



Appeal Decision

Site visit made on 19 February 2020

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2020

Appeal Ref: APP/Q1153/W/19/3242298

**Liphill Quay, Road from Tuckham Bridge to Ley Lane, Bere Ferrers
PL20 7JY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs J Ellis against the decision of West Devon Borough Council.
 - The application Ref 0057/18/FUL, dated 8 January 2018, was refused by notice dated 4 June 2019.
 - The development proposed is holiday unit.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by West Devon Borough Council against Mr & Mrs J Ellis. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Tamar Valley Area of Outstanding Natural Beauty.

Reasons

Character and appearance

4. The appeal concerns an outdoor storage area associated with the two existing properties at Liphill Quay. It overlooks the Tamar estuary and is situated close to the waters edge, next to a small jetty. Apart from a nearby electricity pylon and distant buildings on the opposite side of the river, very little development can be seen from the quay. The surrounding landscape is mainly agricultural in nature and is highly picturesque, with stretches of woodland present along the banks of the estuary. Because of this scenic quality, the site and surroundings are designated as an Area of Outstanding Natural Beauty (AONB).
5. Due to the topography of the area and the screening provided by trees, the proposed holiday dwelling would not be visible from many vantage points in the wider landscape. Indeed, the appellant's landscape assessment suggests that it would only be seen within a range of 200 metres from the site. Although the proposed dwelling would face Cargreen, the opposite side of the estuary is some distance away and it would not be easily discernible from there.

6. Nonetheless, the dwelling would be visible from within the estuary itself, which is well used for recreational purposes. Even if there is limited river traffic in close proximity to Liphill Quay, the building would be seen in mid-range views from the water. Due to its elevated position on stilts, the dwelling would be clearly noticeable above the proposed reed planting, as it would contrast with the with the trees and vegetation behind it. Further attention would be drawn to the property by the substantial glazing in the west elevation facing the water and the relatively squat, rectangular form of the dwelling, which would not be typical of others in this location. The overall effect would be to increase the prevalence of built development seen in this part of the estuary.
7. At closer quarters, the appeal site can be seen from the access drive to the east (a public right of way) which runs downhill to Liphill Quay. It is also seen from the adjoining footpath which follows the riverbank and runs along the south and east boundaries of the site. Yet despite its current use as an outdoor storage area, the site maintains a predominantly open and spacious character, consistent with its immediate surroundings. As such, it is not particularly noticeable from either footpath.
8. The proposed dwelling would be clearly seen from the footpaths and its visual prominence would be much exacerbated by the design features noted above, including its height and general form. The east elevation of the building, in particular, would loom over those using the coastal path and the boundary hedge would do little to screen it. I appreciate that the dwelling would only be visible for a relatively short section of these routes and would be viewed in the context of the two nearby properties. However, although the footpath runs near the garden and driveway of these properties, the houses themselves are physically separated from the appeal site. A good degree of openness is currently maintained when passing through Liphill Quay.
9. While innovative styles of architecture may be appropriate in some instances, the effect of this particular design would be to draw attention to the building and distract from the qualities of the AONB. Apart from the visual implications, the dwelling would give this part of the footpath a much more noticeable domestic character than it has now. I note the appellants point that the site previously contained a garage and mobile home. It is not clear whether these are still permissible, but even if they are, it is unlikely that they would have same impact as the proposed dwelling would.
10. Although the proposed dwelling would be a relatively small feature within the wider AONB, it would be out of keeping in its setting. It would be experienced by users of the estuary as well as those walking on nearby footpaths. The overall effect would be to erode the scenic beauty of the AONB in this location, which is distinguished by its open, verdant and rural qualities.
11. I therefore conclude on this issue that the proposed development would harm the character and appearance of the Tamar Valley AONB. Among the various policies quoted by the Council, Policy DEV25 of the Local Plan¹ is of particular relevance. This policy aims to prevent inappropriate forms of development within protected landscapes and, for the reasons given above, the proposed development conflicts with this objective.

¹ Plymouth & South West Devon Joint Local Plan 2014-2034.

Other matters

12. Both the Tamar Valley AONB Management Plan and the NPPF² aim to sustain a prosperous rural economy. The proposed holiday unit would help to achieve this by supporting a rural business and attracting year-round visitors into the area. It would also make use of previously developed land and would provide additional opportunities for visitors to experience the AONB, including any benefits this may bring to health and wellbeing. However, these benefits would be relatively modest in scale and would therefore not be sufficient to outweigh the 'great weight' which Paragraph 172 of the NPPF says should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.
13. The site falls within the zone of influence for the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and the Tamar Estuaries Site Complex Special Protection Area (SPA). The Council say that the proposed holiday unit would lead to increased recreational pressures on these sites and, in the event of planning permission being granted and development taking place, a financial contribution would be necessary to help mitigate the impacts. However, while the appellant has now provided a signed unilateral undertaking with the intention of securing a financial contribution, I have not considered this matter any further as I am dismissing the appeal for other reasons.

Conclusion

14. I conclude that the appeal should be dismissed.

C Cresswell

INSPECTOR

² The National Planning Policy Framework.