

Appeal Decision

Inquiry Opened on 22 February 2022

Site visit made on 24 February 2022

by Mike Robins MSc BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2022

Appeal Ref: APP/D0840/W/21/3285995

Land at Bodieve, Bodieve, Wadebridge, Cornwall

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Wyndthorpe Estates against the decision of Cornwall Council.
 - The application Ref PA20/09912, dated 10 November 2020, was refused by notice dated 17 June 2021.
 - The development proposed is an outline application for residential development including access of up to 245 new homes (to include 30% affordable homes), new relief road from Ball Roundabout to B3314, new public open space (including play area and community orchard and cycle path/amenity walkway), extensive new tree planting and new habitat creation including 1.75ha. of new woodland planting and 0.25ha of new wildlife ponds).
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Decision

1. The appeal is allowed and planning permission is granted for residential development including access of up to 245 new homes (to include 30% affordable homes), new relief road from Ball Roundabout to B3314, new public open space (including play area and community orchard and cycle path/amenity walkway), extensive new tree planting and new habitat creation including 1.75ha. of new woodland planting and 0.25ha of new wildlife ponds) at Land at Bodieve, Bodieve, Wadebridge, Cornwall, in accordance with the terms of the application, Ref PA20/09912, dated 10 November 2020, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The Inquiry was held in person and lasted for 4 days. In addition to an accompanied site visit, which encompassed the three main parts of the site, I carried out unaccompanied site visits to the local area, including to Bodieve and to locations identified as viewpoints. I also took the opportunity to walk to and from the site from the centre of Wadebridge and to view the site of the proposed Church Park development to the east of the town.
3. The application was made in outline with access only to be determined and all other matter reserved. Consequently, although a masterplan and other plans, which addressed matters such as landscaping, have been submitted, these have been treated as illustrative.
4. The proposed development was considered to fall under the criteria of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The planning application for the appeal scheme was therefore

accompanied by an Environmental Statement (ES) dated 10 November 2020. The ES was produced in accordance with the Regulations, and I am satisfied that the ES reasonably complies with the provisions of Schedule 4 of the EIA Regulations. I have taken into account the Environmental Information, as defined in the EIA Regulations, in determining the appeal.

5. To assist the Inquiry, a Statement of Common Ground (SoCG), dated 19 January 2022 and agreed by both main parties, was produced for the scheme. In addition, a set of Core Documents was agreed and informed the production of, and referencing in proofs of evidence.
6. A signed and dated Unilateral Undertaking, the UU, was submitted under s106 of the Town and Country Planning Act 1990. This addressed the provision of affordable housing, public open space and a range of contributions to address infrastructure mitigation associated with the scheme.

Main Issues

7. At a Case Management Conference, held 10 January 2022, a number of main issues based on the Council's original reasons for refusal were set out. Of these, the UU referred to above has addressed some matters, including that related to affordable housing, and the Council have confirmed that they no longer pursue matters related to ecology, subject to conditions were the appeal to be allowed. Consequently, I consider the main issues to be:
 - whether the appeal site represents an appropriate location for residential development having regard to national and local policies; and
 - the effect of the proposal on the landscape character and appearance of the area.

Reasons

Background

8. The appeal comprises three linked but relatively distinct parts. The southern parcel, proposed for housing, is the closest to Wadebridge Town, a triangular site located between the Town Football Club, the A39 and the Leisure Centre. Wadebridge Secondary School is located nearby, separated from the site by the B3314, the Bodieve Road. This road, accessed off a roundabout from Gonvena Hill, crosses the bypass and links to Bodieve and onto areas to the north and west, including the beaches around Polzeath. This is the main route to access these areas for traffic approaching from Bodmin and from the A39.
9. The northern parcel, also proposed for housing, comprises agricultural fields, adjacent to but separated by the Bodieve Road from Bodieve itself, with Little Bodieve Holiday Park to the east of the site.
10. The central parcel is proposed for retained agricultural land, public open space and a new link road connecting to the main A39 Ball roundabout, referred to as the relief road in the application. This comprises open agricultural fields lying alongside the existing A39 bypass. The link road is proposed to connect to the roundabout via an existing minor road, which currently serves some houses and agricultural accesses.
11. The northern parcel lies within Egloshayle Parish while the southern part is within Wadebridge Parish. I note some concerns from interested parties that the

evidence has assessed these defined parcels individually and not considered them as one proposal. I have utilised the parcel definition where appropriate, particularly in relation to landscape matters, as has the Council in their approaches on this matter. Nonetheless, the scheme is a single proposal and has been assessed as such.

12. Taking this into account, and while noting the continued concerns of some local residents and Councillors, the submitted SoCG confirms that the Council consider the southern parcel to be an acceptable site for housing, that all of the parcels are considered to represent sustainable locations in terms of access to, and distance from, services, with suitable pedestrian and cycle links, and that no objections were made in relation to highway safety. The SoCG also confirms the agreed position that there would be no harm to the Cornwall AONB, Camel Valley, which is located a short distance to the north and west. Following my site visits, I see no reason to disagree with this.
13. A previous appeal¹, the 2019 Appeal, was made for a scheme in a similar location which included a new link road, albeit covering a different area and with different components, including employment land, a local centre and a school. Notwithstanding these differences, the matter of housing was central to that appeal's assessment against policy and in particular the opportunity for community involvement in the provision of housing and employment through the Neighbourhood Plan (NP) process. Noting the position of the lack of a made NP at that time, nonetheless, the Inspector considered that to pre-empt its outcome, in light of the approach in the Cornwall Local Plan (the Local Plan), would potentially subvert the plan-led process. The appeal was dismissed 19 June 2019, and I address the up-to-date position as regards the NP and the Local Plan below.
14. In addition to the 2019 Appeal, a number of previous applications have been made associated with the appeal parcels including for housing, mixed use schemes or recreational use, including an approved permission for new football and training pitches on the northern parcel.

Policy Position and Appropriateness of Location

15. In light of the Council's position regarding the suitability of the southern parcel for housing, I proposed to consider the policy expectations and suitability of the northern parcel for housing.
16. The development plan for this area includes the Local Plan, adopted 2016. This states that it will take a positive approach to sustainable development, Policy 1, in accordance with a spatial strategy, Policy 2, which seeks to provide homes and jobs based on the role and function of places. This policy, in 2a, includes key targets for the period to 2030 setting out a minimum target of 52,500 homes.
17. This target is apportioned to identified parts of Cornwall, the Community Network Areas (CNAs). For this CNA, the identified minimum targets for housing are 1,100 for Wadebridge and 1,000 for the residual areas of Wadebridge and Padstow.
18. Policy 3 then sets out a hierarchy for delivery of these targets, notably that they will principally be to the listed major towns and settlements, including

¹ APP/D0840/W/19/3224526

Wadebridge, with delivery through a Site Allocation Development Plan Document (SAP) or through NPs. Development for these areas should be at or well-related to the settlement, and I concur with both main parties that, notwithstanding the Council's arguments that the central and northern parcels would be beyond the 'boundary' of the A39, they are nonetheless well-related to Wadebridge and should be considered under that part of the CNA and not the residual area.

19. Other than delivery through the main towns, delivery of the remainder of the CNA is proposed through NPs, or sites comprising rounding off, infill or rural exception sites. Despite the Council suggesting that the southern parcel represents rounding off, to my mind, the appeal scheme as a whole should be considered against strategic policies for the delivery of housing in the main town of Wadebridge.
20. The housing proposed in the northern parcel, if considered as being in the open countryside, could be assessed against Policy 7. This seeks that new homes will only be developed where there are special circumstances, and it sets out a range of 5 criteria, none of which would apply to the proposal before me.
21. At the time of the 2019 Appeal, that Inspector identified that the emerging NP allocated that site under Policy SD04, albeit the proposed allocation was subject to some criticism. He also identified that the NP process had stalled and therefore, in policy terms, as that proposal was neither allocated in a made NP nor included in the SAP, it could not comply with Policy 3 of the Local Plan. While it could be argued that the same situation exists for the proposal before me, circumstances in relation to the expectations of Policy 3 and the NP have changed significantly since that decision.
22. Clear and convincing evidence was given to the Inquiry that the joint NP between Egloshayle, St Breock and Wadebridge will not progress any further. I, of course, acknowledge that the pandemic has affected the ability of parties to get together and perhaps work efficiently. However, this is not the cause of the failure to progress here, where the evidence points to disagreement between the NP members prior to 2020 and to a breakdown in the relationship that has nothing to do with the pandemic. This position on the NP is now in stark contrast to the position set out by the Inspector in the 2019 Appeal, who opined that there was no convincing reason to believe that the NP could not be revived.
23. The Council continue to support the position that without explicit support for the proposal from Policy 3, it would be in conflict with the development plan, and that there is no support for this type of unallocated development in the open countryside from Policy 7. They argue that, as they can demonstrate a 5 year supply of housing land, there are no material considerations that would suggest as decision other than in accordance with the development plan.
24. The accompanying text to Policy 3² confirms that the Council is committed to supporting the NP process and will regularly review the position to allow communities to have their say on the location of development. I have no reason to doubt that this is the case, and note that the Council accept, in principle, that the joint NP process is now unlikely to proceed and anticipate a new NP potentially coming forward from Wadebridge Town Council. However, the text goes further to state that should the NP not reach submission stage within two

² Paragraph 1.69

- years of the adoption of the Local Plan, that is by November 2018, the Council will undertake the necessary site allocations to support delivery of the targets.
25. While the 2019 Appeal allowed some flexibility; in accepting that the 2018 date had passed, the Inspector nonetheless acknowledged this requirement and expected that the Council and those behind the NP be '*acutely aware of the urgency required*'.
26. The appellant argues that the absence of a NP and the total lack of any SAP to allocate sites to meet the targets means that the proposal, in meeting the need for development at or well related to a town identified as the focus for development, means that the proposal complies; the Council's reliance on the delivery mechanism cannot, they say, supplant the substance of the policy, which is to deliver housing to a minimum target, thus far not reached in Wadebridge.
27. While I have some sympathy for this point, indeed if development for Wadebridge must be either in a NP or be in a SAP, neither of which exist or appear to be planned for, then it is hard to envisage how any strategic level development can meet the Policy expectations. Policies must be read on their face and cannot be interpreted to suit circumstances. Nonetheless, the Council argue that they have not failed to carry out the SAP, but have chosen not to. This, they argue, is because it is not necessary, referring to the policy text that requires them to step in to undertake the '*necessary site allocations*' to support delivery. In this context, the Council argue that it was not necessary to do so in Wadebridge.
28. Policy 2a sets out the minimum delivery targets for housing for each CNA. In accordance with the accompanying text³, these apportionments are assessed against housing already delivered or committed to, and that progress towards these targets will be monitored annually.
29. The Council submitted their Housing Implementation Strategy, 2021, (HIS) which updated the figures in the Local Plan. It was commonly accepted that these show that against the target of 1,100 homes for Wadebridge, there is a shortfall of 358, and against the 1,000 for the residual area, a surplus of 524.
30. Three arguments are put by the Council that, in these circumstances, there is no necessity for them to seek any further allocations. Firstly, that the CNAs are to be considered as a whole and that there is therefore an overall surplus already delivered, with any deficiency in Wadebridge being met in the residual area; secondly, that the positive progress in housing delivery in the area would suggest that there would be no impediment to future delivery in accordance with the target in the remaining nine years of the plan; and thirdly, that there is a realistic prospect that the Town Council will produce a NP within the plan period.
31. The accompanying text to Policy 3 addresses the matter of supply⁴. This states that where a 5-year supply can be demonstrated, the adequacy of supply in meeting the needs of a particular CNA is material and that any deficiency should be accommodated within the CNA and not by increasing supply in other CNAs where the existing supply is sufficient. This appears entirely logical, the approach of identifying CNAs is to ensure that development, in this case

³ Paragraph 1.60

⁴ Paragraph 1.74

housing, is distributed across the whole of the Council area, meeting the diverse development pattern of Cornwall according to need.

32. However, I am not convinced that it is logical to conclude that this means that the shortfall in a major town can be met by overprovision in its residual area. I accept that the whole area is covered by the Strategic Policies CNA Sections document (the CNA Sections) under a Wadebridge and Padstow area map. However, the Local Plan includes the separately identified elements of the town and the residual area as individual targets as well as a cumulative total area target.
33. The logic of allowing shortfalls to be made up between parts of the CNA would, to my mind, invalidate the purpose of the individual targets and potentially frustrate the purpose of Policy 3, which seeks to direct development in a hierarchical approach relative to the role and function of places. Accompanying text confirms that individual targets are provided to reflect the role and function of main towns in the CNA⁵. The need to deliver targets for both area and town figures is also an explicit requirement to support the strategy and spatial approach, set out in the text to the policy⁶. Taken to the extreme, the Council's suggested approach could imply all development could take place in the lower order residual area, rather than the acknowledged centres at the top of the hierarchy⁷. It is instructive that the CNA Section document sets out an expectation that, as the main settlement with good employment and transport provision, Wadebridge will be required to accommodate the majority of the dwellings. To this point, it would appear that it is a minority of the dwellings delivered in the CNA that have been in Wadebridge itself.
34. Read plainly, the Local Plan has set targets for both the main centres and the residual areas that have a natural relationship with those centres. While expressed cumulatively in places, the individual targets are monitored and reported on. In this case, there remains a shortfall in delivery of housing in Wadebridge, notwithstanding the overprovision in the residual area.
35. The Council's second argument, that the shortfall will be met in any case, even without a specific allocation in a SAP or NP also appears to conflict with the purpose of Policy 3. While the early years of the plan may have supported development of previously allocated or readily developable sites, this is no guarantee that such sites remain available or deliverable. In fact, no alternatives were promoted by the Council as meeting the need, albeit the Town Council referred me to others, in particular to a proposed development, the promoters of which also commented on the scheme before me. The appeal process does not require an assessment of alternatives to justify a scheme, which must be considered on its own merits, nonetheless, I do note that the other scheme at Church Park would appear similarly at distance from the centre and inclusive of development of open land beyond the A39⁸.
36. The shortfall is sufficient to suggest that such a need will not be met by windfall or brownfield development within the town and no compelling evidence has been put to me that this is a realistic proposition. Reliance on unknown and unidentified development to meet critical targets is not a sufficient argument.

⁵ Paragraph 1.54

⁶ Paragraph 1.75

⁷ The Council's witness accepted this principle in cross examination on the basis of only 100 houses in Wadebridge and all others in the residual area

⁸ ID7

37. Their third argument, that the NP process under the direction of the Town Council may deliver community led options for development, is not supported by any substantive evidence. It is clear that the failure of the previous NP process was a relatively recent occurrence. The process would have to effectively restart and could only conceivably be completed towards the latter part of the plan period, and in any case well outside of the expectations of the 2 years following adoption of the Local Plan. The Council, in my view, cannot rely on the 'hope' of such a plan being developed, agreed and formally made to meet the shortfall currently identified.
38. To conclude on the strategic delivery of housing on the northern parcel, Policy 3, requires that, for this CNA, the delivery of housing is to be managed in Wadebridge through a SAP or NP. The targets, identified as critical to support the strategy and spatial distribution, are not being met and to do so requires pro-active approaches by the Council or the local community through a NP. This has not happened and there is little conclusive evidence before me to suggest that it will happen. Nonetheless, although I accept that the scheme would deliver housing in a location identified as top of the hierarchy and where the target has still not been met, it does not comply with Policy 3, indeed no strategic scale delivery of housing could. For this reason, and for this particular proposal, this policy must be considered out-of-date. This is not a function of whether the Council are delivering against the requirements of having a 5-year Housing Land Supply, but consistency with the Framework's expectations that plans should provide for a sustainable pattern of development; Policy 3 is currently unable to deliver against the Local Plan Policy 2 Spatial Strategy for this CNA.
39. Turning then to the implications for Policy 7. Which addressed the development of housing in the open countryside. Read plainly, it restricts development to where there are special circumstances with five specified criteria set out. There was debate at the Inquiry over whether special circumstances were the five criteria or could represent other exceptions to this policy. However, open countryside is defined in the accompanying text as the area outside of the physical boundaries of the existing settlements. As such, incorporation of a site for housing within the SAP or NP would exclude it from consideration under Policy 7. Accordingly, in light of my finding regarding Policy 3, I find Policy 7 to also be out-of-date for this particular proposal.
40. Policy 7 is not a policy that considers the effect of a proposal on the landscape character or appearance of the area, that falls to the spatial strategy Policy 2-1. and specifically Policy 23 and the retained Policy ENV15 of the North Cornwall District Local Plan 1999: these I address under the next main issue.
41. To conclude on the appropriateness of the location, the proposal would conflict with Policy 3. However, I have found this policy, and its companion policy, Policy 7, to be out-of-date for this particular proposal. The proposal must, therefore, be assessed against the development plan as a whole, the presumption and tilted balance set out in paragraph 11 of the Framework and finally whether there are material considerations that indicate the decision should be taken otherwise than in accordance with the development plan.

Landscape Character and Appearance

42. The Council raise no particular concerns with the southern parcel on this issue, albeit they do note some loss of hedgerow at the access. Their concerns, and

those of local residents and interested parties, relate to the introduction of housing beyond the A39, the relationship with the existing settlement of Bodieve and the holiday park and the introduction of the link road to the central parcel, described by the Council as introducing an urban parkland character.

43. The proposed northern parcel is currently agricultural fields alongside the Bodieve Road, which separates the site from Bodieve, which is a small settlement comprising only houses and accessed by two minor roads, the northernmost of which has considerably restricted visibility where it connects to Bodieve Road.
44. Cornish hedgerows and trees define the road edges here, limiting views into the appeal site, while current views of Bodieve are restricted to filtered views of those houses closest to the road. In addition, a large bungalow and signed driveway signal the presence of the Little Bodieve Holiday Park to the other side of the appeal site. On site, wetland areas and trees to the north of the site, as well as hedgerows within the site, are proposed to be retained and strengthened or replaced where removed for access.
45. The A39 sits in a deep cutting at this point but the central parcel, comprising agricultural land, is visible from the footway on the Bodieve Road bridge and accessed by a field gate off the road.
46. As part of the ES, the appellant submitted a Landscape and Visual Impact Assessment (LVIA), the methodology of which was not challenged by the Council. This addressed constructional effects and the long-term operational effects. For these long-term effects, it found the landscape to be of medium sensitivity for which there would be a small to medium magnitude of change of long-term minor to moderate adverse significance, noting local and moderate adverse significance to the medieval farmland character. In terms of visual assessment, the LVIA found the effects to be generally minor or insignificant, although the sensitivity of users of Bodieve Road and residents of Ball Terrace and Bodieve was found to be medium, with a long-term effect of minor to moderate adverse significance.
47. In terms of the visual impact of the proposed development, it was accepted by the Council that the site of the northern parcel was not an exposed one with limited views from surrounding areas, and that Bodieve itself was barely discernible. I concur, the principal viewpoints were correctly identified in the LVIA, but still offered limited public views of the current fields, with substantial hedgerows and trees to both sides of the road particularly limiting views.
48. Even following the proposed development, it was accepted by the Council that there would be limited visual connectivity between Bodieve and the new housing. Views of the proposed housing itself was also accepted to be limited, and only be perceived readily from the road, albeit there was considerable concern expressed regarding the opening up of those views.
49. Crossing the bridge from Wadebridge, the new link road would be perceived with a junction joining the Bodieve Road, but hedgerow planting could allow for assimilation of this into the form of a rural road. It is the new junctions on the realigned road, with associated removal of some hedgerows and the opening up of views that would introduce, to my mind, the most significant visual changes.

50. There would clearly be a change, but the visual experience of a minor road passing through a rural settlement would not necessarily be harmful, it is a typical feature of Cornwall's rural road network. The introduction of roundabouts would be somewhat more intrusive, but for those progressing from Ball Roundabout or from the School, this would not be unexpected and a natural extension of those highway features. Those travelling from the north would experience a different road section and would note the presence of more houses, but the area would still be predominantly semi-rural with trees and hedgerows retained.
51. The residents of Bodieve themselves would have little direct visual perception of the proposal other than when travelling to and from their properties; in this, while the visual experience would be the same as those travelling along the road, I accept they would be somewhat more sensitive to changes. At this point, the opening up of the roundabouts would allow views of the new housing.
52. Visitors to the holiday park currently have some filtered views through the hedgerow separating the sites. Their focus of visitors would not be necessarily to that side and strengthening of that boundary could reduce the effect, nonetheless, the introduction of housing here would introduce a visual change for some users of the site. As temporary residents, I consider they would have only a medium sensitivity to such a change, and the harm would be limited.
53. For the central parcel, those using the link road from Ball Roundabout would experience a transition from the large urbanised A39 onto the two-way link road. The Council consider that this would be an uncharacteristic urban parkland, but I can see no reason why, as an outline application, suitable landscaping, including Cornish hedgerows, could not be successfully introduced to provide a visually characteristic rural road through this area.
54. Residents of Ball Terrace would perceive some change in traffic and the new link road, albeit other elements of the site would be at some distance with intervening hedgerows and trees. Although of moderate significance, I do not consider this change to be harmful.
55. The argument that an outline application cannot be considered against visual harm before reserved matters on appearance, layout and landscaping are dealt with is often promoted, but any proposal must demonstrate that it would be acceptable in principle. I have considered the Council argument that the current masterplan does not demonstrate the quantum of housing sought. Firstly, such a plan can only be indicative and subject to reserved matters, over which the Council will have control; secondly, I do not think that individual buildings shown on the plan can necessarily be taken as representing single units; and finally, while the proposal is for up to 245 houses, this too is subject to reserved matters when the final quantum and layout will be established.
56. In this case, on the basis of the evidence, I can see no reason why sensitive treatment of the housing immediately surrounding the accesses could not be designed so as to visually respond to the rural village. The appellant suggests that the principal design characteristic of the new housing would be responding to the dispersed settlement pattern here; this may have an effect on the density of development across this part of the site.
57. In addition to building design and layout, the loss of hedgerows has been recognised and commitments made to realignment and the provision of new

planting to enhance the visual perception of this part of the proposal. This would all contribute to mitigation of harm and, over time, reduction in harm.

58. Nonetheless, such enhancements will take time to establish and for the construction period and while planting matures, there will be an increased adverse visual impact, particularly associated with the loss of the hedgerows here. I consider that this would represent a moderate adverse effect to the more sensitive receptors here.
59. Turning to the character of the area, the northern and central parcels lie within Landscape Character Area (LCA) 34, Camel Estuary, although a small part of the appeal site towards Ball roundabout lies within LCA33. The characteristics of LCA34 include gently rolling, low lying hills, wetland habitats and trees associated with small valleys, medium scale medieval field patterns, Cornish hedges with few hedgerow trees and small clustered settlements and farms. The expansion of Wadebridge is an acknowledged pressure on this LCA. However, the vision and objectives for the area are centred around the Camel Estuary and associated with the retention of the long sweeping views and the rural 'backcloth' of the valley sides.
60. Neither apply strongly to the northern or central parcels, which nonetheless reflect the rolling fields, the medieval field patterning and the clustered settlement of Bodieve. The holiday park, while relatively self-contained and, I accept, not an uncommon site in rural Cornwall, is nonetheless an anachronistic element. This, along with the proximity of the A39 limits the rural character of the northern and central parcels, which I consider as semi-rural, with limited tranquillity and a direct relationship with existing built form and development. Overall, I cannot accept either the northern or central parcel as being extremely sensitive and consider they have a moderate sensitivity to change.
61. The introduction of the link road, highway alterations and housing will unquestionably lead to change. There will be a loss of open fields on both parcels of land and the highway alterations will introduce a more urban layout to Bodieve Road. As a result, the character will change from a semi-rural area to one with a greater residential character. This lies at the heart of the main argument presented by opponents of the scheme, that of the extension of the town beyond what is perceived as the natural boundary of the A39 and the impact on the character of Bodieve.
62. No defined settlement boundary, as set out in any current policy, was put in evidence. Instead the A39 is viewed as an enclosing feature, beyond which lies countryside. While I have dealt with the character of the appeal site above, I do accept that, on driving over the A39 there is a character change from urban fringe to rural fringe, but the site is not rural in that sense. In my view, the southern parcel will integrate into the town's natural extension, along with the school leisure centre and football pitches within the boundary. The central parcel is already heavily influenced by the presence of the A39 and could benefit from careful design of open spaces and habitat creation to present a characteristic rural lane. This and the existing hedgerows along Bodieve Road would also provide a clear definition between Wadebridge and the housing on the northern parcel, which to my mind, would relate to Bodieve, albeit there will be clear separation between the existing housing and the appeal site.
63. I am conscious of the very real concerns of a number of the residents of Bodieve that the proposal would overwhelm their village and harm its individuality and

character. This would be a large addition to the number of houses here. However, Bodieve itself, having walked through the village, has clearly grown considerably, much of that growth being in the later part of the 20th Century. The new housing on the northern parcel would not be highly visible from any significant public viewpoint, other than those I have dealt with above. The road would separate the historic core of the village from the new development, and the very significant lack of visibility between the two is a major factor in my conclusion that there would not be undue harm directly to Bodieve's historical core.

64. I consider that the proposal would not therefore extend the urban character of Wadebridge into this more rural area, but it will introduce a settlement of a scale that would not be consistent with the LCA characteristic of small, dispersed settlements. During and immediately following construction, this would represent moderate harm to the landscape character of the area.
65. In conclusion, the proposal would incur loss of some open agricultural fields and would alter this part of Bodieve Road. Neither the northern or central parcels are identified as being 'valued' within the meaning of national policy, and neither has a specific landscape designation. Rather, these are ordinary arable fields at the edge of large settlement, with relationships to existing development and roads.
66. Nevertheless, whilst of limited inherent quality in itself, the sites still form part of a wider rural landscape behind the existing confines of the town, and make some positive contribution in that regard. In this context, and in combination with the visual harm I identified above, the loss of this existing positive contribution to character and appearance would be harmful, notably in introducing a large settlement form to this semi-rural area. However, I find no other specific objection to the principle of its location, including the site's contribution to the approach to Wadebridge. This finding largely reflects the site's proximity to other existing built form in Bodieve, the holiday park and the A39, as well as the opportunity for mitigation presented by the scheme which could be secured by reserved matters and conditions.
67. To this extent, I consider that the proposal would conflict with the CLP Policies 2 and 23 and retained Policy ENV15 of the North Cornwall District Local Plan 1999. This conflict stands to be considered against all other material considerations as set out in the Planning Balance below.

Other Matters

68. A range of other concerns were put either in written submissions or in oral representation at the Inquiry. It is worth noting that these observations were not solely in opposition to the scheme, with a number supporting its approach to addressing the housing needs for Wadebridge and the link road provision. Nonetheless, concerns were still raised which include the biodiversity of the site, the accessibility of the housing to services and facilities, the loss of farmland, the viability of the site and the lack of need for the link road and highway safety concerns associated with it.
69. The appeal site includes existing farmland. In general, such land does provide some habitat for birds and other species although their margins are generally more productive for biodiversity; hedgerows in particular. The proposal has been assessed in terms of the existing and potential biodiversity interests, noting the presence of bats and some local value to other species, including breeding

birds. There may be the loss of some farmland bird habitat, albeit this is limited when under productive agricultural use. The retention and strengthening of wetland and woodland areas as well as the provision of increased lengths of hedgerows will lead to biodiversity benefits, including to bat species. An assessment was provided by the appellant under the biodiversity net gain process. I am satisfied that, subject to appropriate conditions, in particular relating to the delivery of new woodland and wetland areas, retention of habitat areas and suitable lighting, there would not be material harm to biodiversity, with the calculated Biodiversity Metric⁹ indicated a 26.4% habitat gain and approximately a 9% gain in linear units.

70. As set out above the Council, and indeed the Highway Authority (HA), accepted that the whole of the appeal site was accessible in relation to Wadebridge. I note this is not a view shared by other interested parties, who suggest that occupiers, particularly those on the northern parcel would have to drive to access facilities. I took the opportunity to walk the area, both to and from the town. I accept that accessing the town centre, while relatively easy in one direction, is considerably harder when returning uphill. However, this cannot be the sole test for accessibility, as there is the leisure centre and the main schools of the town, as well as other leisure facilities and some employment opportunities, very local to the site. There is no question that these would be eminently accessible to occupants, in a way that for other across the town they are not. Furthermore, there are existing bus stops along Bodieve Road and the proposal includes improvements to pedestrian and cycling infrastructure.
71. Any decision on accessibility must be a balanced one and take into account the Framework's expectation that journeys are minimised for employment, shopping, leisure, education and other activities and that the development should offer a genuine choice of transport modes. I consider the appeal site to be an accessible one.
72. Turning to farmland, despite the proposal incorporating some land for agriculture within the central parcel, there will be a loss of farmland. This is a necessary result of new housing development of this type and must be considered in the overall balance.
73. Matters relating to viability were predominantly raised by the developer of an alternate site. I have set out above my position on the assessment of alternative sites, but note suggestions that the costs of the link road and provision of affordable housing may make this proposal unviable. To my mind, it is a matter for the developer to consider such issues, not one for assessing the principle of development, and I do not address this further.
74. Finally I turn to the link road. The proposition is put that the link road is part of an outdated strategy and not needed, and that provision of public open space in relation to it would lead to highway safety risks at Ball roundabout. Currently traffic heading to the north from the A39 and from Bodmin turn off the roundabout, with traffic going into Wadebridge, travel down Gonvena Hill, turning right at the roundabout to pass the school, cross over the bypass and join Bodieve Road. This stretch of road is shared with some pedestrian and cycling traffic accessing the school, leisure centre and football grounds. The introduction of housing on both the southern and northern parcels would make

⁹ Biodiversity Metric 3 (Natural England 2021)

an additional and material contribution to the traffic using this stretch of Bodieve Road and the roundabout.

75. A full transport assessment was carried out for the scheme, including the link road. This concluded that with the link road there would be no severe impact on local junctions, and that the link road would decrease utilisation of capacity at Gonvena roundabout by about 40%. The provision of junctions into the northern parcel, but also into the minor roads serving Bodieve, is identified as offering a significant improvement. Footways are to be provided and improved to link back to Gonvena Hill.
76. In terms of the link road, the HA, in their response, confirmed that this was a listed measure within the Wadebridge Town Transport Study. While the status of this study has been challenged by some interested parties, this was carried out in 2016 and concluded that such a link was a long-term aspiration. Further iterations of transport studies may be underway but no substantive evidence was put to me regarding any changes to this aspiration.
77. I note that the Council and others argue that the aspiration was only to support a much larger area of development envisaged under the NP, but this is not clear from the evidence, which indicates its purpose was to relieve forecast capacity constraints and allow pedestrian/cycling facilities to be improved, a position reinforced by the HA consultation response in 2021. As with any junction, there will be periods when the Gonvena roundabout does not operate at capacity, but during tourist periods in particular, this is an important and very well used route to access the beaches and villages on the north coast and will experience high volumes of traffic. While sometimes this may coincide with school holiday periods, this is not exclusively the case. I note alternative access to the school is available direct from Gonvena Hill, nonetheless, there will be potential conflict between tourist traffic, school traffic, town centre traffic and increased junction use through recent housing schemes in the area, that will be further put under pressure by the proposal before me. The link road will address much of that capacity issue and is an essential part of the scheme overall.
78. I have reviewed the transport assessment and the HA responses to it and am satisfied that there will be no severe impacts on junctions, indeed the Gonvena Hill roundabout capacity and traffic accessing the town centre will be enhanced. Proposed changes to the Ball Roundabout would allow for suitable access onto the link road for vehicles.
79. I have also considered the suggestion that occupants of housing, notably the new development off Gonvena Hill, would chose to access the pedestrian and cycling routes to be provided in the central parcel in an unsafe way across Ball roundabout¹⁰. It is a fact that transport planning has to try to anticipate choices made in relation to access. Typically these consider desire lines, those routes a person would choose to take to travel from A-B. In this case, the proposal includes a revised pedestrian and cycling access point through the southern parcel to Bodieve Road and hence into the main access points to be provide to the central parcel . No similar access points are proposed to the east of the central parcel to facilitate any pedestrian or cycling access from of across Ball roundabout. Desire lines are affected by distance and the attractiveness of the route. In this case, the evidence supports that a desire line through the Ball roundabout is not the likely outcome.

¹⁰ ID6

Unilateral Undertaking

80. The appeal was accompanied by a schedule of planning obligations in the form of the s106 UU, signed and dated 9 March 2022.¹¹ The Council also prepared a compliance schedule, set out in their proof of evidence, to assist assessment of each of the obligations against the tests contained in the Community Infrastructure Levy (CIL) Regulations 2010 and as set out at paragraph 57 of the Framework. Namely, they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.
81. The obligations were the subject of discussion at the Inquiry. The UU secures the quantum and delivery of AH, the setting out and delivery of public open space and contributions to address additional pressures on education, healthcare and off-site public open space.
82. I am satisfied that all the contributions and obligations referred to above accord with relevant planning policies and guidance and therefore with the requirements set out in the Regulations and the Framework and can be taken into consideration.

Planning Balance

83. I have found that the proposal would not comply with the development plan, in particular Policy 3 and its counterpart policy, Policy 7. However, I have concluded that these policies do not address the delivery of strategic housing sites in Wadebridge and are therefore out-of-date in relation to this proposal. I have also found conflict with Policy 2, Policy 23 and retained Policy ENV15. I have found the harms associated with this conflict to be moderate, and reducing with time. I have also found some harm associated with the loss of agricultural land.
84. Notwithstanding an acceptance that the Council can demonstrate a five year housing land supply, in relation to paragraph 11(d) of the Framework, those policies which are most important for determining the application are out-of-date. The tilted balance in paragraph 11(d)(ii) is therefore engaged.
85. The proposed development would have the benefit of contributing up to 245 dwellings towards the supply of housing in the CNA. Of those dwellings, the proposals will secure the fully policy compliant¹² amount of affordable housing in a part of the County identified as in deficit¹³. Substantial weight in favour of the scheme arises from these.
86. I have identified that the link road and other highway improvements are an important and necessary part of the scheme. They would also enhance the pedestrian and cycling provision along the Bodieve Road and Gonvena roundabout area, improve access to and from Bodieve and will ensure that junction capacities are addressed. I ascribe significant weight to these benefits. In addition, I give moderate weight to the identified biodiversity benefits and the provision of public open space.

¹¹ ID10

¹² CLP Policy 8

¹³ The Annual Monitoring Report 2021, Wadebridge ranks 14th out of 19 for Affordable Housing consents.

87. There would be employment benefits resulting from the construction phase of the proposed development and then in relation the large number of prospective occupiers of the proposed dwellings, who would provide additional support to local businesses and facilities through their spending and patronage to which I can afford further moderate weight
88. In applying paragraph 11(d)(ii) of the Framework, the adverse impacts of granting planning permission relating to the main issues would not significantly and demonstrably outweigh the above benefits of the proposed development, when assessed against the policies in the Framework taken as a whole. As set out above there is no NP made for this area. The proposal therefore benefits from the presumption in favour of sustainable development.
89. Accordingly there are material considerations that indicate that the decision should be taken otherwise than in accordance with the development plan

Conditions

90. A set of draft conditions were agreed between the two main parties. I have considered the conditions, following discussions at the Inquiry, in light of the requirements of the nPPG and the Framework. In addition to the standard outline and reserved matters timescale conditions (1, 2, 3), I have imposed a condition specifying the relevant plans as this provides certainty (4).
91. To ensure delivery of the highway junctions and access routes, I have required confirmation of details (5) and to ensure delivery of the link road prior to the dwelling, confirmation of final details and a timetable for delivery (6). To address construction impacts, I have imposed a requirement for a Construction Management Plan (7).
92. To address flood risk, infrastructure and pollution risk, I have imposed conditions regarding surface water (7) and foul drainage (8), and to ensure any archaeological features are recorded, one for a Written Scheme of Investigation (10). The presence of the A39 and its relationship to air quality effects on the nearest dwellings on the southern parcel needs to be addressed (11), and to ensure delivery of ecological mitigation and biodiversity improvements, I have imposed further relevant conditions (12, 13). To ensure appropriate tree protection measures, I have required the submission of a Plan (14).
93. It is essential that the requirements of conditions 4-14 are agreed prior to development commencing to ensure an acceptable form of development in respect of the highway delivery and safety, operations through the construction period, flood and pollution risk, air quality impacts, agreed biodiversity measures and ensuring trees are protected on site. The appellant has confirmed acceptance of the pre-commencement conditions at the Inquiry and in their closing statement.
94. To support sustainable travel options, I have required submission and adherence to a Travel Plan (15, 16), and finally, to address, in particular, effects on bats, an external lighting plan is required (17).
95. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusions

96. For the reasons given above I conclude that the appeal should be allowed.

Mike Robins

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Sancho Brett of Counsel Instructed by Cornwall Council Legal Services

He called

James Holman Principal Planning Officer, Cornwall Council
MRICS, MRTPI, FAAV

FOR THE APPELLANT:

Jonathan Easton of Counsel Instructed by Rural Solutions Ltd

He called

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Cert (Urban Design)
MRTPI

INTERESTED PERSONS:

Mrs Welch Local Resident and representative of 82 other individuals
Cllr Pennington Mayor - Wadebridge Town Council
Cllr Davey Egloshayle Parish Council
Cllr Knightley Egloshayle Parish Council
Mr Gornoubel Local Resident

DOCUMENTS

- 1 Notification Letter
- 2 Landscape Consultee comments
- 3 Egloshayle Parish Council Minutes January 2022
- 4 Appellant's Opening Statement
- 5 Council's opening Statement
- 6 Interpretation of potential access routes, Vistry Homes
- 7 Concept Strategy Plan - Land at Church Park
- 8 Council's Closing Statement and authorities
- 9 Appellant's Closing Statement and authorities.
- 10 Unilateral Undertaking dated 9/3/22, submitted after closing

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following plans :-
0729-PHL-101-F, 0729-PHL-102-E, 0729-PHL-103-H, 0729-PHL-104-E, 0729-PHL-105-C, 0729-PHL-106-C, Site/location Plan 4651(10)02 REV 01.
- 5) Notwithstanding the approved plans, no development shall commence until details of estate roads and the junctions in the surrounding road network, as well as means of access to the proposed dwellings, have been submitted to and approved in writing by the local planning authority. The development shall be carried out only in accordance with the approved details.
- 6) No development shall commence until detailed plans have been submitted to and approved in writing by the local planning authority relating to line, level and layout of the link road junction and the link road and improvements to the A39 Ball Roundabout, to include footways and cycle paths, and its means of construction, lighting, surface design and surface water drainage. The details shall include a timetable for the provision of the access road junction, link road and improvements to the A39 Ball Roundabout. There shall be no occupation of any dwelling prior to delivery of the link road and it being brought into use and development shall be carried out only in accordance with the approved details and the approved highway works shall be retained thereafter.
- 7) No development shall commence until a Construction Management Plan and programme of construction works has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - 24 hour emergency contact number;
 - Hours of operation;
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud being carried onto the highway;

- measures to control the emission of dust, dirt and noise during construction;
 - Measures to protect vulnerable road users (cyclists and pedestrians);
 - The temporary traffic management measures (if any);
 - Arrangements for turning construction vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- 8) No development shall be commenced until details of a scheme for surface water management has been submitted to and approved in writing by the local planning authority.

The details shall include:

- A description of the surface water drainage systems' operation;
- Details of the drainage schemes including calculations and layout;
- A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features;
- A timetable of construction including a plan indicating the phasing of development including the implementation of the drainage systems;
- Confirmation of who will maintain the drainage systems and a plan for the future maintenance and management, including responsibilities for the drainage systems and overland flow routes.

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 for the lifetime of the development. Details of the maintenance schedule shall be kept up to date and be made available to the local planning authority within 28 days of the receipt of a written request.

- 9) No development shall be commenced until a scheme for the disposal of foul drainage has been submitted to and approved in writing by the local planning authority, to include a timetable for provision prior to occupation of dwellings so served. The approved scheme shall be implemented in accordance with the details and timetable so agreed.
- 10) No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The Scheme shall include an assessment of significance and research questions and shall set out:
- The programme and methodology of site investigations and recording;
 - The programme for post investigation assessment;
 - The provision to be made for analysis of the site investigation and recording;

- The provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - The provision to be made for archive deposition of the analysis and records of the site investigation;
 - The nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 11) No development of housing on the southern parcel shall commence until further air quality assessment has been submitted to and approved in writing by the local planning authority. The detailed assessment shall include, but not be limited to, monitoring of air quality at agreed locations associated with the southern parcel such that the impact of the existing A39 can be determined/modelled at the facades of proposed relevant sensitive properties to ensure that the objective limits are not being breached and to propose suitable mitigation and ongoing monitoring where necessary. All the measures shall be implemented in accordance with the approved assessment and retained thereafter.
- 12) No development shall be commenced until a Landscape and Ecological Management Plan (LEMP), following the measures and recommendations in the Ecological Impact Assessment (South West Ecology November 2020), and which addresses landscape and biodiversity protection and enhancement during the pre-construction, construction and operational periods, has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved LEMP.
- The matters which shall be addressed in the LEMP shall include retention of existing hedges and trees; location and type of new woodland, wetland area and hedges and planting, other biodiversity enhancements (bird/bat boxes, hibernacula); management proposals for hedges, including proposals to allow hedgerow trees to develop, proposals for management of the buffer strips, and pre- construction management proposals to deter ground nesting birds.
- 13) No development shall commence until a Biodiversity Net Gain Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and approved in writing by the local planning authority. The net biodiversity impact of the development shall be measured in accordance with the relevant DEFRA biodiversity metric at the relevant time and the Biodiversity Net Gain Plan shall include:
- Proposals for on-site biodiversity net gain in the development and/or for off-site offsetting;
 - A management and monitoring plan for any onsite and offsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;
 - A methodology for the identification of any site(s) to be used for offsetting measures;

- The identification of any such offsetting site(s);
- Details of any payments for offsetting measures including the biodiversity unit cost and the agreed payment mechanism.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan.

- 14) Notwithstanding the submission of the reserved matter applications, no development subject of this permission shall be commenced until a Tree Protection Plan in accordance with British Standard 5837:2012 has been submitted to and approved in writing by the local planning authority. The scheme shall be constructed in full accordance with the agreed plan.
- 15) No dwelling shall be occupied pursuant to the development hereby permitted until a detailed Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include details of a Travel Plan coordinator who has been appointed to implement, monitor and promote meeting the targets set out in the Travel Plan.
- 16) No dwelling hereby permitted shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented in accordance with the approved details as long as any part of the development is occupied.
- 17) No external lighting shall be installed on any publicly accessible part of the site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the local planning authority. The lighting approved shall only be installed and shall be maintained in accordance with the approved details.