



Appeal Decision

Site visit made on 16 February 2021

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 04 March 2021

Appeal Ref: APP/D0840/W/20/3262060

**Land East of Carnkie Farm, Underlane, Carnkie, Helston, Cornwall
TR13 0EH**

- 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 Jeremy Board against the decision of Cornwall Council.
 - The application Ref PA20/00841, dated 8 February 2020, was refused by notice dated 7 August 2020.
 - The development proposed is a proposed agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed agricultural building at Land East of Carnkie Farm, Underlane, Carnkie, Helston, Cornwall TR13 0EH in accordance with the terms of the application, Ref PA20/00841, dated 8 February 2020, subject to the conditions in the attached schedule.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises part of a larger, predominately open agricultural field accessed from the adjacent highway known as Underlane. The site is a relatively flat and level area, located outside of Carnkie and is situated in the southern section of the predominately open agricultural field. A public footpath crosses the agricultural field along its north eastern boundary.
4. The evidence before me indicates that the site is located within Landscape Character Area CA10 Carnmenellis, as described within the Cornwall and Isles of Scilly Landscape Character Study (the LCS). The LCS describes the key landscape characteristics of CA10 as being an open elevated undulated granite plateau, boggy in places, with significant remains of mining and quarrying industry including mine engine houses and related structures and settlements. The area is described as having a dispersed settlement pattern, long views from elevated areas and with upland recently enclosed as small farms and miners' smallholdings. Being outside of the settlement and given its agricultural use and surrounding natural features, in character the appeal site represents part of the countryside and reflects certain characteristics of CA10 as described within the LCS.

5. Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan), which concerns the natural environment, seeks to protect local distinctiveness and confirms that, where new development is permitted, it should protect and where possible enhance the natural environment. A similar approach is provided within Policies 2 and 12 of the Local Plan which, amongst other things, emphasise the need for proposals to maintain and enhance the special character of Cornwall and that designated and undesignated rural landscapes should be protected and conserved.
6. Policy 5 of the Local Plan concerns business and tourism and, amongst other matters, provides that within the countryside proposals for new employment land and uses should be of a scale appropriate to its location or demonstrate an overriding locational and business need to be in that location.
7. From the plans provided in support of the planning application, the proposed scheme would be for a portal framed agricultural building, constructed with 'hit and miss' timber cladding upon a blockwork base with a cement fibre, dual pitched roof. The proposed building is intended to support a new agricultural enterprise with the building being used for the storage of hay, seeded with wild flowers, produced on the associated land as well as for the storage requirements in relation to machinery and equipment. Whilst I note the contention that the building would also be used as part of a release site for reptiles, there are no details or mechanism before me which would secure such a beneficial use.
8. The proposed building would have a relatively substantial footprint and would have an overall roof ridge height of approximately 7.5 metres. Whilst the proposed building would be somewhat visible from within the wider surrounding area, its scale and height would not be disproportionately larger than other examples of agricultural barns located across the area and the county. Whilst the objections regarding the scale of the proposed building are noted, it is clear from the evidence before me that the Council's Land Agent considered that the proposal would be of a scale appropriate to its intended use and appropriate to the location.
9. From the comprehensive details provided by the Council's Land Agent, and given the intended use of the building for the storage of agricultural machinery and materials, in consideration of all the submissions and evidence in this appeal, I am satisfied that the size of the barn is appropriate to its locational and business need. While I note that there are concerns from interested parties regarding the potential financial viability of the new agricultural enterprise, assessment of such matters is not a requirement of the policies of the development plan.
10. The appeal scheme would have the appearance of an agricultural building which, in my view, would not look out of place within the surrounding rural context. While it is noted that the Appellant intends to use the site for the release of reptiles, there is no substantive information before me as to how this would be achieved or how such a use would be secured in the longer term. Nonetheless, it is acknowledged that the appeal scheme proposes additional landscaping and planting which, whilst also providing some potential ecological enhancement, would help screen the building from view from within the wider surrounding area. The site is discretely located in the corner of the field

adjacent to the point of access and, in light of these factors, would not have a harmful impact on the rural character and appearance of the surrounding area.

11. For the reasons given above, I conclude that the proposal would be of a scale appropriate to its intended use and appropriate to the location and, therefore, would not be harmful to the character and appearance of the surrounding area. Consequently, the proposal would accord with Policies 1, 2, 5, 12 and 23 of the Local Plan. Together these policies seek to promote sustainable development, ensure Cornwall's enduring distinctiveness through high quality design which reflects and sustains local distinctiveness, context, character and the natural environment. For the same reasons, the proposal would also accord with the provisions of the National Planning Policy Framework with regards to ensuring that development is sympathetic to local character including the surrounding landscape setting.

Other Matters

12. It has been put to me by interested parties that the appeal scheme would set a precedent for other similar developments within the area. However, in this regard I have not been provided with details of any other comparable sites to which that may apply. Given that I have found that the appeal proposal would be acceptable and in accordance with the development plan, I can see no reason why the proposal would lead to harmful developments on other sites within the surrounding area. In any event, each application and appeal must be determined on its own individual merits, and a generalised concern of this nature does not justify withholding planning permission in this instance.
13. Further to the above, in considering all the submissions before me, I do not concur that the appeal proposal would have any significant adverse impact on the living conditions of nearby residents, given the separation distance that would exist between the proposed building and nearby residential dwellings.
14. The Council and interested parties have identified that an additional building had been previously constructed at the north western section of the adjoining agricultural field. I saw on my site visit that that building had been constructed and was, at that time, used for the garaging of a vehicle. In this respect, I understand that that building is the subject of an enforcement complaint to the Council. The Appellant has put it to me that, in the event that the appeal scheme was to be approved, the additional structure described above would be removed and that this could be secured through a condition. Notwithstanding the Appellant's suggestion, the appeal has been determined on the basis of application that was made to the Local Planning Authority. Any enforcement action in relation to other forms of development do not form part of this appeal and would be a separate matter for the Council.

Conditions

15. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the Framework and the advice in the Planning Policy Guidance. It is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. I further find it reasonable to include a condition that restricts the use of the proposal until such time as the proposed landscaping and planting scheme have been implemented, in the interests of preserving the character and appearance of the surrounding area.

16. Notwithstanding the above, I have not imposed the condition suggested by the Council regarding the demolition of the proposed development in the event that the use of the building for agricultural purposes permanently ceases. The Planning Practice Guidance advises that a condition requiring the demolition, after a stated period, of a building that is clearly intended to be permanent, is unlikely to pass the test of reasonableness. Consequently, I have not imposed the suggested condition in relation to the appeal scheme.
17. Where necessary, and in the interests of clarity and precision, I have altered the wording of the conditions suggested by the Council in order to better reflect the relevant guidance.

Conclusions

18. For the reasons given above, the appeal succeeds and planning permission is granted subject to the conditions identified.

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby approved shall in all respects accord strictly with drawing number: Proposed Plans 1906AL(O)4 received by the Local Planning Authority on 10 February 2020 and drawing numbers: Plan 1 Site/Location Plan and Block and Landscape Plan 100047474 received by the Local Planning Authority on 29 April 2020 and drawing number: Proposed 1906AL(O)3 by the Local Planning Authority on 23 July 2020.
- 3) The development hereby permitted shall not be brought into use until the additional landscaping, including the native hedgerow, enhancements to existing hedgerow and fruit trees, has been planted, as indicated on the approved Block and Landscape Plan 100047474, received by the Local Planning Authority on 29 April 2020. The hedgerow and trees shall be retained thereafter.