



Appeal Decision

Hearing Held on 21 April 2021

Site visit made on 21 April 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2021

Appeal Ref: APP/D0840/W/20/3260932

Rosehill Nurseries, Landulph, Saltash PL12 6NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by West Country Land and Developments against the decision of Cornwall Council.
 - The application Ref PA20/02791, dated 29 March 2020, was refused by notice dated 20 July 2020.
 - The development proposed is construction of 29 dwellings (15 Affordable and 14 Open Market), Shop & Flat (A1) and Associated works.
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Decision

1. The appeal is dismissed.

Application for Costs

2. At the Hearing an application for costs was made by Cornwall Council against West Country Land and Developments. It is the subject of a separate decision.

Procedural Matters

3. Before the Hearing, an interested party provided details of a candidate site for development elsewhere at Cargreen and the appellant also provided several documents¹. As this evidence was of potential relevance, and as the parties were able to address it during the Hearing, I had regard to it in my decision.
4. The Council's third reason for refusal regards the absence of a legal agreement. However, during the appeal a S106 agreement was submitted which seeks to address various planning obligations. As such, I have not addressed this reason for refusal in the main issues, but I return to this matter later in my decision.

Main Issues

5. From all that I have seen and heard, I consider the main issues to be:
 - the suitability of the site for the proposal, having regard to local and national policy for the supply of housing;
 - whether or not the proposal would create adequate living conditions for occupants of the affordable housing (AH); and,
 - the effect of the proposal on the character and appearance of the area, with reference to the Tamar Valley Area of Outstanding Natural Beauty (AONB).

¹ Within the 'supplementary documents' document provided by email dated 20 April 2021

Reasons

Suitability of the site

6. The former Rosehill Nurseries site comprises a pair of large glasshouses, smaller utilitarian buildings, and associated land at the west edge of the settlement of Cargreen, within rural Landulph Parish. The site fronts on to and is accessed from Fore Street, which is the principal route into the village, and which passes down eastwards through it until the road meets the River Tamar and Cargreen's historic quay. There are houses to the east and west and across the road to the north is a separate, extant nursery business and the Landulph Memorial Hall, which is set well back from the highway.
7. Policy 3 of the Cornwall Local Plan Strategic Policies 2010–2030 (adopted 2016) (CLP) establishes a hierarchy of locations for development across Cornwall. In the first instance, development is directed to the named main towns. Beyond that, at places such as Cargreen, the remaining need for growth is to be met in a variety of ways, such as through Neighbourhood Development Plans and, also of potential application here, the reuse of Previously Developed Land (PDL) or the provision of Rural Exception Sites (RESs).
8. The site is within the area of the Landulph Parish Neighbourhood Development Plan 2018–2030 (LNDP) (made 2018). Part 1 of Policy 1 of the LNDP restricts housing schemes to five dwellings or less. However, Part 2 offers support for affordable and low-cost housing without qualification. The separation of the policy into these discrete parts has the effect of releasing AH led schemes, such as RESs, from the five-dwelling limit in my opinion.
9. The appellant considers the site as PDL and has provided a 1982² permission which relates to the continuation of a contracting use, which I understand relates to a relatively small yard and associated buildings at its north east corner. Most of the site is otherwise occupied by the former horticultural operation and a swathe of open grassland to the south. Given the definition of PDL within the National Planning Policy Framework (the Framework), it is my view that the site is not predominately PDL, which leads the scheme to fall beyond the scope of Policy 3 and the Framework in terms of the reuse of such.
10. Policy 9 of the CLP considers the provision of RESs. It states that the purpose of RESs is to provide AH to meet local needs. RESs should be appropriate in scale and the number, type, size and tenure of the affordable dwellings should reflect identified local needs, evidenced through the Cornwall Housing Register or specific local surveys completed using an approved methodology.
11. The Council has undertaken a Housing Needs Survey (HNS) for Landulph Parish which identifies four registered and fourteen unregistered 'hidden' households. Its methodology involved inviting residents to fill out an online questionnaire or return a paper copy. The Council followed this up with further questionnaires to seek clarification as to the status of the hidden households, which ultimately led to them being discounted from the final total reached in the HNS report. Whilst I do not doubt the reasons behind this, the wording of Policy 9 does not enable the Council to go beyond the methodology of the HNS in my view.
12. Nonetheless, even with the hidden households factored in, the Council has identified that the prevailing need, amounting to 10 units, is for one-bedroom

² Ref 5/37/78/00009

and four-bedroom affordable dwellings. No such properties are proposed within the scheme. Although I accept that two of the two-bedroom affordable dwellings (type 2BF) could be altered internally by a condition to one-bedroom units, the scheme would still fall well short of reflecting the size and type of property that the HNS identified.

13. The appellant considers that the RES would meet an AH need beyond Landulph Parish. However, in defining 'local need', the Housing Supplementary Planning Document (adopted 2020) (SPD) states that need will always be considered at the parish level. The SPD does go on to say that there may be circumstances where it would be reasonable to cluster adjoining parishes. In this case, although the Council has identified a level of unmet registered AH need in adjoining Botus Fleming and Pillaton Parishes, there is no HNS evidence before me of how this is manifest in terms of size or type. I have also been referred to the AH need in St Dominic and Saltash. St Dominic is not an adjoining parish³ and, whilst Saltash is adjoining, it is identified as a main town and the CLP addresses it within a different part of Policy 3 to that where RESs apply.
14. I appreciate that the SPD also provides that, if insufficient households with a local connection choose to let or buy AH, the homes may 'cascade' out to the adjoining or surrounding parishes and even eventually to the county level. To my mind this reflects a desire to ensure that AH that is already committed will find its way to someone in need after an identified parish level need has not been realised. It does not mean that the appeal proposal would fall into compliance with Policy 9 by addressing AH need beyond the local parish level.
15. Consequently, as the evidence before me stands, the scheme would not address the AH need in Landulph Parish and the CLP and the SPD do not support the scheme addressing any AH need beyond this parish.
16. With regard to the dispersal of the AH across the proposed layout, I accept that an assessment of this matter must be couched in the practical reality of delivering a RES. Within this context, the AH would not be dominant in any part of the site and it would not be clearly apparent to the casual observer where differences in tenure would occur. For these reasons, the AH has been adequately integrated within the layout
17. The CLP and SPD's starting position is that a RES should provide 100% AH, but this can be lower, subject to financial viability. The appellants have provided a viability assessment which identifies that the scheme is not viable. Whilst the Council has challenged a number of assumptions within the assessment, and a current offer for the AH from a Registered Provider exceeds that anticipated, the Council has not provided a substantive or quantitative assessment which could indicate that a scheme with a larger percentage of AH may be viable. The greater weight therefore attaches to the appellant's viability evidence.
18. Even so, where viability influences the level of AH, Policy 9 provides that open market housing must not represent more than 50% of the homes or 50% of the land take, excluding infrastructure and services. By my reading, these two requirements are not mutually exclusive, which is an interpretation consistent with that of the SPD. The scheme has a 50% quantum of open market units, but these properties would have 63% of the land take. This brings the scheme into conflict with Policy 9, irrespective of its viability or otherwise.

³ Going by the Parish Map within the supplementary document No.3.

19. Policy 21 of the CLP seeks to make the best use of land, but this is predicated on sites being sustainably located. Access to Cargreen from other locations is reliant on a basic, and in places ancient, highway network and the village contains limited facilities. As such, the site is not sustainably located.
20. The appellant has referred to Paragraph 68 of the Framework, which apportions great weight to the benefits of using suitable sites within existing settlements for homes. However, although I accept that the site is at the very edge of Cargreen, there is no evidence that it was ever contained within a formalised settlement boundary, and it is not now. Its clear horticultural appearance and long-term use, and relationship with the surrounding countryside, place the site beyond the limits of the settlement in practical and visual terms in any case.
21. Bringing my findings on this issue together, I conclude that the site would not be suitable for the proposal, having regard to local and national policy for the supply of housing. Although the proposal would not conflict with Policy 1 of the LNDP, it would conflict in this regard with Policies 1, 2, 3, 9 and 21 of the CLP, the SPD, and the Framework.

Living Conditions

22. Policy 13 of the CLP sets development standards. It states that AH should meet the Technical housing standards – nationally described space standard (2015) (THS) and that developments of 10 dwellings or more should provide 25% as accessible homes (Building Regulations Approved Document M4 (2)).
23. The main parties agreed at the Hearing that the accessible homes requirement could be secured pursuant to a condition or a planning obligation, as do I. It was also clarified that the Council considers the garden sizes to be adequate. However, it was accepted by the appellant that the floorspace of the 7no affordable houses designed as house type 2B would fall short of the THS. Whilst the extent of shortfall can be contended to be only modest, I consider it to be significant, given that the THS sets minimum space requirements.
24. A condition was discussed as a way to provide increased internal space. In addition to altering the scale and appearance of the buildings in question, it is also likely that this would impoverish the size of what are already quite modest gardens serving these dwellings, or to avoid such, it may well require more significant alterations to the site layout. The Planning Practice Guidance⁴ states that it would not be appropriate to modify a development in a way that makes it substantially different from that set out in the application, and I consider this to be pertinent here. As such, the necessary modifications could not reasonably be addressed by a condition or indeed a legal agreement.
25. I therefore conclude on this issue that the proposal would not create adequate living conditions for the occupants of the AH. It would conflict with the residential amenity aims of Policies 1 and 13 of the CLP and the Framework.

Character and appearance

26. The village and surrounding area are within the AONB. Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. The scale and extent of

⁴ Paragraph: 012 Reference ID: 21a-012-20140306

development within AONBs should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

27. The site is bound along the highway by a strong and verdant hedge bank, which ties into a series of luxuriant hedges which line much of this outlying section of Fore Street and enclose the relatively sparse pattern of detached development. As one travels down into the village, the hedgerows make way for denser and closer housing, including terracing. For these reasons, despite the presence of several community facilities, such as Landulph Memorial Hall, the area around the site has a rural appearance which contrasts with the more nucleated character of Cargreen where it presides over the riverside.
28. These attributes are reflected in the Cornwall and Isles of Scilly Landscape Character Study (2008) (LCS), which puts the site partly within Local Character Area No.29 'Middle Tamar Valley'. The LCS also identifies the importance of the market garden and horticultural heritage in this area. Rosehill Nurseries is an overt example of such and therefore makes a modest but positive contribution to the landscape character. Whilst large and disused, the glasshouses are low profile and lightweight, and the other buildings at the site are small and fairly innocuous. For these reasons, although I acknowledge the appellant's evidence on this matter⁵, the existing site does not cause visual harm to the AONB.
29. I recognise the efforts made to harmonise the design of the scheme with its setting through, amongst other things, the provision and location of the Public Open Space and the design and finish materials of the buildings. However, given the position of the site, the relatively high density of the proposed development, its visible depth and the use of terracing, it would run counter to the character of Cargreen as a modest, nucleated village focused on the river, with a comparatively low density of built form at its edge.
30. Bringing the threads of my assessment together, the proposal would take a site with a neutral visual impact and a positive landscape contribution and replace it with a development which would not conserve the landscape and scenic beauty of the AONB. As the harm would arise because of its scale and setting, it follows that the scheme would be a major development in the AONB.
31. I have already found that the housing would not reflect that needed, which could logically be met in a different way. The economic benefits during construction, and the longer-term economic and social benefits through a likely increase in footfall to local services, would be modest, as would the small degree of biodiversity gain. There is no substantive evidence that the existing site is a problem with regard to the safety and security of the community.
32. Although the appellant has clear ambitions for the shop, there is no persuasive evidence that this element of the proposal can be relied upon as a viable business in the long term, which is ultimately beholden to market conditions. On this matter, I am mindful of the small size of Cargreen and its inaccessibility from other places. The shop therefore attracts limited weight in favour of the scheme. For these reasons, I do not agree that the proposal presents exceptional circumstances, or that it would be in the public interest.

⁵ Landscape and Visual Impact Assessment by AECOM dated December 2019

33. This leads to my conclusion on this issue that the proposal would have an unacceptable effect on the character and appearance of the area, with reference to the AONB. It would conflict with the landscape and visual aims of Policies 1, 2, 9 and 23 of the CLP, the Framework, and the AONB Management Plan 2019-2024 (2019).

Other Matters

34. The submitted legal agreement would secure the AH, the onsite Public Open Space, and financial contributions to Landulph Primary School. In addition, the agreement would provide a payment towards mitigation for the potential effects of the scheme on the integrity of the Plymouth Sound and Estuaries Special Area of Conservation and the Tamar Estuaries Complex Special Protection Area. However, as I am dismissing the appeal for other reasons, I have not considered these matters further.

Planning Balance

35. The government is seeking to significantly boost the supply of housing and the scheme would provide 30 units to Cornwall's housing supply, in addition to the other aforementioned benefits of the scheme.
36. However, Paragraph 77 of the Framework states that in rural areas decisions should be responsive to local circumstances and support housing that reflects local needs, in doing so supporting opportunities to bring forward rural exception sites that will provide AH to meet identified local needs. I have found that this would not be the case here. Moreover, the scheme would fail to conserve the landscape character and scenic beauty of the AONB and would be a major development in the AONB without adequate justification.
37. Consequently, the proposal would conflict with the development plan when read as a whole and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

38. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

DOCUMENTS SUBMITTED

Document 1	Planning history (Ref 93/0434/F)
Document 2	Suggested condition (amendments to layout)
Document 3	Costs application by Cornwall Council

APPEARANCES

FOR THE APPELLANT:

Kit Stokes DipTP MRTPI	Agent
John Rooney BA (Hons) MRes MRTPI	Agent
Karim Lahdu	Appellant
Rob Rendle	Appellant
Sarah Rendle	Appellant
Robin Leverton	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Davina Pritchard MRTPI MSc BSc(Hons)	Group Leader
James Holman MRICS MRTPI FAAV	Principal Planning Officer
Julia Lansdowne	Senior Affordable Housing Officer

INTERESTED PERSONS

Martin Worth	Chairman, Landulph Parish Council
Andrew Butcher	Landulph Parish Council
Joanne Butcher	
Clare Tagg	
Libby Gawith MBA, BSc, C Eng, FICE	