



Appeal Decision

Site Visit made on 21 June 2021

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2021

Appeal Ref: APP/D0840/W/21/3270384

Land at Trethurffe, Ladock, Truro TR2 4PJ

- 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 Mr Dean Scantlebury of DS Developments (SW) Ltd against the decision of Cornwall Council.
- The application Ref PA20/04922, dated 12 June 2020, was refused by notice dated 26 January 2021.
- The development proposed is a residential development comprising a cross subsidy scheme for 28 dwellings (17 affordable), estate roads, open space and landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was originally submitted with 14 of the 28 dwellings as affordable units. During the processing of the application this was amended to 17 units of affordable housing (with 11 open market units) and the description of the development, which was used on the decision notice and in the appeal questionnaire, reflects this change. I will deal with the appeal accordingly.
3. A signed and dated planning agreement has been submitted which would provide contributions in respect of affordable housing, habitat mitigation, on and off site open space provision/contribution and an education contribution. I will consider this matter later.
4. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been given the opportunity to make any comments on the implications of the revised Framework to this appeal and I have taken the comments into account in my considerations.

Main Issue

5. The main issue is whether the development plan would support the proposal in this location having regard to the scale of the development and the impact on the character of the settlement taking into account the level of services and facilities.

Reasons

6. The scheme is advanced as a rural exception site for the delivery of affordable housing which would require a proportion of open market housing to make the overall development viable and therefore deliverable. The policy framework for the delivery of such schemes is detailed, in the main, by Policies 2 and 9 of the Cornwall Local Plan Strategic Policies 2010 -2030 (the Local Plan). The policy

approach is amplified in the Cornwall Council Housing Supplementary Planning Document (February 2020) (the Housing SPD).

7. Policy 2 of the Local Plan explains the sustainable approach to accommodating growth and that this should maintain the dispersed development pattern of Cornwall. Policy 9 of the Local Plan provides the criteria against which rural exceptions sites will be considered. One of the elements of this policy is that such schemes should be well related to the physical form of the settlement and be appropriate in scale, character and appearance.
8. The Housing SPD specifies the approach to measuring the scale of a proposal for the purposes of Policy 9. The SPD states that scale is to be measured by the number of dwellings proposed and the Council will require proposals for rural exception sites to be of an appropriate scale, which is proportionate to the settlement and/or the level of affordable housing need. Relevant to this case, the SPD explains that the size of a rural exception site will be considered on a case-by-case basis, taking into account the scale proposed in relation to the settlement and need; together with considerations such as the sustainability of the settlement, local services and facilities, and the existing housing supply in the Parish (determined in accordance with guidance set out elsewhere in the SPD).
9. In this case, adjoining the site for the proposed development is an approved rural exception site for 24 dwellings of which 12 units are affordable. This site is nearing completion with most units already occupied, including affordable dwellings. The appeal scheme would occupy part of the same original field, would be accessed through the housing scheme nearing completion (and from the south), the proposal would have the same applicant and the housing would be of a similar design. The result would be that the development would appear visually and functionally as a single development.
10. The evidence indicates that originally there was pre-application discussions for a scheme of 52 dwellings. However, following advice this was reduced to the 24 unit scheme which was permitted and is the scheme nearing completion. Although the permission on the northern part of the field can be broadly traced back to the appeal decision in 2014, the present scheme is another phase of the existing housing development. Given the background I have outlined, and the intended continuation of building works on the site were permission to be granted, I consider that effectively the housing would form a single development of 52 units and should be considered as such in terms of the application of the rural exception policy criteria in relation to scale.
11. The character of Ladock within its rural setting is of a modest and fairly dispersed settlement with some reasonably limited concentrations of development including alongside parts of the main road, on the western side of the river and in the vicinity of the appeal site.
12. I have carefully considered the evidence from both main parties and the Parish Council on the number of dwellings which form the settlement of Ladock. It appears from the plan submitted by the appellant that some of these identified dwellings are beyond the settlement and in the countryside. I therefore prefer the evidence of the Parish Council and the Council stating a broadly similar number of dwellings that they have identified and which make up the settlement. Furthermore, for the reasons explained, I consider that the proposed and nearly completed housing would be effectively a single

development in two phases for a total of 52 units and, therefore, I have excluded these dwellings when considering the base count of the dwellings within the settlement against which the appeal scheme should be assessed.

13. The appeal scheme, in combination with the nearly completed scheme, would therefore add a fairly substantial number of dwellings, and in turn quite a large percentage increase, to this modest sized village. The result would be that the scheme would add further development, in the form of a rural exception scheme, that would be disproportionate to the size of the settlement and, therefore, would not be of an appropriate or policy compliant scale.
14. I am also conscious that the definition of a rural exception site in the Framework is that they should be small sites. In this case, the number of dwellings nor the size of the site across the combined development would be small relative to the size of the village and its quantity of housing. This weighs against the scheme in the context of this village location.
15. In terms of judging what is an acceptable scale of a development the Housing SPD also details, as an alternative, that an appropriate scale of a development could also be where it is of a proportionate scale to the level of affordable housing need. It is, therefore, also necessary to consider the scheme against this criterion.
16. At the time of the application, the response from the Council's Affordable Housing Team identified that 36 households in the Parish of Ladock were in need of rented affordable housing (Homechoice Register). The Affordable Housing Team advised that they supported the proposal, as there was a sufficient level of housing need to justify the scheme in the Parish of Ladock, and in particular the 4 bungalows was very welcomed.
17. The Council's appeal statement, at that time, identified that the Homechoice Register showed 46 households in the Ladock Parish in need of affordable housing and this was 44 in the appellant's statement at the Final Comments stage¹. The evidence indicates that a rural exception site has been permitted at Grampound Road which involves the provision of 18 affordable dwellings. Even with this approved scheme when delivered there would be a numerical shortfall of affordable units for the Parish. The appeal scheme, which would incorporate 17 units, could help meet this need. However, while the identified affordable housing need is to be calculated and allocated on a parish basis, in accordance with the Housing SPD, I am conscious of the comments including from the Council and Parish Council that the addition of further affordable housing should, at this scale, be directed to Grampound Road, rather than Ladock.
18. The village of Ladock has some facilities including a small shop and post office (with limited operating hours), public house, primary school, church and community hall. There is a bus service that provides connections including to Truro, although the evidence does not clearly demonstrate that the service is so frequent that it could meet most people's requirements on a regular basis. The village, therefore, provides some sustainable options to access services and facilities, although even with home deliveries and working from home there would be a likely dependence on the private vehicle for many journeys

¹ The appellant's response to Parish Council's comments showed the Homechoice register was 47 households on 11 June 2021.

including to access most convenience shops, trips to medical facilities and employment.

19. Examining the detail of the affordable housing need, the Council's evidence is that the Homechoice Register for the Parish of Ladock shows most of the households within Band E, which is defined as households with no reasonable preference, and which the Council comment are households in accommodation which meets their needs at the present time. The Council in its statement explain that, at that time, the Homechoice Register of households showed that only eight wished to reside in Ladock as opposed to elsewhere in the Parish. This information does not lend weight to the provision of the affordable housing at the scale proposed at Ladock, as opposed to the larger sized settlement of Grampound Road with its wider range of services and facilities.
20. The Council has also reported that in respect of the rural exception scheme to the north of the appeal site, with the four shared ownership dwellings, only one unit went to a person with a primary connection to the Ladock Parish, with one cascading out to neighbouring parishes and two went to households with a county connection. This was a very recent development and I consider that the experience is directly comparable to the present scheme. Consequently, it appears to show that there is a limited need for shared ownership affordable housing in Ladock to meet the needs of the local community. The present scheme incorporates 5 shared ownership units and, as a consequence, I am not satisfied that the evidence clearly demonstrates that there is a need for this type of affordable housing on the site to meet the needs of the Parish. The appeal scheme, in this respect, would not therefore appear to be local housing needs led and, accordingly, it would not comply with Policy 9 of the Local Plan.
21. The assessment of the affordable housing need which would be appropriate for this site is a matter of judgement. I accept that the appeal scheme has been considered viable, could be delivered in the short term as a continuation of the present scheme, would have a policy compliant percentage of the land and number of affordable units, a housing association has committed to take on the units, and the numerical number of affordable units would help meet part of the identified wider parish need, especially with the affordable rented bungalows. If this appeal scheme is not permitted then the same level of affordable housing may not be able to be delivered in the Parish in the foreseeable future as other sites have not be clearly identified as a ready and immediate alternatives. Furthermore, there are some letters of support from persons in housing need who would wish to occupy some of the units.
22. However, on the other hand, I am concerned with the scale of the affordable scheme which is proposed at Ladock. The evidence appears to demonstrate that there is a limited number of households who identify Ladock as their preference, and the past evidence indicates that the shared ownership dwellings are unlikely to meet a parish need in this location.
23. The scheme would focus development at Ladock. I am not persuaded by the argument that as there is an identified need for affordable housing across the Parish as a whole that this in itself justifies another scheme at Ladock with its reasonably limited services and facilities and which has already accommodated very recently a rural exception site. Taking all these matters into account, I conclude that the evidence does not adequately demonstrate that the provision

of 17 units of affordable housing would be of an appropriate scale proportionate to the level of affordable housing need for this location.

24. Regardless of my findings on matters of scale, it is also necessary for the scheme to meet the policy test in Policy 9 of the Local Plan that it would be appropriate in character. The dwellings proposed by the appeal scheme, as an addition to the existing built form at this eastern side of the village, would form a combined size and concentration of development that would be out of character with the reasonably limited size of building groups and the more dispersed and informal pattern which makes up the character of the village. In this way, the scheme, would be contrary to the approach in Policy 9 of the Local Plan.
25. Policy 2 of the Local Plan seeks to maintain a dispersed development pattern with the provision of homes and jobs based on the role and function of each place. The scheme's concentration of development at this modest sized village, which would be out of character and overly large in relation to the built form of Ladock would, therefore, conflict with the approach set out in Policy 2.
26. I have noted the comparison of the appeal proposal with the additional affordable housing site that has been permitted at Grampound Road and which it is argued would help justify the present proposal. However, that development is located at a larger settlement and the scale of the proposal is different relative to the size of that built form than the present proposal. The Housing SPD requires rural exception sites to be examined on a case-by-case basis and I have found the present scheme harmful for the reasons explained.
27. In the light of the above analysis, I conclude that the development plan would not support the proposal in this location having particular regard to the scale of the development and the impact on the character of the settlement. As a consequence, the scheme would conflict with Policies 2 and 9 of the Local Plan and the Housing SPD which, notably, sets the approach to rural exception sites and the delivery of affordable housing to meet identified local needs.

Planning Agreement

28. A signed and dated legal agreement pursuant to s106 of the Town and Country Planning Act 1990 has been submitted and this includes a number of obligations.
29. In terms of the affordable housing obligations these would be essential to ensure the delivery and security in perpetuity of this element of the housing on the site pursuant to planning policy.
30. The education contribution is required to accord with the Council's document Section 106 Planning Obligations - Guidance for Education Provision. The Council's Education and Early Years Service explained that Ladock CE Primary School is at 97% capacity and a contribution per qualifying dwelling was required for the provision of additional school places to directly mitigate the impact of the proposed development. The financial contribution accords with their recommendation. I have noted all the local representations explaining that this sum would not be sufficient to provide the additional classroom space. However, I attribute substantial weight to the advice of the Council's Education Service and, consequently, I consider that the financial contribution is sufficient.

31. An off-site open space contribution, including to fund specific projects at Ladock Playing Field, is justified to mitigate the use that would result from the additional residents and the on-site provision of open space and related arrangements should be secured by the agreement.
32. I am satisfied that all these obligations would meet the tests set out in paragraph 57 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
33. The site falls within the zones of influence where additional residents could likely have a recreational impact on the Fal and Helford Special Area of Conservation and the Penhale Dunes Special Area of Conservation. The payment set out in the planning agreement would likely secure suitable mitigation, in accordance with the relevant strategies, such that the proposal would not, either alone or in combination with other projects, have a significant and adverse effect on the integrity of the habitat sites. However, given my overall conclusion I have not had to consider this matter further and needed to undertake an appropriate assessment.

Other Matters

34. I have taken into account all the representations including from local residents, the Parish Council and the CPRE. I have noted the support for the scheme including from those persons wishing to move back to their community and from some occupants of the new housing. There are also detailed objections to the scheme.
35. Objections include the limitations of the pedestrian link to access the main road near the pub and shop, the highway accesses and traffic movements which would be associated with the proposal, and the impacts resulting from the earlier scheme. In respect of these matters, they were not issues that the Council considered would justify refusal of the scheme and following my site visit I have found no reason to disagree.
36. I have also considered the objections in respect of the impact on the adjoining countryside from the development. While I have set out concerns that the quantity and form of housing would not be complementary to the character of the settlement, given the reasonable level of screening from the wider area, the additional housing would not be harmful to the character and appearance of the surrounding countryside.

Planning Balance and Conclusion

37. In determining the balance of the various planning considerations I have taken into account the assessment set out in the planning report that concluded that approval was justified.
38. In terms of affordable housing, the scheme would not deliver an appropriate scale of development proportionate to the settlement or proportionate to the level of affordable housing need when the particular circumstances of the need and the settlement are examined. The number of dwellings proposed, in conjunction with the earlier scheme, would result in a disproportionate addition to the village out of character with its form and local distinctive pattern. The development would, therefore, not constitute an acceptable rural exception scheme and it would conflict with the policy approach of the development plan. This harm and policy conflict is a matter which I attach substantial weight.

39. On the other hand, there would be benefits with the boost to housing, both affordable and open market, from the proposal. The design and materials for the houses would be acceptable and the scheme has been designed to deliver ecological enhancements and open space. The evidence indicates that the site could be developed quickly and future residents would be likely to support local services and facilities making them more sustainable in the future. As a consequence of the scheme, there would be economic benefits to the area during the construction phase, and economic and social benefits resulting from the additional residents during the subsequent occupation of the housing. The scheme would make effective use of this windfall site and add to the general mix and offer of housing available.
40. These are all benefits of the scheme, however, the Council is able to demonstrate a Framework compliant supply and delivery of housing land and therefore I attach the cumulative benefits of the scheme moderate weight.
41. I attach full weight to the planning obligations. The affordable housing obligations would secure the delivery of this type of housing and would, therefore, help to deliver this element of the scheme. However, in respect of the other obligations, they largely mitigate the impacts of the development and afford no more than limited weight in the overall analysis.
42. In drawing all these matters together, for the reasons explained, I attribute the combined benefits of the development moderate weight. However, the proposal would be harmful and conflict with the development plan and this is a matter I afford substantial weight. It follows that the resulting harm would not be outweighed by the benefits of the scheme.
43. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR