



Appeal Decision

Site Visit made on 19 October 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/D0840/W/21/3274696

Former Morvah Cottage, Lane From Junction West Of Hill Head To Morvah Cottage, Portloe TR2 5PT

- 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 Smith against the decision of Cornwall Council.
 - The application Ref PA20/07486, dated 2 September 2020, was refused by notice dated 4 December 2020.
 - The development proposed is Erection of stables and hardstanding together with the retention of a temporary permitted field access and track.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021. However, the main parties had the opportunity to submit appeal documents after this and had the option to comment on its relevance to the appeal proposal. Consequently, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.
3. As the appeal proposal is located within an area of outstanding natural beauty (AONB), I have had regard to the purpose of conserving and enhancing the natural beauty of the area as set out in section 85 of the Countryside and Rights of Way Act 2000 (as amended).

Main Issue

4. The main issue is whether the proposed development would conserve and enhance the natural beauty of the Cornwall AONB.

Reasons

5. Situated within the countryside, the appeal site includes part of a field and relates to its surrounding agricultural setting. The rural area is characterised by, amongst other aspects, well-established hedges, narrow lanes including the public bridleway running past the site, generally scattered development and the relatively open, unspoilt and undeveloped landscape. Despite the presence of the three relatively large dwellings in the vicinity of the site and bridleway, and some other development such as the agricultural/water storage shed and the unobtrusive garage adjacent to the bridleway, the surrounding area has a rural, largely undeveloped character and a verdant appearance.
6. The appeal proposal would result in the existing temporary access point and track on the site becoming permanent. This would lead to an enduring loss of a

section of well-established, mature protected hedgerow in a prominent and highly visible position on the public bridleway, to the detriment of the locality's verdant nature. Due to its position, much of the track would be screened from public views by, for example, the remaining hedge running along the bridleway and the proposed bunding within the site. However, part of the track would nevertheless be likely to be visible through the proposed access point, while its long, linear, hard-surfaced presence would intrude across the full width of an otherwise undeveloped area of field. In coming to this view, I have taken into account the appellants' reasons for the position of the proposed stables and the examples of other entrances in the area. The potential for further soft landscaping of the site, sensitive surface treatment of the track with muted colours and allowing for a grass centre, and a suitable finish to the access point such as a timber field gate and Cornish stone walls, details of which could all be secured by condition, do also not lead me to a different conclusion.

7. The proposed stable would be a relatively modest structure and, given its design and proposed materials, it would not appear as an incongruous or unexpected feature in relation to its rural setting. Although situated on rising land, it would also not be particularly noticeable from the public realm due to its limited height, its set-down position and the presence of the hedgerow running along the bridleway.
8. Notwithstanding this, due to the intrusive presence of the proposed access point and track, which would erode the character and appearance of the surrounding area, the appeal proposal would fail to conserve and enhance the beauty of the AONB and its landscape. In coming to this view, I have taken into account the existing development in the locality, that the appeal proposal would not be particularly visible except in short distance views, and that the access point would involve the permanent loss of only a relatively short section of hedge which, if reinstated as required by a condition attached to planning permission Ref PA19/04366, would not be original. I recognise that the remaining lengths of Cornish hedge would also be retained, while the hedge in question is not a designated heritage asset and no archaeological features were identified when the temporary access point and track were created. However, neither these matters nor the recent approvals for the nearby large replacement dwellings and the new access point for Hillhead, which I observed on my site visit is on the other side of the bridleway and through a less prominent section of hedge, lead me to a different conclusion.
9. For the above reasons, I conclude that the proposed development would not conserve and enhance the natural beauty of the Cornwall AONB. I therefore find that it conflicts with Policies 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP) and Policies LA1, LA2 and GP2 of the Roseland Neighbourhood Development Plan (NDP). Amongst other aspects, these set out that proposals that meet the objectives of the AONB management plan and respond to local character will be supported, and require proposals to maintain and promote Cornwall's special and distinctive character and conserve and enhance the landscape character and natural beauty of the AONB. The proposal would also be inconsistent with the provisions in the Framework in relation to maintaining an area's prevailing character and setting, achieving well-designed places and conserving and enhancing the natural environment.

Other matters

10. I note the appellants' concerns regarding the determination of the planning application in relation to the consideration of the site's planning history and other case study developments by the Council. However, such issues are not determinative as to the acceptability of the appeal proposal, which I have considered it on its merits, based on the evidence before me.
11. A report titled 'Assessment of the effects of the proposal upon the character of the landscape and bridleway' (by Richard Sneesby, Landscape Architects) was submitted with the appeal. However, while I note its contents and relevant background information, the report relates to a previous planning application for a different scheme. Accordingly, although it covers a similar area of land, I place limited weight on the report's findings and the benefits it identifies.
12. My attention has been drawn to permitted development rights relating to the provision of a private way in an agricultural unit and it is suggested that, as a fallback position, the existing temporary access could be made permanent on this basis. Be that as it may, I have little substantive evidence that indicates that this is anything more than a theoretical scenario. There is also no suggestion from the appellants that they would do this, and I note that the appellants' appeal statement identifies the land in question belongs to residential owners, is not commercially worked agricultural land and is separated and cut off from any commercially working farm. I therefore do not consider the scenario to be particularly likely and thus attach limited weight to it. In addition, it seems to me that a stable and tack room, as proposed, could not reasonably be described as necessary for the purposes of agriculture.

Planning Balance

13. It has been put to me that the appeal proposal would improve vehicular access for both the appellant accessing the stables and for users of the bridleway in terms of safety, practicality and ease of access. However, two properties (Former Morvah Cottage and Morvah) already use the bridleway for vehicular access beyond the proposed access point and vehicle movements associated with the appeal proposal would, given the size of the proposed stables, be likely to be relatively limited. Accordingly, and with the Planning Statement identifying that the level of traffic will be minimal, additional vehicular movements associated with the proposed stables would not be significant. Furthermore, I have little substantive evidence that indicates that vehicles serving the proposed stables could not use the bridleway and the parking area and field access at Former Morvah Cottage. The limited width and visibility on parts of the bridleway, it becoming narrower beyond the proposed access point, the lack of passing places and Royal Mail and Council vehicles not using the bridleway do not lead me to a different conclusion. Even if some larger vehicles such as a horse box could not navigate the bridleway, as suggested in the submitted Addendum (Rev B) report, it seems to me that horses could also be safely led along the bridleway to meet such vehicles.
14. Consequently, I give limited weight to the alleged benefits that the proposed access point and track would bring with regards to access and highway safety for the various users of the bridleway. With the field described as a modest parcel of land separated from any commercially working farm, belonging to residential owners and not commercially worked agricultural land, it seems to me that there is also likely to be little need for large machinery to access the

land and that there is no reason why the other existing accesses to the field and cottage would not be sufficient and could not be utilised.

15. I recognise that the appeal proposal would provide easy access for the appellants. However, neither can this nor the proposed stable building, for personal use, reasonably be described as providing a public benefit. The lack of concerns of the Council regarding the effect of the proposed development on highway safety and ecology simply indicate a lack of harm rather than a benefit and are thus neutral in the planning balance.
16. I therefore find that the benefits put forward in favour of the proposal would be limited and do not outweigh the great weight given to conserving and enhancing landscape and scenic beauty in AONBs, which the Framework indicates have the highest status of protection in relation to these issues. Accordingly, material considerations do not indicate that the appeal proposal should be determined other than in accordance with the development plan. My finding that the appeal proposal would not conserve and enhance the natural beauty of the Cornwall AONB and would in turn conflict with the above CLP and NDP policies also indicates that it would be contrary to the development plan as a whole. In coming to this view, I have taken into account that the appeal proposal is said to accord with CLP Policy 1, broadly accord with the objectives of Policy PP6 of the Truro and Roseland Community Network Area section of the CLP, and that the CLP contains no specific policies that would restrict the proposed development in this location.

Conclusion

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

T Gethin

INSPECTOR