

Linden Homes Planning Appeal on 19th April

Inspector Jonathan Manning

The additional documents sent to the Inspectorate by e-mail on 12th April were rejected because they were past the deadline date – although we were not made aware of any deadline (overall expiry date on Cornwall Council website was shown as 14th April).

The rejection letter accompanying the returned documents suggested we could table the documents on the day & they could be accepted at the discretion of the Inspector. However this was later rejected as the appellant was requesting an adjournment to consider the late evidence & would possibly seek costs for this. (It was thought these costs would be sought from Fal Town Council)

The new evidence was based largely on the draft Neighbourhood Plan (N.P.) The appellants had not seen these docs and they suggested that time was necessary for them to consider them- possibly a delay of weeks. The emerging N. P. was considered by Linden Homes to be of little consequence as it was still in draft form & not published therefore not available as evidence.

The case for refusal was extremely well fought by Cllrs. Candy Atherton, Alan Jewell, John Bastian with considerable efforts from Prof. Mike Jenks representing Falmouth's Civic Society, Kath Statham, Cornwall Landscape Officer & James Evans from Cornwall's A.O.N.B. Officer. They argued most passionately. However the case did not appear to be effectively supported by Cornwall Council Principal Development Officer, Peter Blackshaw, who was not convincing in his replies to questions except on the grounds of common good when he was restricted by the documents he had in front of him. He also did not appear to acknowledge how far advanced the N.P. had progressed. Linden Homes argued the case that nowadays land was required for necessary housing including land within A.O.N.B – citing Falmouth Golf Club as an example. Although the Linden site in question was not within an A.O.N.B., it was suggested that it would have little if any impact on the visual aspect of the A.O.N.B. This statement was strongly opposed.

Linden Homes are claiming costs against the Council. They suggested that the case should not have gone to appeal as they consider that the planning Officer, Peter Bainbridge's, recommendation last year should have been approved by the Council Planning Committee. They acknowledged the second application had been submitted to avoid the need to go through the Appeal process but this application has not yet been decided according to Mr Blackshaw (N.b this is in direct conflict with the information gleaned from Case Officer Chantal McLellan who was recommending refusal). The Inspector would consider this claim for costs when delivering his judgement.

The meeting closed at 4p.m. with a site visit arranged for 5p.m. This took place until 6p.m & afforded the Inspector the opportunity to take photos of the area including the site. He then was visiting the area unaccompanied & also was verifying claims of distances to local shops & schools that had been claimed by Linden Homes.

Tony Hallam

Secretary, FBRA