



## Appeal Decision

Site Visit made on 16 February 2021

**By T Gethin BA (Hons), MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 March 2021**

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**Appeal Ref: APP/D0840/W/20/3263260**

**Land South East of Wringsdown, Yeolmbridge, Launceston, Cornwall PL15 8NH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr F McGough, Classic FM Homes against the decision of Cornwall Council.
  - The application Ref PA20/02659, dated 20 March 2020, was refused by notice dated 13 July 2020.
  - The development proposed is described as 1 No timber detached dwelling together with frontage access and layby from lane in Wringsdown, adjacent Yeolmbridge, chartered surveyors report and professional ecologist reports attached.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Cornwall Council against Mr F McGough, Classic FM Homes. This application is the subject of a separate Decision.

### Preliminary Matters

3. The appeal is made in outline with all matters except access reserved for future consideration. I have therefore assessed the submitted drawings as merely illustrative insofar as they relate to the reserved matters.
4. My attention has been drawn to two previous planning applications on the site which were refused by the Council, including the 2014 application which was recommended for approval by Officers, and dismissed at appeal. Although the appeal proposal is similar in that it proposes the construction of a dwelling on the site with vehicular access and a lay-by, the evidence before me indicates that it includes additional details such as in relation to the state of the existing bank and replacement boundary treatment where the access is proposed. Therefore, although I note the previous decisions and the associated plans and documents submitted, I have determined the appeal proposal on its own merits.

### Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to the bank and adjoining lane.

## Reasons

6. The appeal site fronts on to the narrow rural lane that runs through Wringsdown. The boundary adjoining the lane is a stone-clad earth bank/cutting which extends either side of the site and contains extensive vegetation. Although showing signs of evident deterioration and erosion, with bare earth and stones being visible in places, the bank reads as a tall, verdant, rural hedge and its height and adjacency to the highway serves to enclose the adjoining lane. Despite its current condition – with some stones coming away and soil and roots visible in places – and that it is not necessarily original, the bank is a notable feature and, as identified in previous appeal decisions for similar schemes on the site, it and the lane positively contribute to the rural, enclosed and verdant character and appearance of the site's locality. The Council's Landscape Character Study also identifies such features as notable characteristics of the Upper Tamar and Ottery Valleys Landscape Character Area, which the site is in.
7. In contrast to the site and its immediate setting, parts of Wringsdown have a more open, hard landscaped and suburban nature due to the presence of a number of properties with driveways, walls and domestic hedges fronting the highway. This is most notable where the lane bends, to the south-east of the site. However, the relatively high-sided hedges which run beside much of the highway in the surrounding area and which are generally present where there is no development are a positive and notable feature of the locality, and the bank on the site, whether or not it has a different construction, reflects this characteristic. The presence of the accesses and driveways – some of which I observed on my site visit are fairly wide and open, particularly for the properties to the south-east and less so for the properties opposite and to the north and north-west of the site – serve to emphasise the important contribution that the site's verdant bank and adjoining narrow section of lane have in terms of retaining the semi-rural character of the area.
8. Extending across the site's frontage, the proposed lay-by and visibility splays would widen considerably a relatively long stretch of the lane and would appear as a more significant intrusion than the accesses opposite. Despite landscaping being a reserved matter, significant detail has been submitted in relation to the proposed removal of the existing bank and its replacement with a set-back stone wall level with the lane, running across the front of the site and situated behind the lay-by and visibility splays. Although a hedge and trees would also be provided, as shown on the indicative plans, their set-back position would mean that the stone wall, at approximately 1.4 metres high, would be the dominant boundary feature.
9. Collectively, the hard landscaped lay-by and visibility splay area and the replacement wall would have a prominent presence in the public realm and erode the verdant and rural nature of the site's locality. Accordingly, the combined effect of the widened lane and the no doubt long-term form of the wall means that the proposed development would read as a significant suburbanisation of the distinctive section of lane where the site is situated. It would therefore not positively relate to its surroundings, to the detriment of the character and appearance of the locality. In coming to this view, I have taken account of the existing access arrangements elsewhere in Wringsdown and that the development is not alleged to have any wider landscape impacts. The need to resolve the current state of the bank does also not lead me to a different

view on the effect of the proposed development nor justify the harm I have identified.

10. The replacement boundary is described as a Cornish hedgerow and the native hedge, shrubs and trees proposed would help to soften the hard landscaped appearance of the stone wall and lay-by. However, being situated behind and above the wall, as shown on Drawing No CFM 2020, the hedge, shrubs and trees would appear as separate, background features, with the stone wall and lay-by being the dominant and foremost elements. Accordingly, the soft landscaping shown on the submitted drawings would not sufficiently mitigate the stark effect of the proposed development. The residual harm would therefore be significant. In coming to this view, I have taken into account that the replacement hedge would be twice the amount of the existing hedge, that the proposed wall is described as a traditional Cornish stone wall and would be formed of the natural stones taken from the existing bank and supplemented with reclaimed natural Cornish stone. The historical county boundary changes and whether the existing bank, which appears to have been in situ for some time, could be considered or described as a Devon Bank or a Cornish Hedge are also of little consequence to the acceptability of the proposed development.
11. It has been put to me that the lay-by could be reduced in width or removed from the proposal altogether if I were to find that it is unacceptable. However, the lay-by is proposed as part of the development and is shown on the plans which deal with access, which is one of the matters for consideration now. Accordingly, I have determined the appeal on the basis of the submitted plans. In any event, even if I were to consider the effect of the development without the proposed lay-by, the replacement boundary along the highway would still need to be set back to allow for, as identified in the appellant's appeal statement, appropriate visibility, as per the sight lines shown on Drawing No CFM 2017. The theoretical exclusion of the lay-by does not therefore lead me to a different conclusion.
12. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area, with particular regard to the bank and adjoining lane. I therefore find that it conflicts with Policies 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP). Amongst other aspects, these require development to respect and enhance quality of place, and to sustain and enhance local distinctiveness and character. Although the Council do not allege that the appeal scheme would be contrary to the provisions in the National Planning Policy Framework, my attention has nevertheless been drawn to it and, for the reasons above, I find that the proposal would be inconsistent with its provisions relating to achieving well-designed places and conserving and enhancing the natural environment.

### **Other matters**

13. Third parties have raised a number of other concerns regarding the proposed development, such as in relation to construction works, drainage and flooding. However, given my conclusions on the main issue and that the appeal is dismissed, there is no need for me to address these in further detail.
14. I note the appellant's references to various documents, details and issues which the Council have not referred to, that the Council was made aware of the deteriorating and dangerous state of the existing bank prior to its decision on the latest planning application, and to the costs and resources associated with

progressing this appeal. However, such matters are not determinative as to the acceptability of the proposed development. I have therefore considered the appeal proposal on its merits, based on the evidence before me.

### **Planning Balance**

15. The Design & Access / Planning Statement (Statement 1) sets out that the planning application was triggered by the severe deterioration of the dangerous and unsafe stone hedgebank. Substantial evidence has been submitted with the appeal relating to the condition of the existing bank which would be removed and replaced to accommodate the proposed lay-by and access into the site. As I observed on my site visit and as detailed in the submitted evidence, the condition of the bank is clearly poor in places, with some stones coming away and falling into the lane. Amongst other aspects, the bank has been identified by the appellant and the submitted Design & Access / Planning Statement No 2, structural survey reports, additional notes, addendums and accompanying photographs as being of an inappropriate construction, not being capable of holding back the weight of the field behind it, and being structurally unsafe and unstable to the point that it is a danger, causing a risk to health and safety and posing a serious hazard to highway users. It has been put to me that it is also not insurable and to be in need of a wholesale rebuild as a Cornish hedgerow with horizontal rather than vertical stones. In addition, the bank is said to have been in a state of deterioration for several years, with its condition worsening since the previous two appeal decisions and the Council's latest refusal notice, and likely to continue to worsen further, with the rate of degradation accelerating. Reasons identified for this include its construction, severe weather, vegetative growth, and damage from large agricultural machinery passing the site rather than due to neglect or from any intentional acts.
16. Be that as it may, I have little substantive evidence that resolving the condition of the bank is contingent on the appeal scheme. It seems to me that the proposed development is also not the only means of resolving the bank's condition. For example, there is little evidence before me which indicates that other solutions could not be progressed, such as a replacement with a similar stone bank which could in time mature into a similar verdant hedge form as now. The proposed development, with its tidy and easily maintainable but prominent stone wall and soft landscaping in the background, is therefore not necessarily the only way of resolving the issue, while the widening of the lane for the proposed access and lay-by appear to be related exclusively to the development proposed rather than being necessary in relation to resolving the bank's unstable and dilapidated state. Accordingly, the bank's condition and the need to replace it do not justify the development proposed, and the harm I have identified indicates that the appeal proposal does not present an acceptable means of doing so. In coming to this view, I have taken into account that the proposed detached dwelling would be set back into the site and be of a similar scale and form to the existing properties in Wringsdown.
17. It has been put to me that the lay-by would provide highway safety benefits, such as providing a passing space on the narrow lane and thus avoiding the need for vehicles to reverse on a hill and around a bend. It is also suggested that the lay-by would improve visibility, daylight, sunlight and surface conditions on the lane, and provide a safe haven for pedestrians and cyclists. In addition, it is said that the proposed domestic access would the speed of passing vehicles. However, with little substantive evidence to indicate that the

lane is currently unsafe and that the widening of it is necessary in relation to highway safety considerations, I place limited weight on these matters.

18. Situated between existing dwellings on three sides, the site is said to be a perfect candidate for an infill plot, which CLP Policy 3 supports, and the principle of development has not been disputed. Adding to housing supply and choice, it has been put to me that it would meet a demand for new housing stock in the area. The appellant sets out that the site is also susceptible to vermin taking residence given the current lack of access, that the site is in an accessible location for services, facilities and employment opportunities, and that Highways have confirmed the proposed access arrangements are acceptable.
19. The submitted updated Hedge Assessment (2018) concludes that the creation of a new hedgebank will ensure there is no significant loss in biodiversity. The Ecological Impact Assessment (2020) sets out that the existing bank is of no notable ecological value and that mitigation, compensation and enhancement measures, including the replacement native hedgerow of double the length and additional tree planting, would provide a net gain in biodiversity. The proposed development would also provide various economic benefits through construction and maintenance-related employment, payment of Council tax and future occupiers using and supporting local services and facilities. In addition, a number of sustainability initiatives are envisaged for the proposal, such as use of local sustainable construction materials, energy efficiency, electric vehicle charging points, heat pumps and solar PV.
20. However, given the scale of the development, I am satisfied that the totality of its social, economic and environmental benefits would be limited. The evidence before me does also not indicate that the proposed development is the only solution to resolving the bank's condition nor is it needed to support the delivery of a sufficient supply of housing land in the district. The harm I have identified above, which could not be overcome by the imposition of reasonable planning conditions, and the conflict with the development plan is therefore not outweighed by these considerations and is sufficient for me to find against the proposal.

## **Conclusion**

21. For the above reasons, the appeal is dismissed.

*T Gethin*

INSPECTOR