall Council.
 - The application Ref PA20/02929, dated 30 March 2020, was refused by notice dated 16 December 2020.
 - The development proposed is a residential development of up to 50 new dwellings and associated infrastructure.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was in outline with access for determination at this stage and appearance, landscaping, layout and scale reserved for later determination.
3. The Council's decision notice included a second reason for refusal relating to the lack of a mechanism to secure affordable housing, open space provision and financial contributions towards health care and education and to mitigate the effects of the proposed development on the Penhale Special Area of Conservation. A Section 106 Planning Obligation has subsequently been supplied and I will deal with this later in my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, taking into account the scale of the proposal.

Reasons

5. The appeal site is two fields to the west of the settlement of St Columb Road. The eastern field would adjoin the existing development along Parka Road, although the northern section of the western field would be separated from the existing development by a further field. All of the fields are separated by hedgerows and there are further hedgerows to the northern and southern boundaries of the site. The western boundary is bordered by a wood that extends a considerable way further west. Access would be gained through a recently constructed housing development that in turn gains access from Parka Road. In planning terms the site is within the open countryside.
6. Policy 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (LP) informs that outside of the main towns housing will be delivered by a number of

mechanisms. The mechanism relevant to the proposed development would be rural exception sites that come under policy 9 of the LP. Policy 9 makes clear that *development proposals outside of but adjacent to the existing built up area of smaller towns, villages and hamlets, whose primary purpose is to provide affordable housing to meet local needs will be supported where they are clearly affordable housing led and would be well related to the physical form of the settlement and appropriate in scale, character and appearance.*

Character and appearance

7. The built environment in the vicinity of the appeal site comprises the existing built form lining the west of Parka Road and the south-west of Newquay Road, all of which derive their access from these two roads, but which lie close to them. There is also a new estate, also accessed from Parka Road, that lies to the south section of the eastern field. The two appeal site fields, in terms of their landscape characteristics, are commensurate with the patchwork of fields that, with the exception of the built form described above, lie to the west of Parka Road and Newquay Road.
8. I have been supplied with a Landscape and Visual Impact Assessment (LVIA) prepared by axis on behalf of the appellants. This concludes that the influence of the new housing upon the character of the surrounding area would be very limited, and that existing key characteristics would be maintained. However, the LVIA bases this conclusion on a number of findings within the report. It considers that *the change to the grassland would be medium to large in magnitude, resulting in a moderate effect which would not be significant.*
9. I note that within the methodology for the LVIA a large magnitude of change is defined as a substantial change in landscape characteristics. To my mind replacing grassland with houses is a substantial change and must surely be considered a large magnitude rather than medium to large. Furthermore I cannot agree that even a medium to large magnitude of change would only produce a moderate effect, and I cannot see how a moderate effect can be considered to be insignificant, as concluded by the LVIA.
10. I also note that, in respect of character, the LVIA considers that the proposed development would result in a small magnitude of change resulting in a minor adverse effect and that the existing character of the area would be maintained. Whilst I acknowledge that there could be a net increase in Cornish hedges and that further planting could be carried out I cannot agree that replacing two fields with up to 50 houses can be seen as maintaining the character of the area.
11. The proposed development would result in the two fields being replaced with up to 50 houses and the associated infrastructure such as roads. It would effectively result in an intrusion into the countryside at this point, and the northern section would also be separated from the existing development to the east by the remaining field. It would be out of keeping with the existing grain of the settlement, appearing effectively as a form of backland development.
12. There would therefore be conflict with policies 23, 2 and 9 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (LP). The former of these requires, amongst other things, that development proposals sustain local distinctiveness and character. Policy 2 is similar in requiring, amongst other things, that development protects, conserves and enhances the natural landscape whilst

policy 9 requires that sites outside of but adjacent to the existing built up area of smaller towns, villages and hamlets should be well related to the physical form of the settlement and appropriate in scale, character and appearance.

13. In respect of scale I note that the appellant suggests that it should be measured as a percentage relative to the number of existing houses within the parish, which would produce a figure of 2.6%. However, to my mind the scale of a development must be assessed within its particular context, and in this particular case I consider that inserting up to 50 houses in this location causing the harm to the character and appearance as I have found indicates that the scale would be disproportionate.
14. There are several other limbs to policy 9 and I will consider each in turn. Firstly I will address the issue of whether or not the primary purpose of the proposed development would be to provide affordable housing and whether or not it could be considered to be affordable housing led.
15. The proposal is for up to 50 dwellings, although the proportion of affordable dwellings would be dictated by viability with the minimum, according to paragraph 2.58 of the preamble to policy 9, being 50%.
16. I note that the proposed development is being promoted on the basis that it would be 100% affordable dwellings. Conversely I have been informed that an indicative viability assessment report study (VA) has already been presented to the Council that shows that only a quantum of 54.5% affordable housing would be viable. I acknowledge that this VA was subsequently withdrawn. However, as the application was in outline and the actual percentage of affordable dwellings will be agreed at a later stage, there is no guarantee, at this stage, that any more than the minimum of 50% would be eventually provided. I therefore consider it reasonable and correct to assume that the proposed development could potentially provide no more than 25 affordable dwellings.
17. Whilst such a proportion is allowed by the preamble to policy 9, I am not persuaded that any proposed development that provided such a percentage could be construed as having as its primary purpose the provision of affordable housing, or indeed can be construed to be affordable housing led. Nonetheless, such a proportion is allowed under policy 9 and with this in mind I will move onto considering local need.
18. The Council have provided a total local need figure of 128 households, and have confirmed that this figure has increased since December 2020. However, they go on to indicate that only 63 of these households show a sole preference for St Enoder Parish itself. They then point out that 39 of these households will be transferring from one form of affordable housing to another and will therefore be freeing up existing affordable housing. This would mean that the number of households/persons looking for affordable housing in the parish would be 24.
19. To accommodate this need the Council then point to a potential supply from permitted sites of 41 affordable dwellings with further ones accruing if another site produces 100% affordable homes as well as an offsite contribution of £541,000 for the conversion of an existing dwelling. It follows that there would not be a need for the appeal affordable homes. The Council also mention that a recent affordable dwelling site experienced limited interest and had difficulty

filling the rental properties with occupants who had a primary parish connection.

20. The appellants however point to the continuing increase in need from June to December 2020 and the fact that some of the potential supply of affordable dwellings would be from sites that have either not commenced or have stalled. They estimate that there is only the potential to provide ten further affordable homes.
21. From the foregoing it is fair to say that there is an increasing need for affordable housing, with the latest figure being 128 dwellings. To what extent those on the list would reject the appeal dwellings because of location is more of a moot point, and it may well be that some of the households that did not show a sole preference for St Enoder could well move there if the option arose.
22. I have been given no reason to question the Council's figure of 39 households that would transfer from one form of affordable housing to another, thereby freeing up the equivalent number of affordable houses. Nor have I been given any significant evidence to question the Council's comments regarding the inability to fill affordable rental properties, although this evidence was purely anecdotal.
23. Equally I have been given no reason to question the appellants' figures relating to stalled and non-commenced sites. There is however no guarantee that the appeal houses, if allowed, would not suffer a similar fate.
24. I acknowledge the appellants comments relating to the need for affordable housing in Cornwall as a whole, but policy 9, in the context of this appeal, relates to local need only and consequently the wider picture can only be afforded very limited weight.
25. Overall, from the evidence before me it would be extremely unlikely that even if I could arrive at a definitive figure of net affordable housing need, it would be accurate, given the continually changing circumstances involved in such calculations. I do accept however that the affordable homes that would be provided by the proposed development would, to an extent, go towards fulfilling a need and should therefore be weighed in favour of allowing the appeal.

Planning Obligation

26. I have been supplied with a signed and dated Planning Obligation (PO) by Agreement under Section 106 of the Town and Country Planning Act 1990. This would ensure the provision of the requisite affordable housing as well as the contributions towards education, public open space, healthcare and a contribution to mitigate the effects on the Special Area of Conservation. It follows that submission of the PO overcomes the Council's second reason for refusal.

Planning balance and conclusion

27. I have found that the proposed development would harm the character and appearance of the area and not be of an appropriate scale. Consequently conflict exists with several policies within the LP. The development could conceivably produce only 50% affordable homes which indicates to me that it can scarcely be defined as affordable housing led or having a primary purpose

of providing affordable housing. This weighs against the proposal. Nonetheless, at least 25 affordable homes would be provided and I give significant weight to this.

28. On balance however, I conclude that the harm identified outweighs the provision of the homes and therefore, having taken into account all other matters raised, the appeal should be dismissed.

John Wilde

INSPECTOR

Richborough Estates