



Appeal Decision

Site Visit made on 23 March 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2021

Appeal Ref: APP/D0840/W/20/3261497

Crift Farm, Lanlivery, Bodmin, Cornwall PL30 5DE

- 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 B E Lewis against the decision of Cornwall Council.
 - The application Ref PA20/01407, dated 10 February 2020, was refused by notice dated 18 September 2020.
 - The development proposed is a building for use for storage of garden machinery and equipment and as a children's play room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The building has already been largely completed, although the timber cladding had not been installed on the south elevation at the time of my visit. I am, therefore, considering this appeal retrospectively.
3. The plans submitted with the appeal did not correctly identify the location of the building. However, the Council has provided a copy of drawing no. LEWIS/01, and has confirmed that it is the drawing that was the subject of publicity at the application stage, and on which it made its decision. I have therefore determined the appeal on the basis of this drawing and the Floor Plans and Elevations shown on drawing no. LEWIS/02.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the countryside and Area of Great Landscape Value.

Reasons

5. Crift Farm is a house that lies within a tight cluster of buildings, in an otherwise remote rural location. Most of the dwellings are close to the western side of the road, but there is a range of outbuildings in the rear gardens behind the frontage development. To the west of the group of buildings is a level area of semi-natural land, with a dense conifer plantation beyond. The house is set within a formal garden area that is contained by a stone wall to the rear. An opening in this wall gives access to a larger area of land within the appellant's ownership. This area includes part of the conifer plantation, and an expanse of mown grass that extends southwards, to the rear of the garden of Windmill Cottage. The building is located at the northern end of this piece of land.
6. As well as the appeal building, the land beyond the formal garden contains a caravan, a shed, and two large pieces of children's play equipment. The grass

is closely mown, and the land appears to be currently in use as an extension to the residential curtilage. No planning permission has been granted for this use. The appellant contends that the land has not been in agricultural use for 40 years, but no firm evidence has been submitted to demonstrate that its use for domestic purposes is a long-established one. The Council's photographic evidence suggests that the land was not so used in 2009. Within the context of an appeal under section 78 of the Act, it is not within my remit to formally determine the lawfulness of the existing use. However, the evidence indicates that I should determine the appeal on the basis that the building lies outside the established residential curtilage of the dwelling, and therefore in the countryside.

7. Except for a modest greenhouse behind Valley View, the other buildings in the cluster are enclosed by the road to the east, and the rear garden boundaries to the west. There is, therefore, a clear distinction between the domestic character of the group of dwellings and their gardens, and the open countryside that surrounds them. The building is located outside the established cluster, on previously open land. Although it has been cut into the slope of the land, it is, nevertheless, of a considerable scale, and extends significantly beyond the western edge of the well-defined collection of buildings. It therefore intrudes into the countryside, and is harmful to its character and appearance.
8. This harmful impact is exacerbated by the design of the building. Whilst the front elevation would be timber-clad, the building still has significant expanses of glazing, and domestic scale window and door openings. Consequently, rather than having a utilitarian character that may be expected of a rural storage building, it has a residential appearance. Its design does not, therefore, respond sympathetically to its setting, and, consequently, it would be an incongruous presence in the countryside. The building is readily seen from the road, through the gap between Crift Farm and Windmill Cottage. From here, the large expanse of roof is visible behind the frontage development, and is an intrusive feature, obstructing views through the site to the woodland and countryside beyond, resulting in harm to the rural character and appearance of the area.
9. The building is located within an Area of Great Landscape Value (AGLV), within the St Austell Bay and Luxulyan Valley Landscape Character Area (LCA). The inland parts of this LCA are characterised by a woodland and pastoral landscape. The appeal site is largely enclosed, by the cluster of development to the east and the conifer plantation to the west. However, the building is visible in long-distance views from the higher land to the south. At this distance, the impact on the character of the wider AGLV would be limited, but it would, nevertheless, appear as an isolated structure in the countryside, intruding into the pastoral landscape outside the existing group of buildings. There would, therefore, be some harm to the appearance of the AGLV.
10. It is stated that the building could not be accommodated in the established residential curtilage, and it is conveniently located, close to the rear of the house. However, the building is about 25 metres outside the established residential curtilage, and at a lower level, so that it is not easily observed from the house. It is not, therefore, ideally located for a children's playroom, or to store equipment required to maintain the established garden. The established garden is large enough to provide space for children's play and to

accommodate a building, of an appropriate scale, to store the garden machinery required for its maintenance. Neither of these requirements therefore justifies the provision of a large building in the countryside, divorced from the domestic curtilage of the host dwelling.

11. The scale and location of the building is premised, at least in part, by the maintenance requirements of the extended land. It is contended that the appellant has 6 acres of land to maintain, so appropriate storage space is necessary. However, the building is larger than is required for this purpose, as more than half of the floorspace is a children's garden playroom. The playroom element of the building relates well to the use of the lower part of the site as a residential curtilage. However, the lawfulness of this use has not been demonstrated, so it does not justify the provision of such a large and isolated structure in the countryside.
12. The building would, therefore, harm the character and appearance of the countryside and AGLV, without any overriding justification. Consequently, the proposal is contrary to Policies 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030, saved Policy 14 of the Restormel Borough Council Local Plan 2001 – 2011, and Policies GEN2 and LLNE1 of the Lanlivery Neighbourhood Plan (2018). These policies seek to protect the natural landscape, avoid harm to the character of AGLVs, and ensure that developments are designed to respond appropriately to their setting. The proposal also fails to meet the aims of the National Planning Policy Framework to conserve and enhance the natural environment by recognising the intrinsic character and beauty of the countryside.

Conclusion

13. The proposal would harm the character and appearance of the countryside and Area of Great Landscape Value, and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR