

Parish Clerk - St Mewan Parish Council
By Email



Your ref:
My ref: PA20/03907
Date: 13 July 2021

Dear Sir/Madam

Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009

I am writing to let you know that an appeal has been made to the Ministry of Housing, Communities and Local Government in respect of the following planning application:

MHCLG ref:	APP/D0840/W/21/3274538
Cornwall Council ref:	PA20/03907
Appeal start date:	12 July 2021
Proposal:	Outline application with some matters reserved for mixed residential development, affordable and open market
Location:	Hembal Lane Farm Hembal Road Trewoon St Austell Cornwall
Appellant:	Mr T Lansdowne
Cornwall Council decision:	REFUSED

The appeal is to be decided on the basis of an exchange of written statements by the parties and a site visit by an Inspector.

You may view the documents relating to this case online at <http://planning.cornwall.gov.uk/online-applications> or at the Council offices during normal working hours.

We have forwarded all the representations made to us on the application to the Planning Inspectorate and the appellant (unless they are expressly confidential). These will be considered by the Inspector when determining the appeal.

If you wish to make further comments, or modify/withdraw your previous representation, you can do so online using the Planning Inspectorate website at: <https://acp.planninginspectorate.gov.uk>.

If you do not have access to the internet, you can send your comments to: The Planning Inspectorate, Richard Mitchell, Room 3C, Temple Quay House, 2 The Square, Bristol, BS1 6PN.

All representations must be received by 16 August 2021. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. All representations must quote the MHCLG appeal reference.

Please ensure that you only provide information, including personal information belonging to you, that you are happy will be made available to others in this way. If you supply information belonging to a third party, please ensure that you have the permission to do so. More detailed information about data protection and privacy matters is available on the Planning Inspectorate Web Site.

You can get a copy of The Planning Inspectorate's booklet, "Guide to taking part in planning appeals" free of charge from this office or from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>

The Council's reasons for refusing permission for this development are as follows:

- 1 Safe and suitable access has not been demonstrated, and cannot be demonstrated for the scale of development proposed. The access and highways infrastructure in the area is considered to be unsuitable for the scale of vehicle movements associated with the proposal. The path/byway over which access is proposed is substandard in terms of width, forward visibility and inter-visible passing. The access from the A3058 onto the Green is also of substandard width. The proposal would risk conflict between byway and highways users and there is insufficient land available to provide mitigation against these issues. The proposal would thereby be contrary to Policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030.
- 2 The site is located in the open countryside and consists of a green field site bordered by hedgerows and trees that contributes towards the distinctive rural setting of the village and the character and appearance of the area when viewed from the Byway and Public Footpath. The proposal would see the removal of a section of hedge and trees and loss of the green open space to development. The site does not integrate well with the built up part of the settlement with only a small proportion of the site boundary adjoining the Trewoon Settlement Boundary and the majority of the site adjoining agricultural land and the byway. The proposal would thereby cause significant harm to the landscape character of the area and be contrary to policies 1, 2, 3, 9, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 adopted 2016 and Policies 2 and 11 of the St Mewan Parish Neighbourhood Development Plan 2016-2030 adopted 2018.
- 3 The application fails to comply with the habitat directives in that there is no overriding public interest for the proposal and there would be a disturbance to foraging and commuting bats. The application is therefore contrary to policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 adopted 2016; paragraphs 174 and 175 of the NPPF 2019; the Conservation of Habitat and Species Regulations; Circular 06/2005 and Policy 3 of the St Mewan Parish Neighbourhood Development Plan 2016-2030 adopted 2018.
- 4 A Section 106 legal agreement has not been entered into to secure the necessary affordable housing, public open space and education contributions to mitigate harm from this proposal. The proposal would thereby be contrary to Policies 3, 9, 13 and 28 of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 2016) and the advice within the National Planning Policy Framework.

Should you require any further information in connection with this appeal, please contact me.

Yours faithfully

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