



Appeal Decision

Site visit made on 21 September 2021

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 October 2021

Appeal Ref: APP/D0840/W/21/3275665

Woodlands, Praze Road, Praze An Beeble, Camborne, Cornwall TR14 0PR

- 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 M Wills against the decision of Cornwall Council.
 - The application Ref PA20/06458, dated 30 July 2020, was refused by notice dated 18 May 2021.
 - The development proposed is change of use of land to domestic curtilage to north of woodlands.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal concerns a detached bungalow in the countryside. It is situated in a sizeable plot of land containing both woodland and undeveloped open space. The land immediately to the north of the bungalow is within the boundaries of a County Wildlife Site¹ and is also a designated Biodiversity Action Plan Habitat. Part of this land is also covered by a Tree Preservation Order.
3. I understand that the bungalow was originally an agricultural worker's dwelling, although the Council has since granted a Certificate of Lawfulness² for it to be used as an unrestricted dwelling with associated garden space. This land is not subject to any wildlife designations.
4. It is proposed to extend the residential curtilage of the bungalow further to the north in order to accommodate an additional, rectangular shaped piece of land. While this land is not subject to any Tree Preservation Orders, it is within the County Wildlife Site and Biodiversity Action Plan Habitat.
5. The main issue in this appeal is therefore the effect of the proposal on the designated wildlife sites.

Reasons

6. The Local Plan places particularly strong emphasis on the protection of biodiversity. Policy 23 says that development likely to adversely affect locally designated sites, their features or their function as part of the ecological network, including County Wildlife Sites, Local Geological Sites and sites

¹ Clowance House and Park County Wildlife Site.

² Council Ref: PA20/06458.

supporting Biodiversity Action Plan habitats and species, will only be permitted where the need and benefits of the development clearly outweigh the loss and the coherence of the local ecological network is maintained.

7. I saw on my visit that the proposed residential curtilage contains no trees or notable features. It is entirely open and mainly comprises grass and compacted soil. This would suggest that the proposed use of the land as residential curtilage would not adversely affect the features or function of the designated wildlife sites. However, the proposal has not been supported by any ecological evidence in order to confirm this. In the absence of even a basic habitat survey, it is not possible for me to determine with absolute certainty that the proposal would comply with Policy 23.
8. I appreciate that the appellants only wish to improve their property and have been frustrated in their efforts to do so, but given the importance placed on biodiversity in both national and local planning policy, I agree with the precautionary approach taken by the Council.
9. Therefore, given the lack of ecological evidence, I conclude that the proposal would have a potentially harmful effect on the designated wildlife sites. There would be conflict with Policies 1,2 and 23 of the Local Plan and Policy HLE1 of the Neighbourhood Plan³. These policies aim to protect biodiversity.

Other matters

10. The appellants inform me that the Council took a number of months to determine the planning application. However, this is not a matter that I am able to address in this decision.

Conclusion

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

C Cresswell

INSPECTOR

³ Crowan Neighbourhood Development Plan 2018-2030.