
Appeal Decision

Site visit made on 3 June 2021

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

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/D0840/W/21/3268303

Venton Arriance, Trewoon Road, Mullion TR12 7DT

- 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 David Williams against the decision of Cornwall Council.
 - The application Ref PA18/11109, dated 22 November 2018, was refused by notice dated 13 August 2020.
 - The development proposed is a proposed agricultural building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of residents of Venton Arriance, with particular reference to odour, noise and disturbance.

Reasons

3. The appeal site is agricultural land located outside of the nearest settlement at Mullion. The appeal scheme is for a substantially sized agricultural building to be positioned adjacent to a field boundary and located west of the nearest dwelling at Venton Arriance. Access to the proposed building would require crossing fields which have a gated access onto Chypons Road east of the site.
4. Whilst noting that the proposed building would be substantial in terms of scale, the evidence before me confirms that the building would be of a suitable scale for its intended purpose and in relation to farming operations at the site. Furthermore, I would concur with the Council that the proposed building would be agricultural in appearance and, therefore, would not look out of place within the surrounding farmed landscape of the Cornwall Area of Outstanding Natural Beauty.
5. Nonetheless, the proposed building would be located within approximately seventy five metres of the boundaries of the residential dwelling at Venton Arriance and, in this regard, the Council maintain that the appeal scheme would adversely affect the living conditions of residents of that dwelling by reason of noise, odour, flies and general disturbance.
6. The evidence indicates that the proposed building would be used to house cattle and sheep, with provision for storage of feed. In this regard it has been put to me that given the number of livestock would not increase, that odour

and noise levels would be no different to the existing position. Furthermore, the Appellant has referred me to the existence of a small structure located adjacent to the boundary of the abovementioned neighbouring property and which is used to house pigs.

7. As noted above, the proposed building would be located within close proximity of the boundaries of the nearest dwelling, being separated by a distance of less than approximately seventy five metres. The building would be positioned adjacent to a hedge which forms the boundary to the field and towards the top of a hillside. In this regard and given the scale of the building, there would be little in the way of intervening features that would help mitigate the effects of odour or noise disturbance emanating from the proposed building.
8. In terms of odour and noise disturbance, whilst acknowledging that livestock levels are likely to be no different from the existing position, the proposed building is likely to result in a concentration of noise and odour at a specific location which, as noted above, is in close proximity to the aforementioned residential property. In this respect, there does not appear to be sufficient information in support of the proposal regarding how the design of the building, or any other management measures, would mitigate the adverse effects of odour or noise disturbance from the appeal proposal. In this respect, I therefore conclude that the appeal scheme would be detrimental to the living conditions of residents at Venton Arriance.
9. However, notwithstanding the above, the Council's concern regarding noise disturbance also includes that farm vehicles would access the site from the highway by passing by the southern boundary of Venton Arriance and by reason of the nature of proposal for the housing of livestock, access by farm vehicles and machinery could be at any time day or night. In this respect, I do not find that the proposal would result in an increase in noise disturbance resulting from agricultural traffic, given that the site is already used for agriculture including field enclosures for livestock and that livestock is already kept in a small structure which is located adjacent to the aforementioned neighbouring property.
10. As noted above, it is acknowledged that there is a small structure located adjacent to the boundary with Venton Arriance and which is used for housing pigs. At the date of my visit, I was able to observe that that structure was being used for that purpose. I have carefully considered all the submissions before me regarding the use of that structure and note the Appellant's contention that pigs at that location would likely create more odour and noise disturbance for residents of Venton Arriance.
11. However, whilst the presence of that structure and its use could give rise to odour and noise that could affect the living conditions of residents, it is nonetheless a very small structure which limits the extent of its potential use. Whilst the living conditions of nearby residents could be affected by the use of that structure to house pigs or other livestock, by reason of its scale it is likely that adverse effects with regards to living conditions of residents would not be significant. Conversely, the proposed building would be substantially sized and, in absence of information regarding mitigation and management measures as described above, its use to house livestock in close proximity to the abovementioned dwelling would be likely to exacerbate the adverse effects on the living conditions of residents with regards to odour and noise disturbance.

12. It is acknowledged that the proposal would help support the operations of an existing agricultural business. However, there does not appear to be any indication as to why the proposed agricultural building would need to be at this specific location in close proximity to residential development. Based on the evidence before me and in light of the absence of sufficient information regarding the mitigation and management measures as described above, I find that the proposal would have an unacceptable impact on the living conditions of residents of Venton Arriance with regards to odour and noise disturbance.
13. For the above reasons the appeal proposal would conflict with Policies 12, 13 and 16 of the Cornwall Local Plan Strategic Policies (2010-2030) which, amongst other things, requires that development protect individuals from unreasonable noise and disturbance. For the same reasons, the proposed scheme would fail to accord with those parts of the National Planning Policy Framework which seek to ensure that new development is appropriate for its location taking into account the likely effects of noise disturbance on the living conditions of residents.

Conclusions

14. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR