



Appeal Decision

Site visit made on 13 June 2024

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2024

Appeal Ref: APP/D0840/W/23/3332576

Land North West Of Gorran Churchtown, Gorran Churchtown, Cornwall ,
PL26 6HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Naver Developments Ltd against the decision of Cornwall Council.
 - The application Ref is PA22/02389.
 - The development proposed is erection of 18 dwellings (12 affordable dwellings and 6 open market dwellings) and associated access road, parking and open space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was originally made for the "erection of 17 dwellings (9 affordable dwellings & 8 open market dwellings) and associated access road, parking and open space". The scheme was amended during the course of the application and the revised description reflects the amended scheme. I am satisfied that the necessary consultations have been undertaken and with the agreement of the Council and appellant have determined the proposal on the basis of the revised proposal.
3. The appeal is accompanied by a signed Unilateral Undertaking which seeks to secure the Affordable Housing proposed and makes provision for a contribution towards education. I have taken this into consideration in determining the appeal.

Main Issues

4. The main issues for the appeal are:
 - Whether the proposal would have a significant adverse impact on the scenic and distinctive beauty of the surrounding Area of Outstanding Natural Beauty (AONB);
 - Whether the proposal would cause harm to the setting of the Grade II* Listed St Gorran Church;
 - Whether the proposal would make appropriate provision for community infrastructure in the form of affordable housing and education infrastructure.

Reasons

Policy Background

5. The site lies within the Cornwall AONB. Paragraph 183 of the National Planning Policy Framework (the Framework) states that within AONBs, major development should be refused other than in exceptional circumstances. Footnote 64 goes on to say that for the purposes of paragraph 183, whether or not development is major development is a matter for the decision maker who should take into account the nature, scale and setting, and whether the proposal would have a significant adverse impact on the purposes for which the area has been designated or defined. The primary purpose of an AONB is to conserve and enhance the natural beauty of the landscape. The secondary purposes of AONBs are to promote the quiet enjoyment of the countryside and to have regard for the interests of those who live and work in the area. Policies 12 and 23 of the Cornwall Local Plan (LP) state that development should respond to its landscape setting and maintain and enhance the distinctive natural and historic character of the area. In relation to development within the AONB Policy 23 attributes great weight to conserving the landscape and scenic beauty within the AONB and states that development should provide only for an identified local need and be appropriately located to address the AONB's sensitivity and capacity.
6. The LP also contains a number of policies which when taken together seek to direct development to sustainable locations across the county. Together Policies, 1, 2, 3, 7 and 21 seek to direct the majority of development to main towns, or at sites identified in a Development Plan Document or a Neighbourhood Plan (NP) and to allow new development in the countryside under only limited circumstances. Policy 9 makes provision for housing sites in the countryside as rural exception sites which are defined as sites outside of but adjacent to the existing built-up area of smaller towns, villages and hamlets, whose primary purpose is to provide affordable housing to meet local needs. Amongst other things such sites should be clearly affordable housing led and reflect local affordable housing needs. The scheme should demonstrate that the proportion of market housing is necessary to achieve viability, which should not comprise more than 50% of the homes or the land take. Furthermore, a requirement of the scheme is that it be well related to the form of the settlement and appropriate in scale, character and appearance.
7. The Cornwall AONB Management Plan, whilst not a statutory plan provides some key indicators to define major development and is a material consideration. These include where the scale of development is likely to have a detrimental visual impact that harms the scenic quality of the AONB or its setting, erode its special qualities, where the type of development is not compatible with its surroundings, or where it would conflict with the guiding principles of sustainable development. The Management Plan advises that exception sites for affordable housing related to any settlement within the AONB should be identified in the light of a "landscape-led" comparative analysis of alternative sites to ensure that only the most appropriate sites are brought forward.
8. The Cornwall Climate Change Emergency Plan Development Plan Document (DPD) was adopted in February 2023. Policy C1 – Climate Change Principles seeks to conserve and enhance the natural environment according to its

national and local significance and promote locally distinctive high quality and sustainable design.

9. Together the above policies indicate that, having regard to the primary purpose of the AONB, appropriate affordable housing schemes to meet local needs will only be permitted where they do not have a significant adverse effect on the natural beauty of the local landscape and where the development can be successfully integrated into the existing built fabric.

Impact on the AONB

10. The appeal site lies on the western edge of Gorran Churchtown. The village is made up of around 55 dwellings and has a small range of services including a post office/shop, a pub and a church. Dwellings are primarily clustered around the church, pub and post-office, spreading out more loosely from this along the roadside. There is a notable mix in architectural style and materials which is indicative of the fact that development has been incremental and on a plot-by-plot basis. The scheme would comprise 12 affordable dwellings and 6 open market dwellings along with associated open space along with a small wetland associated with the sustainable drainage scheme for the site.
11. The scheme will lead to a loss of an open field on the edge of the village. The accompanying Landscape and Visual Impact Appraisal (LVIA) identifies that visibility of the site would be highly localised as the topography surrounding the site and the presence of well-established hedgerows would screen the site in mid-range and long-range views. In closer range views the existing field would be sub-divided and part of it would be replaced by built form. As a result, due to its size and position within a clearly agricultural landscape, there would be some harm to the landscape setting of the village.
12. In visual terms the dwellings would reflect the simple proportions and materials of traditionally designed Cornish properties using render and local stone and slate. The layout seeks to secure an active frontage and sufficient landscaping and boundary planting to ensure the frontage to the scheme would be visually attractive and in keeping with its rural context. To the rear the hedgerow planting would over time soften available views of the development. However, the disposition of dwellings across the site facilitates a road into the adjoining field which as proposed leaves the impression of a phased suburban layout, and this detracts from the quality of the scheme.
13. In terms of scale the site is just over a hectare in size and taking into account the size of the village, the scheme would represent a significant enlargement to the settlement. The scheme proposed would, on the numbers provided, increase the size of the very small settlement by almost a third. I bear in mind that any new development of more than a handful of dwellings would have difficulty replicating the existing incremental pattern of development in the village as it must accommodate a modern road layout, effective separation distances and a mix of dwelling sizes and types. Nevertheless, in light of the modest size of the settlement, a development of this scale, however well designed, would undoubtedly be perceived as an overly-large almost self-contained extension to the village, which would not be comfortably assimilated into the existing built form, leading to harm to the established character of the settlement.

14. The scheme would deliver affordable housing. I am satisfied that the viability assessment demonstrates that the proportion of market housing is necessary to secure the delivery of the affordable housing. Whilst I note that some gardens to affordable houses are relatively large, on balance the scheme is compliant with LP policy which seeks to ensure rural exception schemes are predominantly affordable housing. I set out below why I consider the affordable housing would meet an identified local need.
15. The identified harm to the landscape and the harm to the character of the settlement would have a significant adverse effect on the scenic quality of this part of the AONB. Therefore, on the first matter I conclude that the proposed development would conflict with LP policies 1, 2, 3, 7, 12, 21 and 23 which together seek development that is appropriate in scale, character and appearance and would both address an identified local need and conserve the landscape and scenic beauty of the AONB.
16. Having regard to the amount of development proposed in the context of the size of the settlement, and the effects it would have on settlement character, I consider that the scheme can be defined as major development for the purposes of 183 of the Framework. The Framework indicates that major development in AONBs should be refused, other than in exceptional circumstances.
17. I have considered whether the need for affordable housing represents an exceptional circumstance in this case. I have been provided with differing figures as to housing need in the local area and the district, but even the lowest figure indicates a pressing need for affordable housing, a view that is reinforced by many of the representations submitted from local residents. This corresponds with local and national policy which seeks to increase the provision of housing, particularly affordable housing, nationwide. The Framework indicates that in making such a judgement on exceptional circumstances, consideration should be given to the cost of, and scope for, developing outside the AONB, or meeting the need for it in some other way.
18. The appellant has provided a comparative assessment of sites within the village. This looks at 4 sites of similar scale to the appeal site, but does not look at splitting development over smaller sites or look outside the village to ascertain whether it would be feasible and less harmful in landscape terms to locate the development elsewhere and so I give it little weight. Therefore, whilst the provision of affordable housing is a factor to which I give significant weight, I cannot conclude in this case that it represents an exceptional circumstance which would outweigh the identified harm to the AONB.

Effect on Heritage Assets

19. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Together Policies 1, 2, 12 and 24 of the LP seek to ensure that the design of development is high quality and enhances Cornwall's distinctive historic character by sustaining designated heritage assets and taking opportunities to better reveal their significance. These policies reflect the statutory duties defined in the Act.

20. St Goran Church is a Grade II* Listed Building which is located around 150 metres to the south-east of the site. The building has its origins on the 12th Century with enlargement in the 13th and 14th Centuries and the addition of the bell tower in the 15th Century. The building, including the tower was restored in the late 19th Century. It is constructed with slatestone rubble with granite dressings, the tower being constructed in granite Ashlar. The significance of the asset lies in its historic and architectural interest, including that of its interior. The tower and high slate roof are a notable feature in medium and long-range views of the village from the surrounding countryside, particularly from the east and south.
21. The surrounding churchyard contains a number Grade II Listed monuments and a gate, retaining wall steps and a sundial which are also listed. Their significance is largely derived from their association with the church itself. Together these contribute to the character of the space, which provides a peaceful envelope in which the church can be viewed, and the religious significance of the asset and its function can be contemplated and appreciated. The physical presence of the church and its surroundings in the landscape therefore also contribute to the peaceful character of the landscape.
22. The appeal site does not form part of any of the key views of the body of the church. The upper section of the church tower is, however, visible from the southern boundary of the appeal site and from land to the east, and it is therefore likely that the development would be visible in some shared views from the west. However, in these views the existing built form of the village would also be likely to be notable and this would lessen the visual harm that would occur. The separation distance between the site and the churchyard would prevent overlooking or noise intrusion and so I am satisfied that the development would not impact the quiet character of this space or any appreciation of the assets within it. Furthermore, although the scheme would result in a small reduction in the rural fieldscape in which the church is viewed and appreciated, having regard to the extent of the setting that would be impacted, and the extent to which this contributes to the significance of the asset, I am satisfied that the harm that would occur to the setting of the asset and thus its significance would be very limited.
23. The village contain a number of other listed assets, including Cotna House to the north, and the Barleysheaf Inn almost opposite the church. The setting of these assets is largely limited to their immediate surroundings and due to the lack of intervisibility with the appeal site I am satisfied that the proposal would not harm their significance. My attention is also drawn to a blockwork wall which fronts the site and which would be removed as part of the scheme. It spans a relatively short stretch of roadside and is fractured in places, although not in advanced disrepair. I noted that there are other examples of similar or identical walling in the wider area, potentially delineating part of a wider Estate. In this regard, although I have not been supplied with comprehensive details as to its significance, the structure appears to be an historic remnant of previous ownership and is visually characteristic of the area and its loss would give rise to harm. I have therefore taken the precaution of considering it as a non-designated heritage asset against which the benefits of the scheme should be weighed.
24. The level of harm caused to the significance of the designated heritage assets would be less than substantial. The Framework directs that when considering

the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. I therefore attribute considerable importance and weight to this harm, which the Framework also indicates should be weighed against the public benefits of the scheme. The Framework also advises that in considering impacts in relation to non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

25. The proposal would provide new housing, including affordable housing in an area of identified housing need. In the light of the impetus in the Framework to provide dwellings of all types, this is a matter to which I attribute considerable weight, sufficient to outweigh the harm identified to the assets identified above. The proposal would therefore not conflict with guidance in the Framework in relation to heritage assets. It would also not conflict with Policies 1, 2, 12 and 24 of the LP which together seek to sustain designated heritage assets.

Community Infrastructure

26. The application is accompanied by a planning agreement (UU) made under Section 106 of the Town and Country Planning Act 1990 (as amended). This makes provision for securing affordable housing in perpetuity. This is made up of 4 dwellings for shared ownership and 8 for affordable rent. It also secures a mix of dwellings, the proportion to be adaptable and accessible, sets out how the units would be transferred and criteria for occupation.
27. New affordable homes are typically only available to households with a local connection to the parish or town in which the site is located. If an insufficient number of households with a primary local connection apply to rent or buy the available homes, the homes 'cascade' out and become available to eligible households with a secondary local connection to the adjoining or surrounding parishes. If, having considered all eligible households with a primary or secondary local connection and affordable homes are still available, the cascade is further widened to include any household with a local connection to Cornwall.
28. The Housing Needs Assessment for the Parish identifies that there are 14 householders in need of affordable housing in the local area. The mix of units proposed has been developed with the input of the Affordable Housing Team. I am satisfied that the UU would make adequate provision to meet local housing needs and that in the event that the homes are not taken up by those in the immediate area, they would be used to meet an identified need elsewhere in the district.
29. The Cornwall Education Infrastructure Needs Assessment¹ identifies that the local primary school - Gorran School - is over capacity and that the local secondary school - Roseland Community College/Academy - is almost at capacity. The development would give rise to an additional requirement for school spaces which could be met through a financial contribution of £2736 per market dwelling. The UU makes provision for such contributions towards education provision in the district.

¹ www.cornwall.gov.uk/schools-and-education/schools-and-colleges/school-admissions/school-designated-areas/

30. The site is within the Zone of Influence for the Fal and Helford SAC (Special Area of Conservation). An Appropriate Assessment (AA) has been provided and the submitted UU makes provision for a financial contribution to be used to offset the effects of development through the Fal & Helford SAC Strategic Mitigation Plan. I am therefore satisfied that the ecological impacts of the scheme would be made acceptable by the undertaking.
31. Having regard to the submissions from the Council's statutory consultees I am satisfied that the affordable housing, ecology and education provisions are necessary to make the development acceptable in planning terms, that they are directly related to the development and are fairly and reasonably related in scale and kind to the development.
32. The submitted UU did not include evidence of ownership and so, as presented, I cannot be assured that the provisions within it would be capable of implementation and so be effective. Had I been minded to allow the appeal I would have sought confirmation of ownership² from the parties prior to issuing a decision, however, because, for the reasons set out below, the matter does not alter the outcome of the appeal, it has not been expedient to do so.

Other Matters

33. A number of residents have expressed concerns relating to the effect of the proposal on highway safety. I noted during my site visit that the existing field access is located close to a bend in the road and that this provided poor visibility of oncoming traffic, particularly from the west. The scheme would relocate the site access to the centre of the site frontage with visibility splays which would allow for visibility of traffic approaching the bend. Furthermore, the scheme includes a speed reduction scheme which would reduce the speed of on-coming traffic to 30 MPH which the County Highways team consider is an appropriate means of ensuring the safety of the access. A planning condition could be imposed that prevents the development going ahead until such a scheme is in place. With these factors in mind and taking into account the likely traffic to be generated by the scheme, I am satisfied that the proposal would not cause material harm to highway safety in the village.
34. Some residents have expressed concern that the settlement lacks local services. Future residents could meet some of their local needs on foot and travel distances to the primary school and some higher order services in local villages would not be unduly long in the context of the wider rural area. Therefore, taking into account that the site is put forward as a rural exception site for largely affordable housing the availability of local services does not weigh against this proposal.
35. The scheme would lead to the loss of around a hectare of land from agricultural use. This has been classified as being Class 3b agricultural land. The Framework and LP policy 21 seek to protect best and most versatile land but this does not include land of Class 3b. Furthermore, the amount of land to be lost is relatively limited in size. I therefore attribute limited weight to this loss as a factor weighing against the proposal.
36. The scheme would provide green landscaping within the development to enhance biodiversity. The applicant has demonstrated that 10% Biodiversity

² Evidenced through recent evidence of title.

Net Gain can be obtained as part of the proposal and a planning condition can ensure this. Some residents have expressed concerns in relation to the potential impacts on trees on site. The submitted survey plan shows all existing trees and hedgerows being retained and I am satisfied that the proposed layout would not compromise their long-term protection, which could be further ensured by the imposition of conditions requiring protection of trees during construction.

37. My attention has been drawn to the potential for the site to provide a habitat for bats, including horse-shoe bats and other wildlife. The scheme is supported by ecological surveys that found no protected species on site but acknowledges that the existing hedgerows could be used as foraging routes for bats. I am satisfied that any adverse effects from light spill or reduction in hedgerow could be mitigated by use of planning conditions and so this matter does not add to my concerns.
38. Having regard to the submitted drainage plan which includes a SUDs scheme, I am satisfied that the scheme would make appropriate provision in relation to sewerage and flood risk. Whilst I note comments regarding local water pressure I have no persuasive evidence that the scheme would worsen current conditions and so this does not add to my concerns.

Conclusion

39. Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise.
40. The Scheme would provide 18 dwellings, 12 of which would be affordable, in an identified area of housing need. It would also provide biodiversity net gain and would bring economic benefits during construction and during the lifetime of the development through sustaining the limited local services available. Together these benefits, particularly the provision of affordable housing carry significant weight. However, although the proposal would not cause harm to heritage assets it would cause harm to the character and landscape of this part of the AONB. The scenic beauty of AONBs is given the highest level of protection in the LP and the Framework and so this harm must outweigh the collective benefits of the scheme.
41. I therefore conclude that the proposal would fail to comply with the development plan taken as a whole and material considerations do not indicate determining the proposal otherwise.
42. Accordingly, having regard to all other matters raised, the appeal is dismissed.

Anne Jordan

INSPECTOR