



Appeal Decision

Site visit made on 20 February 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Appeal Ref: APP/D0840/W/24/3348059

Land Opposite Grampound School, South Street, Grampound Road, Cornwall TR2 4EA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr A & J Warne against the decision of Cornwall Council.
 - The application Ref is PA21/07851.
 - The development proposed is outline permission with all matters reserved for rural exception site consisting of up to 35 dwellings with a minimum 50% affordable homes.
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Decision

1. The appeal is allowed and planning permission is granted for outline permission with all matters reserved for rural exception site consisting of up to 35 dwellings with a minimum 50% affordable homes at Land Opposite Grampound School, South Street, Grampound Road, Cornwall TR2 4EA, in accordance with the terms of the application, Ref PA21/07851, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal relates to an application for outline planning permission with all matters reserved. As such, where the proposed site plans show any information relating to these matters, I have treated this as illustrative for the purposes of making my decision.
3. For clarity, I have used the amended description of development and site address as provided on the appellant's appeal form and the Council's decision notice.

Main Issue

4. The main issues are: (i) the effect of the proposed development on the character and appearance of the area; and (ii) the effect of the proposed development on the supply of agricultural land.

Reasons

Character and Appearance

5. The appeal site is an undeveloped field which is located on the edge of the village of Grampound Road. Policy 9 of the Cornwall Local Plan 2010 – 2030 (the LP), sets out that rural exceptions schemes will be supported on sites that are adjacent to existing built up areas of smaller towns, villages and hamlets, where they would be well related to the physical form of the settlement and would conform with the character and appearance of the area.

6. The scheme would involve the provision of a significant amount of built form onto an area of land where there is currently none, and it is of course inevitable that a development of that size would be readily visible within the public realm. The provision of a suitable site access would also involve the removal of part of an existing hedge. As a result, the scheme would have an urbanising effect on the character of the immediate area.
7. However, the site is well contained and is visually connected to the existing village to a very strong degree. Indeed, there are existing homes and a small industrial estate to the east and south of the site respectively, while to the north and west are two cricket pitches with the railway line beyond. As such, when viewed from South Street, or the public footpath to the west of the site, the proposed development would appear as a natural addition to the village, rather than an encroachment into open countryside.
8. This strong relationship with existing built form also means that the character of the Trenowth Area of Great Landscape Value, on the opposite side of South Street, and that of landscape character areas CCA21 and CCA19¹, would be unaffected. Furthermore, the proposal is in outline form only with all matters reserved. There is therefore significant potential for a suitable landscaping scheme to be implemented which would soften views into the site and provide some screening.
9. The proximity of the site to the cricket pitches means that tall netting might be required to avoid damage to some of the proposed dwellings during play. However, such netting is common on the edge of cricket pitches and there is no reason why, if required, such a feature would result in harm to local character. Indeed, I noted on my site visit that there is already some netting where the houses on South Street back onto the pitch to the north of the appeal site.
10. While Grampound Road is not a large settlement, a development of this size would not fundamentally change the character of the village, even taking account of the development of 36 dwellings that was previously approved on a site to the west of Windmill Hill.
11. For these reasons, while the proposal would involve the development of a field, and the removal of part of a hedge, I find that the associated harm to character and appearance would be very limited. Nevertheless, there would still be conflict with LP Policies 9 and 23, which in part, seek to preserve local character.

Agricultural Land

12. The site is designated as Grade 3a agricultural land. However, from the evidence before me, and from what I saw on my site visit, it seems clear that the site has not been used for agricultural purposes for some time. In addition, in agricultural terms, the site is not particularly large, and therefore even if it was brought back into agricultural use, the contribution it could make to food production would be fairly insignificant.
13. For these reasons, while the proposal would conflict with LP Policy 21, which in part seeks to preserve high grade agricultural land, the harm associated with the proposed development would be very limited.

¹ Cornwall Character Areas Study, August 2023.

Other Matters

14. A planning obligation, which has been signed by both parties, has been presented to me. The obligation covers affordable housing provision, and financial contributions towards education, health and mitigation for the Fal and Helford Special Area of Conservation (the SAC).
15. The proposed development would provide up to 35 dwellings, at least 50% of which would be affordable. The precise split would need to be addressed via reserved matters following the preparation of detailed viability evidence. However, the planning obligation guarantees the provision of affordable housing on site, and even at the lower end of the scale, the proposal would conform with the requirements of LP Policy 9.
16. The contributions towards health and education are necessary to conform with the requirements of LP Policy 28 which seeks the provision of suitable supporting infrastructure.
17. The site is within close proximity to the SAC. This protected area supports an important range of natural features including saltmarsh, intertidal mudflats, sandbanks and reefs.
18. The designated site is an important recreational and economic resource. It is well frequented by the public and it is very possible that occupants of the proposed dwellings would visit the site. It is necessary for me, as the competent authority, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the protected sites.
19. The evidence before me is clear that the proposal, particularly when combined with other development in the area, would have a likely significant effect on the protected sites due to an increased disturbance through recreational activity. The parties have agreed the provision of a financial sum in accordance with the Council's European Sites Mitigation SPD, July 2021 which can be put towards infrastructure or non-infrastructure projects. The SPD has been prepared with the agreement of Natural England. As such, it is not necessary for me to consult them separately as part of this appeal.
20. Based on the evidence before me, I am satisfied that the contribution would sufficiently mitigate the level of harm likely to be caused by the development and would be pursuant to the Council's adopted strategies. I therefore find that the proposal would not result in an adverse effect on the integrity of the designated site.
21. There is no substantive evidence before me to suggest that the proposed development would have unacceptable impacts in relation to traffic or utilities infrastructure.

Conditions

22. I have imposed the standard conditions to identify the relevant timescales and plans in the interests of certainty. A condition regarding trees has been imposed in order to preserve character and appearance. A condition to require a footpath to the primary school is necessary in the interests of highway safety. I have not found it necessary for the footpath to extend to the industrial estate to the south of the site in order to protect the remaining hedgerow.

23. Conditions have been imposed to protect ecology, including one relating to external lighting. Two conditions seek to control the impact of construction on site. A further condition has been imposed to prevent flooding, including groundwater and surface water flooding. In the interests of public safety, conditions are necessary in relation to contamination, traffic calming, access and the possibility of installing a cricket net. A final condition requires archaeological investigations. Some conditions are pre-commencement conditions on the basis that certainty is needed prior to any building works.

Conclusion

24. The Council contacted the Planning Inspectorate in March 2025 to confirm that they cannot currently demonstrate a 5-year supply of deliverable sites for housing. Indeed, at approximately 3.8 years, the current shortfall is significant, and I have no evidence before me to suggest that this position is likely to improve in the short-term. In such circumstances, Paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
25. In this instance, the benefits of the proposal include the provision of up to 35 new dwellings, at least 50% of which would be affordable. These homes would assist in meeting need in the area, provide economic benefits during the construction phase and support local facilities. There is also potential for biodiversity enhancements on site. I afford very significant weight to these benefits.
26. I have concluded that there would be material harm in relation to character and appearance and the loss of agricultural land. However, in combination, the totality of this harm would be limited. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would not significantly and demonstrably outweigh the benefits. The development therefore represents sustainable development in accordance with the presumption in favour of sustainable development.
27. The proposed development conflicts with the development plan when considered as a whole. However, there are material considerations, notably the provisions of the Framework, that indicate that the decision should be taken other than in accordance with the development plan. However, for the avoidance of doubt, I would have allowed the appeal even if the tilted balance had not been applied.
28. For these reasons, the appeal is therefore allowed.

C Butcher

INSPECTOR

Schedule of Conditions

- 1) Details of the access, 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 approved plans:
 - Site Plan 001 – Site Location Plan
 - 0971/01 of 02/PA Existing Block Plan
- 5) The development shall be undertaken in accordance with the approved mitigation and enhancement measures and/or works and shall be carried out in accordance with the details contained in the submitted Bright Environment Ecological Appraisal dated October 2021.
- 6) No dwelling hereby approved shall be occupied until details of external lighting to minimise the impacts on bats has been submitted to and approved in writing by the local planning authority. External lighting shall only be installed in accordance with the approved details and thereafter retained.
- 7) A Landscape and Ecological Management Plan (LEMP), including biodiversity improvements in accordance with the applicants Biodiversity Net Gain calculations submitted with this application, and any updated calculations, if necessary, shall be submitted to and approved in writing by the Local Planning Authority prior to first use. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Details and timescale for the construction of the new bat roost and site lighting that will minimise the impacts of light spill for bats.
 - d) Aims and objectives of management.
 - e) Appropriate management options for achieving aims and objectives.
 - f) Prescriptions for management actions, which must include reference to planting and management of Cornish Hedges and hedgerows.
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - h) Details of the body or organisation responsible for implementation of the plan.
 - i) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The Landscape and Ecology Management Plan shall be implemented prior to the first use of the hereby approved development and thereafter maintained for the lifetime of the development.

- 8) No development, including groundworks shall occur in any phase of development until the protection measures for retained trees and hedgerows has been erected in accordance with the details to be submitted with the reserved matters application, and the approved protection measures shall be retained without alteration throughout the construction of that phase of development.
- 9) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The approved details shall be implemented throughout the groundworks and construction phases.
- 10) No development shall commence until a Construction Environment Management Plan has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction;
 - (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (viii) hours of working.

The approved details shall be implemented throughout the groundworks and construction phases.

- 11) The results of groundwater monitoring undertaken at the position of each attenuation feature must be provided to support any reserved matters applications for the development. The results must be agreed with the local planning authority prior to commencement of construction.

Details must include:

- 1. A site plan with the location of the monitoring boreholes shown, each borehole individually referenced, the below ground depth of the borehole marked, and the position and base depth of the proposed surface water drainage features shown
- 2. The results of a full 12 months continuous monitoring of groundwater levels. The borehole depth, and the depth recorded from the ground

surface of each borehole to the surface of the groundwater for each borehole

3. The results must demonstrate that the seasonal groundwater peak has been reached and that there has been a continuous fall in the level following the peak for a minimum of 2 months

4. A record of the weather conditions must be maintained throughout the monitoring period and submitted with the groundwater monitoring results

5. The monitoring results for each borehole shall be tabulated and presented in both a table and line graph format

6. All results must be provided including the results for those boreholes which fail

7. Details of the ground investigation result shall be provided for each borehole

- 12) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 13) No dwelling hereby approved shall be occupied until a footway to Grampound Road Village School has been installed in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 14) Prior to the commencement of development, details of the suitability of the existing traffic calming build out and the location of the 20 mile per hour speed limit must be assessed and any changes required to provide vehicular access must be implemented in accordance with details that shall have been submitted to and been approved by the local planning authority in conjunction with the local highways authority.
- 15) No development, including any groundworks, other than those necessary for an archaeological investigation, shall commence until a geophysical survey of the site has been carried out and a subsequent archaeological assessment, including recommendations and written scheme of investigation, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 16) No dwelling hereby approved shall be occupied until an assessment of the need for a net to contain cricket balls within the cricket ground has been submitted to and approved in writing by the local planning authority. The assessment should be undertaken in consultation with the cricket club. Where the recommendation is to provide a net then the net shall be installed in accordance with a prescribed specification prior to the occupation of any dwelling bordering the cricket club and details shall be provided for the ongoing maintenance of the net.



Costs Decision

Site visit made on 20 February 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Land Opposite Grampound School, South Street, Grampound Road, Cornwall, TR2 4EA

Costs application in relation to Appeal Ref: APP/D0840/W/24/3348059

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr A and J Warne for a full award of costs against Cornwall Council.
- The appeal was against the refusal of planning permission for outline permission with all matters reserved for rural exception site consisting of up to 35 dwellings with a minimum 50% affordable homes.

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. In this instance, the applicant has suggested that the original planning application should not have been refused and that any concerns that Members had could have been addressed via conditions or through the reserved matters application. However, while I have disagreed with the conclusion reached by Members, matters relating to character and appearance in particular are clearly subjective and I do not find that the Council acted unreasonably in refusing the application on the basis that the principle of built form on the site would be harmful.
4. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Butcher

INSPECTOR