

Cornwall Council

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Application number: PA20/08566

Agent:

Willis And Co
30 The Causeway
Chippenham
SN15 3DB

Applicant:

Mr Phil Kerry
c/o Agent
Willis & Co.
30 The Causeway
Calne
SN15 3DB

**Town And Country Planning Act 1990 (as amended)
Town And Country Planning (Development Management Procedure) (England)
Order 2015**

Notice of Refusal of Planning Permission

CORNWALL COUNCIL, being the Local Planning Authority, **HEREBY REFUSES PERMISSION**, for the development proposed in the following application received on 5 October 2020 and accompanying plan(s), for the reasons set out on the attached schedule:

Description of Development: Installation of a mobile home for a temporary worker's dwelling and erection of an agricultural building

Location of Development: Land North Of Tregunwith Wood
Tregunwith
Mylor Bridge
TR11 5SU

Parish: Mylor

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 19 March 2021

Louise Wood - Service Director Planning and
Sustainable Development

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA20/08566

REASONS:

- 1 The application involves the construction of a new temporary workers dwelling in the countryside, detached from any definable settlement containing the necessary facilities required to support day-to-day occupation, which would encourage the use of a private motor vehicle and is not considered to be sustainable development. New housing development in this location is not supported by Policies 3, 7 or 21 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP). The proposal would incur significant visual harm to the immediate setting and surrounding natural environment from the construction of a dwelling and agricultural building in the open countryside resulting in landscape and visual harm to the Area of Outstanding Natural Beauty. Notwithstanding the modest associated economic benefits of this proposal, they do not outweigh the unsustainable location and harm to the natural qualities of the setting. The proposal is considered contrary to Policies 1, 2, 3, 7, 21 and 23 of the CLP, paragraphs 122, 127, 170 and 172 of the National Planning Policy Framework 2019 (NPPF) and policy MD9 of the Cornwall Area of Outstanding Natural Beauty Management Plan 2016-2021.
- 2 The location of this site relies on access along a public right of way which includes narrow sections with no passing places. The proposed location of this development would encourage conflict between pedestrians and motorised traffic giving rise to increased danger for all users and creating an unacceptable highway safety impact. As such the development is considered to conflict with Policies 1, 16 and 27 of the CLP and paragraph 108 of the NPPF.
- 3 The submitted information is insufficient to enable the Local Planning Authority to assess the impacts on protected species and does not provide any information in relation to Biodiversity Net Gain. The proposal thus conflicts with CLP policy 23 and paragraphs 172 and 175 of the NPPF.

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RELEVANT PLANNING POLICIES:

Cornwall Local Plan Strategic Policies 2010 - 2030:

Policy 1	Presumption in favour of sustainable development
Policy 2	Spatial strategy
Policy 3	Role and function of places
Policy 5	Business and tourism
Policy 7	Housing in the countryside
Policy 12	Design
Policy 13	Development standards
Policy 21	Best use of land and existing buildings
Policy 23	Natural environment
Policy 27	Transport and accessibility

Mylor Neighbourhood Development Plan:

Mylor Neighbourhood Development Plan - Pre-submission consultation - limited weight.

Policy H1	Mylor Bridge settlement boundary
Policy H6	Housing design
Policy L1	Protecting the landscape
Policy L2	Protecting vistas and views
Policy L3	Creeks and estuary
Policy BE1	Agriculture and business change of use
Policy TA3	Footpaths and rights of way

National Planning Policy Framework 2019:

Section 2	Achieving sustainable development
Section 11	Making effective use of land
Section 12	Achieving well-designed places
Section 15	Conserving and enhancing the natural environment

Other guidance and advice:

Cornwall Area of Outstanding Natural Beauty Management Plan 2016-2021

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PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Proposed SC/BCH/03
Proposed SC/BCH/04
Block Plan SC/BCH/02
Site/location Plan SC/BCH/00
Site/location Plan SC/BCH/01

ANY ADDITIONAL INFORMATION:

Please note that the proposed development set out in this application would have been liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be calculated and applied accordingly.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with this proposal. On this occasion, the issues are so fundamental that it is not possible to negotiate a satisfactory way forward due to the harm that has been clearly identified within the reason(s) for refusal.

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NOTES

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice (or 12 weeks from the date of this notice in the case of householder appeals made in relation to applications submitted on or after 6 April 2009). Appeals must be made to the Planning Inspectorate using a form which can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/government/organisations/planning-inspectorate>. A copy of the completed appeal form must also be submitted to the Council.

Please Note:-If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

Further details are on GOV.UK.

(<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on Cornwall Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.