
Appeal Decision

Site visit made on 21 October 2025

by **Nick Davies BSc(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

Appeal Ref: APP/D0840/W/25/3361454

Land West Of The Glenleigh Park, Sticker, St Austell, Cornwall PL26 7JB

- 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 Ross Furse against the decision of Cornwall Council.
 - The application Ref is PA23/09322.
 - The development proposed is the erection of up to 20 residential units, including 16 affordable homes, and associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal has been made in outline, with all matters except access reserved for future consideration. Plans that accompanied the application included illustrative layout plans and an indicative street scene elevation. However, as appearance, landscaping, layout, and scale are reserved matters, I have considered the drawings solely on the basis that they have been submitted for illustrative purposes.
3. Subsequent to the Council's decision, on 12 December 2024 the Government published a revised National Planning Policy Framework (the Framework). The alterations result in some of the paragraphs that are referred to on the Council's decision notice being renumbered. Both parties have had the opportunity to address the implications of the revised Framework in their submissions, and I have considered the amended advice in my determination of the appeal.
4. During the appeal, the appellant submitted a planning obligation by way of a Unilateral Undertaking made in pursuance of section 106 of the Town and Country Planning Act 1990, dated 12 May 2025 (the UU). It contains obligations relating to the provision of on-site open space, affordable housing, off-site footpath provision, and financial contributions towards waste and recycling containers, secondary school places, and sports facilities.

Main Issues

5. The Council has confirmed that the UU overcomes reason for refusal numbered 2 on the decision notice. Consequently, the main issues in this appeal are:
 - a) Whether the site is suitable for the development, bearing in mind the settlement strategy of the development plan, and the impact of the proposal on the character and appearance of the area; and,

- b) The effect of the development on foraging and commuting bats.

Reasons

Settlement strategy/character and appearance

6. The main settlement policies of the development plan are Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan). The strategy set out in Policy 2 seeks to maintain the dispersed development pattern of Cornwall, and provide housing based on the role and function of each place. Policy 3 defines how development will be accommodated, based on this hierarchy, with growth focussed on identified main towns. Sticker is not one of the main towns listed in Policy 3.
7. Outside the main towns, Policy 3 says housing growth is to be delivered through the identification of sites through Neighbourhood Plans; rounding off of settlements; development of previously developed land within or immediately adjoining settlements; infill schemes; or rural exception sites. It is not disputed that the suitability of the site for housing is dependent on it meeting the criteria for a rural exception site, as set out in Policy 9 of the Local Plan.
8. Policy 9 says that development proposals on 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, will be supported where they are well related to the physical form of the settlement; clearly affordable housing led; and would be appropriate in scale, character, and appearance. The policy allows for the inclusion of a maximum of 50% market housing where a financial appraisal demonstrates it to be essential for the successful delivery of the development.
9. Policy 2 of the St Mewan Parish Neighbourhood Development Plan 2016-2030 (the Neighbourhood Plan) only supports proposals for exception sites if they comply with Policy 9 of the Local Plan. The Policy also requires, amongst other things, that the proposal does not exceed 20 dwellings; that there is built development within a settlement boundary on at least one side; and that they deliver the maximum viable amount of affordable housing.
10. The appeal site adjoins a settlement boundary defined by the Neighbourhood Plan, so meets this requirement of Policy 2. However, the common boundary is a short part of the overall site perimeter, and a road and mature hedge divides the site from the built form, so there is little visual connection between the two. The majority of the site borders open countryside to the south and southwest, and the A390 to the north, with open countryside beyond. Furthermore, the settlement boundary that it does adjoin only encompasses a park home site that contains no community facilities. The park home site is, itself, an outlier from the main village to the east, which it is separated from by an undeveloped tract of open countryside. The appeal site is approximately 300 metres from the settlement boundary of the main part of the village. Physically, therefore, it is only tenuously linked to the park home site, and is not at all well-related to the core settlement.
11. The proposal includes upgrading an existing footpath that runs parallel to the A390, and then through a section of woodland, to link the site to the main part of the village. It is contended that this would allow all the services required for day-to-day living to be easily accessible to occupants of the proposed development.

However, this route would involve a walking distance of almost 1 kilometre to the convenience store in the centre of the village. Notwithstanding the proposed lighting, much of the route has no surveillance, including the part through the woodland, which is also on a steep slope. So, whilst the route would be suitable for some, it would not provide a convenient or attractive route for many. It is argued that the distance would be similar to that from other parts of the village. However, even from the south westerly extremity of the settlement on Chapel Hill, the convenience store is only about a 600-metre walk away, via a road with good surveillance.

12. I acknowledge that there are bus stops on the road to the south of the site, within walking distance, which provide links to higher order services further afield. Occupants of the development would, therefore, have alternatives to the private car for some trips. However, the distance and nature of the walking route to the day-to-day services in the village would be a deterrent to many, and this reinforces my conclusion that the site is not well-related to the settlement.
13. Paragraph 82 of the Framework supports opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs. It encourages the consideration of whether allowing some market housing on these sites would help to facilitate this. Neither Policy 9 of the Local Plan, or Policy 2 of the Neighbourhood Plan preclude the provision of market housing on exception sites, but both seek to ensure that the level of affordable housing is maximised. Policy 9 says that the inclusion of market housing will only be supported where it is essential for the successful delivery of the development based on detailed financial appraisal.
14. It is contended that the proposal is affordable housing led, as it only proposes 20% market housing, which, it is argued, is justified by the significant development costs involved, including decontamination and off-site highway works. However, whilst I acknowledge that these are abnormal costs, no details have been provided to demonstrate their magnitude. Neither are there any details of the likely sales values of the market houses. There is, therefore, no evidence to demonstrate how the level of market housing proposed has been determined. Therefore, I am unable to conclude that it is the minimum number that is necessary to ensure that the scheme is viable, in accordance with Policy 9 of the Local Plan and Policy 2 of the Neighbourhood Plan.
15. Policy 9 also requires that proposals are appropriate in scale, character, and appearance. In this regard, I am mindful that the site adjoins a discrete pocket of development, rather than the main settlement. The proposal would expand the area of this enclave of development by well over a third, and extend its westerly extent by over 150 metres. It would, therefore, represent a significant enlargement of this modest, and clearly defined area of development, which is otherwise surrounded by countryside.
16. Although there are some small buildings and hardstandings on the site, they are agricultural or equestrian in nature, so assimilate comfortably into their rural setting. The dense hedgerow on the eastern boundary visually separates the site from the park home site, and the A390 is in a cutting beyond a wide screen of vegetation. Consequently, the site has very little in the way of urban influences, and maintains an undeveloped countryside character. Whilst I acknowledge that areas of open space could be incorporated into the development, and that most of

the trees and hedgerows could be retained, the proposal would still be seen as an extensive visual intrusion of built development into the countryside, which would harm its intrinsic character and beauty.

17. It is contended that the harm would be limited, as the site is well-contained by trees and roads, and would be seen in the context of the adjacent park home site. Whilst the screening and topography dictate that the site is not prominent in the wider landscape, they also mean that there are few locations where the development would be viewed in juxtaposition with the park home site. Consequently, from where it can be seen, the development would generally have an isolated and discordant appearance in its countryside surroundings.
18. To conclude on this issue, the development would not be well-related to the settlement as it would only have a tenuous physical link with an outlying part of it. It would be physically remote from the village itself, and occupants would not have easy access to day-to-day services. There is no evidence to demonstrate that the proposal maximises the level of affordable housing, and it would be harmful to the character and appearance of the countryside. Consequently, it would be contrary to Policies 1, 2, 3, 7, 9, and 23 of the Local Plan and Policy 2 of the Neighbourhood Plan. Taken together these policies seek to ensure that, within a hierarchical settlement strategy, rural exception sites maximise affordable housing provision, are well related to the physical form of a settlement, are appropriate in scale, character, and appearance, and protect Cornwall's natural environment. The Council's reason for refusal also cites Policy 21 of the Local Plan, but I have not found it to be relevant.

Bats

19. The application was accompanied by a Preliminary Ecological Appraisal (the PEA), and a report on Bat activity surveys, prepared by a suitably qualified expert. The surveys indicated the presence of a number of bat species, generally commuting along the lines of trees and hedgebanks in the east and centre of the site. The PEA recommended that a precautionary approach should be adopted, and it proposed mitigation relating to the detail, intensity, and timing of external lighting on the site. Subject to adoption of these measures, the PEA concluded that the proposed development would have a negligible adverse effect on local bat species.
20. The Council has not provided any evidence to cast doubt on these findings, and I note that its ecologist did not comment on the application. Furthermore, it appears that there has been no consultation with Natural England. Nevertheless, the Council contends that the proposal would introduce a disturbance to foraging and commuting bats and there is no imperative reason of overriding public interest for the development. However, the only expert evidence provided indicates that, subject to the recommended mitigation, the proposal would not result in disturbance to bats as defined in the legislation¹. This is because their ability to survive, breed, reproduce, rear their young, hibernate or migrate would not be impaired. Furthermore, the local distribution or abundance of the species to which they belong would not be significantly affected.
21. Had I been minded to allow the appeal, I am satisfied on the evidence that any potential harm to bats could have been adequately mitigated at the reserved

¹ Section 43 (2) of The Conservation of Habitats and Species Regulations 2017

matters stage, or through suitably worded planning conditions. The proposal would, therefore, accord with Policy 23 of the Local Plan, which seeks to avoid any adverse impacts on protected species.

Planning Obligation

22. The UU provides a definition of Affordable Housing at clause 1.1. Within this definition it is stated that Affordable Housing *“will comprise 40% of the total number of Dwellings erected on the Property”*. This conflicts with the definition of the Development in the same clause, which relies on the definition of the Planning Application, being the erection of up to 20 residential units, including 16 affordable homes.
23. Furthermore, clause 3.5.1 says that *“not less than 10 of the Dwellings comprised in the Development will comprise Affordable Housing, with a maximum of 16 subject to viability testing undertaken at the Reserved Matters stage”*. I appreciate that this clause is intended to allow for the inclusion of additional market housing, if testing demonstrates that it is necessary to maintain the viability of the overall development. However, the description of the development on the application form and in the UU specifically refers to the provision of 16 affordable homes. If I were to allow the appeal, clause 3.5.1 would allow for a development that would be materially different from that for which permission was granted.
24. In view of the internal conflict of definitions, and the potential for the obligations to allow for a different development to that applied for, I conclude that the UU would not provide a sound basis for securing affordable housing as part of the development.
25. At Clause 3.4.6 of the UU the Owner covenants with the Council *“to provide, before the occupation of the third Dwelling, a southern footway connection to the village constructed to adoptable standards generally in accordance with the plan at Appendix B to this Deed”*. However, Appendix B attached to the UU is a Land Registry Plan that does not contain any footway proposals. Consequently, the UU does not provide a sound basis for securing these works.

Planning Balance

26. The proposal would conflict with the policies of the development plan that seek to ensure that rural exception sites maximise affordable housing provision, are well related to the physical form of a settlement, are appropriate in scale, character, and appearance, and protect Cornwall's natural environment. There are no policies that positively support residential development of the appeal site. The proposal would therefore conflict with the development plan as a whole. However, it is not disputed that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The most recent evidence indicates that the supply is 3.8 years, so the shortfall is considerable. In these circumstances, the approach to decision-making set out at Paragraph 11d) of the Framework applies.
27. Paragraph 232 of the Framework says that due weight should be given to existing development plan policies according to their degree of consistency with the Framework. The spatial strategy set out in Policies 2, 3 and 7 of the Local Plan is consistent with the Framework's aims to direct development to locations where there is a genuine choice of transport modes, and to restrict new housing in the countryside. However, it is not delivering a sufficient supply of homes in

accordance with another aim of the Framework. Consequently, I can only afford moderate weight to the conflict with the development plan policies that govern the spatial location of housing.

28. Policy 9 of the Local Plan is generally consistent with the Framework's approach to rural exception sites at paragraphs 82 – 84, and the aims of Policy 23 to protect the natural environment align with the Framework's aims at Chapter 15. The conflict between the proposal and these development plan policies should, therefore, be given significant weight in this appeal.
29. Set against the policy conflicts that I have identified, there would be benefits associated with the development. It is not disputed that there is an unmet need for affordable housing, with 89 households on the register in St Mewan Parish. I have not been provided with any evidence that this need is likely to be addressed on other sites. Consequently, the benefit of 16 affordable homes should carry significant weight in my decision. However, there is no viability evidence to demonstrate that the proposal maximises affordable housing provision in accordance with development plan policy, or, conversely, that 16 affordable dwellings would be deliverable. Whilst the UU allows for flexibility in the level of affordable housing to improve viability, if necessary, the description of the development does not. Furthermore, the flaws in the UU mean that it would not provide a reliable means of securing the proposed affordable housing. Consequently, I have given the benefits of affordable housing provision limited weight in my decision.
30. Nevertheless, 20 dwellings would support the Framework's objective of significantly boosting the supply of homes as set out at paragraph 61. Paragraph 73 identifies that small and medium-sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out quickly. However, as the site does not lie within a settlement, this benefit does not carry the great weight ascribed in subparagraph d). Nonetheless, in view of the current shortfall in housing land supply, I give it considerable weight.
31. It is contended that the footpath improvements would benefit the whole village, and I acknowledge that they would improve accessibility for residents of the park home site to the facilities in the main village. However, I have concluded that the improved footpath would not be attractive for all users. Furthermore, it would not provide a link for occupants of the main village to any particular facilities or services. The wider benefits of the footpath improvements therefore carry little weight.
32. Any public open space provided as part of the development would be accessible to occupants of the park home site, which currently lacks any such facilities. This would therefore be a benefit of the development. However, as it would only benefit a relatively small number of residents, the weight I give to it is modest.
33. There would be economic benefits associated with the development, through the creation of jobs during the construction phase. Thereafter, residents would contribute to the local economy through ongoing spending and support for local services. The relatively small scale of the development means that these benefits carry modest weight.
34. Paragraph 11d) requires that I have particular regard to key policies in the Framework, including directing development to sustainable locations, securing

well-designed places, and providing affordable homes. I therefore give significant weight to the conflict with development plan policies regarding the site not being well-related to a settlement, harming the character and appearance of the area through its visual intrusion into open countryside, and failing to demonstrate that affordable housing provision would be maximised.

35. In the overall balance, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits. Therefore, the proposal does not benefit from the presumption in favour of sustainable development set out in paragraph 11d).

Conclusion

36. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR

Richborough