



Appeal Decision

Hearing held on 24 May 2023

Site visit made on 24 May 2023

by S Leonard BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/D0840/W/23/3316365

Land at Tremayne, St. Martin, Helston, Cornwall TR12 6DA.

Easting:173391. Northing: 025651.

- 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 and Mrs Philip and Jacquelyn Jenkin (W.P and J. Jenkin) against the decision of Cornwall Council.
 - The application Ref PA21/06087, dated 25 May 2021, was refused by notice dated 11 August 2022.
 - The development proposed is new agricultural workers dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the planning application and the submission of the appeal, the emerging *Climate Emergency Development Plan Document* (the CEDPD), referred to in the Officer Report, was adopted by the Council on 21 February 2023. As such, I afford it full weight, in so far as it is relevant to this appeal.
3. At the Hearing, the main parties had the opportunity to comment upon the relevance of the CEDPD to the appeal proposal. The Council confirmed that, apart from policies relating to renewable energy, which is not a matter of disagreement between the parties, the CEDPD has not replaced the adopted *Cornwall Local Plan Strategic Policies 2010-2030* (2016) (the Local Plan) and sits alongside it.
4. As such, the Local Plan Policies referred to in the Council's decision notice remain relevant policies for the determination of the appeal, supported by Criterion 7 of CEDPD Policy C1, in so much as the objectives of this policy include conserving and enhancing the natural environment and providing locally distinctive high quality and sustainable design.
5. Prior to the Hearing, the appellants submitted the following additional documents: *Design Development Document* by Tamsyn Froom Architecture; two Research Papers in respect of a) *The effect of grouping on dairy heifer and cow behaviour* and b) *Navel healing in male and female Holstein calves*; and photographs of escaped cattle at Tremayne. The Council confirmed that they had received these documents prior to the Hearing, and they were discussed

during the Hearing. As such, no prejudice has resulted by my acceptance of these documents.

6. At the Hearing, I was presented with a final signed and agreed Statement of Common Ground. This did not alter what I had previously identified as the main issues prior to the Hearing.
7. The site lies within the zone of influence of the Fal and Helford Special Area of Conservation (SAC), which is a European designated site. This is an issue to which I later return.

Main Issues

8. The main issues are:

- Whether there is an essential need for a permanent agricultural workers dwelling on the appeal site, having regard to policies which seek to restrict development in the countryside; and
- The effect of the proposal on the character and appearance of the area, having regard to the countryside location of the appeal site within the Cornwall Area of Outstanding Natural Beauty (the Cornwall AONB).

Reasons

Essential need

9. The appeal site lies to the north of St Martin village, within open countryside outside the designated settlement policy boundary, and within the Cornwall AONB. It comprises an agricultural field located close to farm buildings at Tremayne, which form part of a wider dairy farming enterprise centred upon Mudgeon Farm, whose dairy unit lies approximately 1 mile away by road, to the southeast of the appeal site.
10. The evidence before me is that the appellants have been running Mudgeon Farm since the late 1980s, taking over from Mr Jenkin Senior and his father before him. Since that date, the dairy herd has increased from about 70 cows to an existing herd of around 240 milking cows. This business expansion involved the acquisition of approximately 100 acres of adjoining land at Tremayne in 1998, resulting in a 210 acre dairy enterprise which is operated as a single holding.
11. The appellants also rent and licence a further 120 acres of land nearby, so that the total area of the enterprise farmed by the appellants amounts to 330 acres. In addition to the dairy herd, the appellants rear around 60 dairy heifers to add to the herd each year, and there are also circa 60 head of bull beef stock.
12. The main dairy herd is based at the complex of buildings at Mudgeon, where there are agricultural buildings, milking equipment and supporting infrastructure. The existing farm workers accommodation is located in this part of the enterprise, together with units of holiday accommodation, which support the farm business.
13. The appeal scheme proposes the erection of a permanent agricultural workers dwelling in a field close to the existing farm buildings at Tremayne. This would be the first residential property on this part of the enterprise, and is sought primarily for the purpose of providing 24-hour surveillance of the livestock

accommodated in this part of the farm, including calving and rearing heifers and finishing bulls.

14. Local Plan Policies 1 and 3 set out the Council's focus for development at the most sustainable locations in the plan area and the hierarchical strategy for the delivery of housing across Cornwall, with growth being centred upon the named, larger settlements within the county. The appeal site comprises agricultural land, located within open countryside, which is located outside of any settlement, and accordingly, the development of new dwellings in locations such as the appeal site is restricted by this policy. Exceptions with regards to rounding off and use of previously developed land and infilling in relation to settlements do not apply in this instance. The land is not identified through a Neighbourhood Plan nor comprises an exception site under Local Plan Policy 9.
15. Moreover, I do not consider the site to comprise an accessible location with respect to the availability of community facilities and services. The nearest facilities within the small village of St Martin, which include a church and public house and a bus service to the larger settlements of Helston and St Keverne, are severely limited, and are located about a mile south of the appeal site.
16. As such there would be a requirement to travel to larger settlements further afield, such as Helston and Truro, for a wider range of services and facilities. Moreover, the appeal site is accessed via a non-through road, and public highways within its locality tend to be narrow, hilly, winding, unlit and with no pavements. As such, accessibility by means of transport other than a car, such as walking or cycling, from the appeal site to the closest facilities and services is poor, particularly during inclement weather and hours of darkness.
17. Local Plan Policy 7 sets out the Council's strategy in respect of new housing outside the defined settlement limits. Whilst being restrictive in respect of the development of new dwellings in locations such as the appeal site, it allows for some exceptions to this general position, including the provision of housing for full time agricultural and forestry and other rural occupation workers where there is up-to-date evidence of an essential need of the business for the occupier to live in that specific location.
18. The above policies accord with Paragraph 80 of the *National Planning Policy Framework 2021* (the Framework), insofar as it states that planning policies and decisions should avoid the development of isolated homes in the countryside, unless, amongst other matters, there is an essential need for a rural worker to live permanently at or near their place of work.
19. Neither Local Plan Policy 7 nor the Framework define what constitutes an 'essential need'. The Council has referred to Annex A of *Planning Policy Statement 7: Sustainable Development in Rural Areas* (PPS7), which sets out functional and financial tests for permanent and temporary rural dwellings. However, this document has been replaced by the Framework, which is now supported by the advice of the *Planning Practice Guidance* (PPG), and as such, I attach no weight to PPS7 in the determination of this appeal.
20. The PPG chapter on *Housing Needs of Different Groups*¹ sets out some considerations which could be taken into account when assessing whether an essential need exists in respect of isolated homes in the countryside for rural

¹ PPG ID 67-010-20190722

workers, and I have taken account of those which are relevant to this appeal, having regard to the evidence before me, in particular:

- *'evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)';*
- *'whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process';*
- *'whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context';* and
- *'the degree to which there is confidence that the enterprise will remain viable for the foreseeable future'.*

21. The reasons cited by the appellants for seeking a permanent dwelling at Tremayne are to accommodate the continued expansion of the dairy herd, including the intention to move more animals to the Tremayne site due to accommodation limits at Mudgeon, the expansion of the number of heifers at Tremayne, and to provide biosecurity and surveillance in the interests of achieving the highest standards of animal health and welfare and effective disease management. They argue that for these reasons, there is an increased functional need for a permanent on-site residential presence on this part of the enterprise.
22. Allowing for normal fluctuations in numbers, it was confirmed at the Hearing that the farm accommodates around up to 600 head of cattle at any one time, and that approximately one third of these are grazed and housed at Tremayne. As such, I acknowledge that the land and buildings at Tremayne, which include supporting dungstead, slurry pit and silage pit facilities, currently play an important role in livestock accommodation within the overall farm enterprise, as they are used for heifer calving and rearing of dairy replacements, as part of the appellants replacement of around 25% of the dairy herd per year, and for the rearing of bull beef and young stock.
23. In support of locating a new permanent dwelling at Tremayne, the appellants argue that, having a permanent staff presence in that location would increase and improve the quality of animal husbandry, care and attention that can be given to the 198 or so head of livestock on that part of the enterprise, including, importantly during the period when the replacement heifers calve-down.
24. Prior to the determination of the planning application, the appellants envisaged that calving would be restricted to around 6 months of the year. The information put forward during the appeal shows fluctuations in the number of cows calving at Tremayne, with an anticipated increase in 2023 over previous figures provided by the appellants, and involving a longer calving period of 10

months. The most recent figures provided by the appellant indicate that calving numbers are notably greater during the Autumn/Winter months from September through to the following February, and that for two months no calving takes place and for the remaining 4 months numbers range from 1 to 6 calving cows.

25. I appreciate that there is some risk to the welfare of the heifers and calves at Tremayne, and that the current arrangement of travelling from Mudgeon to check on the Tremayne buildings and livestock may be inconvenient to the appellants, including several visits a day and more intensive visiting during calving, including overnight. In this respect, the proposal would make it easier to provide greater surveillance of the animals at Tremayne, including heifers during calving, enabling prompt intervention at times of difficult calving, as well as allowing for more observation during the first 3 days of suckling at Tremayne, thereby potentially enabling early detection and treatment of diseases such as joint-ill, navel ill, diarrhoea and pneumonia.
26. As such, the proposal would serve the interests of animal health and welfare at the farm, and it could potentially result in the saving of the lives of some calves and/or heifers who may have otherwise died. Moreover, the appellants referred to their advancing age in support of the appeal scheme, in that it would provide a closer and more convenient location for their overseeing of the activities of the livestock at Tremayne, including the thrice daily checking referred to at the Hearing, and for example by avoiding the need for overnight visits to that part of the site from their existing dwelling at Mudgeon.
27. However, the route between the two groups of buildings, which is approximately 1 mile by road, enables a short and straightforward vehicular trip between the two areas of the farm, and I do not consider the location of the appeal site in relation to the complex of buildings at Mudgeon to be unduly remote.
28. I also note that the younger calves (under 3 months), after being suckled for 3 days at Tremayne, would be moved to Mudgeon where they are fed and monitored and weaned at 10 weeks before returning to Tremayne to be reared until reaching 12 months old. As such, the younger cows (under 3 months) which are reasonably at the greatest risk from disease, would be housed and reared at Mudgeon, rather than Tremayne.
29. With all the above in mind, and on the basis of the numbers of calving heifers involved, and the annual distribution of calving, whilst it would be more desirable and convenient for the appellants to live at Tremayne, I do not find that there is an essential need for a permanent 24/7 staff presence on this part of the site.
30. In addition, given the available vehicular access from Mudgeon to the Tremayne buildings, I am not persuaded, on the basis of the evidence before me, that it would not be possible, or viable, to place a form of temporary overnight staff accommodation at Tremayne, to be used during the busiest calving periods, and to provide an additional crime deterrent measure by means of a perceived on-site staff presence. Having regard to the finances of the enterprise, this could, reasonably, in principle, prove to be more cost-effective than the construction of a new permanent dwelling.

31. The Council has drawn my attention to some deviations from the recommendations of the *Code of Recommendations for the Welfare of Livestock: Cattle* (March 2003) (the Code) in respect of the current working arrangement of farming activities. However, I note that such recommendations are not mandatory. Moreover, on the basis of the evidence before me, including the appellants explanation of the existing heifer calving operation on the enterprise, and my site inspection, I have no reason to doubt the appellants assertion that the practices carried out on site comply with the *Red Tractor Assurance for Farms – Beef and Lamb Standards*, (Assured Food Standards 2020), and that the current livestock husbandry strategy in place on the enterprise, including the rearing and calving of replacement heifers at Tremayne, achieves a high standard of livestock handling and animal welfare.
32. Of significance in respect of the above, is the regular ongoing incorporation of the services of a veterinary surgeon by the appellants as part of their animal welfare policy, as supported by the Code. I have taken account of the support given to the appellants farming methods by the veterinary surgeon who attended the Hearing, including the provision of evidence in respect of disease control benefits as a result of separating heifers from the cows, having regard to matters such as bullying avoidance and improved navel healing.
33. However, whilst not doubting that the current livestock housing arrangements comprise good practice in the interests of animal welfare, I do not have cogent evidence before me that locating the heifers at Tremayne is essential to ensure the welfare of the appellants livestock.
34. Also, I do not have demonstrative evidence to satisfactorily demonstrate that potential disease risks associated with cross contamination between the dairy herd and the animals at Tremayne, as a result of workers travelling between the two sites, could not be satisfactorily avoided by means of careful procedures, such as the provision of separate personal protective equipment and tools at each location.
35. Moreover, whilst the appellant has referred to a high calf mortality rate due to disease load, spread and lack of isolation in young calves, I have no cogent evidence before me that this is directly attributable to a lack of permanent dwelling at Tremayne, nor, through detailed financial analysis, that this has had a detrimental impact upon the business viability.
36. My view is supported by the most recent set of farm accounts provided by the appellant, for years ending 2020, 2021 and 2022, which show that, whilst there was a small loss in 2020, there were significant rises in net profit in 2021 and 2022, and there is no disagreement between the parties that the average annual profit of the business is sound, and is likely to remain so for the foreseeable future. To my mind, these figures, in so far as the level of detail provided within them, indicate that the current mode of operation whereby there is no permanent dwelling at Tremayne, has not been harmful to the effective operation and ongoing viability of the business.
37. Moreover, the information provided during the course of the planning application and the appeal indicates that there is an ongoing fluidity in terms of the precise numbers of livestock being housed at Tremayne, including the yearly calving pattern, and I see nothing that would prevent the appellants deciding at a later date to alter the current arrangements for calving heifers, for example by introducing a tighter calving pattern, restricted to say, 5.5

months of the year as originally suggested to the Council's Land Agent, or by incorporating the down-calving heifers into the dairy herd at least 4 weeks prior to calving, thereby weakening the case for a permanent 24 hour a day staff presence at Tremayne, as the housing and grazing of in-calf heifers (those with a greater than 4 week calving due date) at Tremayne, would not require 24/7 care.

38. The appellants have stated that it would not be feasible to provide housing for the heifers at Mudgeon, including through the provision of existing or additional agricultural buildings, to ensure sufficient separation from the dairy herd and having regard to the grazing requirements of both. However, I find that this assertion is not supported by sufficient detailed information and analysis regarding the existing uses of all areas of the enterprise to demonstrate why a heifer calving and rearing shed, bull beef building and young stock building of a similar or larger size to those that exist at Tremayne, could not be accommodated closer to the existing complex of buildings at Mudgeon.
39. Such an arrangement would reasonably be considered to have functional benefits in terms of enabling the sharing of the looking after of the calving process amongst the existing staff already living in this location, and financial benefits in avoiding the costs of construction of a new permanent dwelling.
40. In coming to this view, I have had regard to the location plan in paragraph 3.2 of the *Agricultural and Business Appraisal* (May 2021), which indicates that there is potentially a significant amount of available undeveloped grazing land, with a contiguous layout of the land at Mudgeon in relation to Tremayne.
41. In assessing whether there is an essential need for the proposal, I have also taken account of the existing farm staffing provision in relation to the overall requirements of the business, as well as existing available living accommodation on, or close to, the farm.
42. It was confirmed at the Hearing, that the business currently employs 4 full-time staff living on site, including the appellants, together with 5 part-time staff, who reside off-site within the local area. Notwithstanding some differences within the staffing and livestock figures provided within the supporting appeal documentation, it was confirmed by the main parties at the Hearing that, on the basis of ABC Costing Book standard man day figures, having regard to the livestock numbers and cropping areas, the existing FTE labour provision is sufficient for the current overall business operation in terms of the number of staff employed. Moreover, I note that the current level and location of staff appears to accord with that stated as being required in the appellants supporting *Agricultural and Business Appraisal*.
43. The existing residential accommodation at Mudgeon Farm includes: the original listed Mudgeon Farmhouse which is occupied by the appellants; a 3-bed detached agricultural dwelling approved in May 2012, also known as Mudgeon Farmhouse, and occupied by a full time farm worker; Mudgeon Farm Cottage, a 4-bed holiday cottage attached to the listed farmhouse, 3 caravans, described at the Hearing as top, middle and bottom, two of which were approved as holiday units in 1994, but which the Council has confirmed are not restricted to holiday occupancy, one of which is occupied by a full time farm worker, one on a long term let to occupants unconnected with the running of the farm, and one of which is used as a holiday let.

44. There is also a currently unoccupied property known as Mudgeon Bungalow, approved as an agricultural workers dwelling, which the appellants have confirmed they have a minority share interest in, but no direct control over its occupation. This amounts to 7 address points within the immediate vicinity of the agricultural units at Mudgeon.
45. I accept that the holiday annexe adjacent to the listed building is reasonably not suitable for independent permanent residential occupancy due to its size and links to the main house. However, I find that insufficient substantive evidence has been submitted in respect of the ownership and legal details associated with Mudgeon Bungalow to conclusively prove that it could not be made available as a farm workers dwelling, noting its current unoccupied state.
46. Moreover, although the appellants state that the current farm workers caravan is inappropriate for permanent occupation by a farm worker, the evidence before me is that it has been occupied as such for a number of years, and, I saw no cogent evidence during my site visit to suggest that, notwithstanding that it would not meet the current housing standards required of new permanent dwellings and does not include useful facilities for farm workers such as an integral utility room, that the existing caravan accommodation is materially harmful to the living conditions of the current occupant.
47. Furthermore, at the Hearing, both parties confirmed that the planning application has not been submitted as a scheme for a replacement dwelling, and neither party has proposed that the removal of the caravan currently occupied by staff, be a condition of approval of the appeal scheme.
48. Whilst the appellants state that the two holiday caravans play a significant part in maintaining the viability of the business, this has not been conclusively demonstrated by detailed financial information to support this assertion. Moreover, the absence of planning control restricting their use to holiday accommodation, and the current use of one of them as a long term residential let, supports their inclusion as 'address points' at Mudgeon and their potential for occupation by farm staff.
49. On the basis of the above, the evidence before me is that there is a sufficient amount of existing staff and available staff accommodation, either on the site or within the immediate vicinity of the site to serve the farming enterprise, thereby eroding the argument in support of an essential need for further staff accommodation.
50. I acknowledge the appellants desire to grow the business and to future-proof it against any emerging changes in Government policy for agriculture. However, the weight I attach to the appellants stated financial benefit to the business of the new dwelling 'freeing up' the existing staff caravan for holiday use is diminished by the large costs involved in building the proposed new dwelling, money which could be potentially be used to contribute to the growing of the business instead, and also by the current use of one of the approved holiday units as long-term rented living accommodation.
51. A secondary livestock welfare concern of the appellants in respect of the land and buildings at Tremayne relates to the proximity of this part of the farm to the Helford River to the north, including Tremayne Quay, a walking and wild camping tourist area of recently increased popularity. In particular, the appellants refer to increased numbers of recreational countryside users

- walking, often with dogs, through their land to access Tremayne Quay, posing potential crime and bio-security risks to the farming activities taking place on this part of the business.
52. There are no public rights of way running across open farmland within about a mile radius of the appeal site or over the private trackway leading down to Tremayne Quay. Rather, there are a number of long-standing private rights of way within the vicinity of the Tremayne element of the farmstead, including a path that runs across the land from Tremayne hamlet to woodland and Tremayne Quay. These existed prior to the appellants acquisition of the land in 1999 and subsequent expansion of the farming enterprise in this part of the holding.
53. Whilst the obvious presence of a house at Tremayne would provide an element of security to the farming operations taking place on this part of the site, it would not prevent people utilising their legal rights of access across the farmland, which cannot easily be precluded, as they require the consent of those who benefit from them, which include owners of nearby residential and holiday accommodation.
54. In addition, whilst Covid may have resulted in an increase in the numbers of people traversing these private rights of way, I am not persuaded, on the basis of the evidence before me, that the proposed dwelling would be essential in order to provide the desired security, and that this could not be satisfactorily secured by means of a combination of other measures such as the provision of improved fencing/gates and security locks, the installation of security surveillance cameras, the introduction of prominent signage installed at key locations within the footpath network to deter members of the public using the private rights of way, in addition to the signs already installed by the appellants.
55. Moreover, the provision of signage at appropriate locations along the road network could advise drivers not to follow misleading sat-nav advice regarding access to Tremayne Quay, and liaison between the appellants and the consented footpath users could inform other residents of the risks involved, and encourage holiday accommodation management that involves making occupants aware of the potential bio-security and physical security threats to the livestock at Tremayne.
56. In coming to this view, I note that Tremayne Quay and the wild camping woods are relatively isolated sites, lacking in tourist facilities such as wcs, cafes and shops, and that road access is via a no-through, narrow road. As such, the area is not prone to high numbers of visitors. This view was reinforced by my site inspection where I walked the footpaths in question and met very few people, despite it being a dry sunny day. Whilst I appreciate my visit occurred during a weekday afternoon, and at that other times, such as on weekends and during school holidays, it may be busier. However, there is no substantive evidence in respect of visitor numbers before me, to counter my view.
57. Moreover, whilst the appellants provided photographic evidence of escaped livestock at Tremayne, there is no substantive evidence before me that such incidents were directly related to nearby footpath users and were not, for example due to staff leaving gates open. Nor do I have cogent evidence before me of how the proximity of the footpaths have resulted in bio-security or crime incidents that have significantly harmed the business.

58. At the Hearing, the appellants referred to the need in the future to address the residential accommodation requirements of their grandchildren. The information before me is that the appellants three daughters and their respective husbands, whilst also farmers, run enterprises elsewhere from the appeal site. With this in mind, and having regard to the stated age of the appellants, so that any grandchildren would reasonably be of a relatively young age at present, I find that there is insufficient substantive evidence before me to justify the appeal scheme at this point in time, as essential to ensure the continued viability of the existing enterprise through the farm succession process.
59. For the above reasons, taking all the above considerations together, and having particular regard to animal welfare considerations and the ongoing viability of the enterprise, I conclude that, in respect of the particular circumstances of the appeal site and the wider farm enterprise, there is insufficient evidence before me to satisfactorily demonstrate that there is an essential need for a new permanent rural worker's dwelling on the appeal site.
60. Accordingly, the proposal would not accord with national and local planning policies and advice for new residential development within rural areas, including conflict with Local Plan Policies 1, 3 and 7 in so much as these policies aim to strictly manage new housing development in the countryside and to ensure that development occurs in the most sustainable locations, in order to protect the open countryside from inappropriate development.

Character and appearance

61. The appeal site lies within the designated Landscape Character Area LCA08 - Northeast Lizard Peninsular, according to the *Cornwall and Isles of Scilly Landscape Character Study* (June 2008) (the LCS), which is used as a tool to assist in the guidance of change and development within the AONB, supporting the relevant Local Plan policies.
62. According to the LCS, key identifying characteristics of this landscape area include '*contrasting landscape of open farmland plateau and small hidden valleys*', '*medium to large, irregular field pattern on the plateau with a smaller, more irregular field pattern in the valleys*', '*mixed farming with Cornish hedges and mature trees on the plateau; mainly pasture, with significant areas of arable and some rough grazing*', '*few nucleated villages and isolated farmsteads with fishing villages at the coast*', a rural settlement pattern of '*dispersed early medieval farming hamlets, now mostly shrunken to single farms, linked by very tight and winding lanes*', and '*a tranquil pastoral landscape with only small settlements*' where '*the objective must be to maintain the sense of tranquillity...*'.
63. The appeal site forms part of a larger field within the wider grazing land associated with Mudgeon Farm. It is undeveloped with no buildings. It lies within an area of undulating pastureland, with fields enclosed by hedging and trees. Ground levels rise in a southerly direction away from the Helford River, which is enclosed by steep slopes, and the appeal is site located at the higher part of the field within which it sits.
64. Although the larger field is somewhat visually contained by trees and woodland to the north and east, the elevated position of the appeal site with the field, and an existing lack of landscaping along the proposed northern and eastern

boundaries of the new residential curtilage, means that the appeal site has an open and exposed position in relation to the surrounding landscape, particularly to the north, where the river and its accompanying creeks lie at a significantly lower ground level.

65. The site is perceived as falling within land which has a strong agricultural character, close to the existing functional farm buildings at Tremayne, and clearly separated from a small enclave of built residential and tourism development to the southeast by intervening fields and mature trees and hedging. As such, the site has a distinctly undeveloped, rural appearance and is wholly in keeping with the existing attractive, tranquil and pastoral nature of this part of the AONB landscape, forming an integral part of the prevailing landscape character.
66. The Council has raised no objection to the architectural form and detailed design of the proposed new building, and on the basis of the information before me, I have no reason to disagree.
67. However, by introducing built development comprising a 2-storey, 3-bedroomed house, the appeal scheme would disrupt the peaceful, rustic nature of this part of Tremayne. It would urbanise the appeal site, extending permanent built development into the undeveloped rural area by means of a sporadic, and, having regard to my conclusion on the first main issue, unjustified, form of residential development, to the detriment of the intrinsic landscape character of the site and its immediate surrounding landscape. This would be deeply at odds with the prevailing tranquil, rural character which prevails in this location.
68. In addition to the new dwelling, the proposed vehicular access, parking and turning area would further domesticate the rural site. It is also reasonable to expect that the proposed residential use of the site would include features such as further ornamental plantings, domestic paraphernalia, garden buildings and structures, in addition to the patio indicated on the plan. This would further reduce the open rural character of the site.
69. Whilst close up views of the development would be limited due to lack of publicly accessible locations close to the appeal site, and wider views would be limited to longer range views, mainly from the north, this would not overcome the intrinsic harm to the landscape character arising from the urbanisation of the site.
70. Nor would the retention of existing trees and boundary landscaping and the proposed planting of new landscaping, including Cornish hedgebanks, along the northern and eastern site boundaries satisfactorily mitigate these harmful urbanising effects. Furthermore, I do not consider it appropriate to rely upon sufficiently high boundary landscaping to screen new built development which is not appropriate for its surroundings.
71. Moreover, given the elevated ground level of the proposed dwelling in relation to land to the north, and the views from the appeal site over the Helford River and beyond, having regard to the proposed north-facing fenestration serving principal rooms, including floor to ceiling glazing to the dining room and a north-facing patio, I consider it reasonable to expect that there would be future pressure from the occupiers of the property to control the height of the proposed new boundary landscaping in order to maintain attractive views from

the property. This would potentially increase the visibility of the new built development, particularly from the elevated land to the north of the river estuary, where it would appear visually intrusive within views which are dominated by wooded slopes and agricultural fields.

72. Also, associated with its residential use, light emissions from the new dwelling during the hours of darkness would harm the dark and undeveloped nature of the surrounding landscape, noting that the building would have a preponderance of glazing on three of its elevations, including a number of floor-to ceiling glazed openings and a first-floor balcony.
73. Whilst the appellants have undergone an elimination process of potential alternative sites for the new dwelling, which they have deemed to be unsuitable or unavailable, this does not justify or overcome the harm I have identified in respect of the proposal.
74. For the above reasons, I therefore conclude that the proposal would materially harm the character and appearance of the area and would not conserve or enhance the landscape and scenic beauty of the Cornwall AONB. As such, the proposal would be contrary to Local Plan Policies 2, 12 and 23, Policy PD-P11 of the *Cornwall Area of Outstanding Natural Beauty Management Plan 2022-2027* (May 2022) and CEDPD Policy C1.
75. These policies, amongst other things, aim to protect, conserve and enhance the landscape character and natural beauty of the AONB, including ensuring that development proposals are appropriately located to address the AONB's sensitivity and capacity, understand and respond to the landscape, consider cumulative impact and the wish to maintain dark skies and tranquillity in areas that are relatively undisturbed, and that they provide only for an identified local need.
76. For similar reasons the development would be contrary to the Framework which states that planning decisions should recognise the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services (Paragraph 174). Moreover Paragraph 176 confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues, and within which, the scale and extent of development should be limited.

Other Matters

European Protected Sites

77. Local Plan Policy 22 and the Council's *European Sites Mitigation Supplementary Planning Document* (July 2021) (the SPD), set out the Council's approach to the mitigation of the 'in-combination' recreational impacts of new development upon the SAC, which is supported by Natural England. The SPD sets out that financial contributions on a per dwelling basis, to fund mitigation measures, will ensure that residential development in the zone of influence will not have significant effects upon the protected habitats.
78. Prior to the Hearing, the appellants submitted a completed legal agreement under S.111 and paid the necessary financial contribution to the Council towards measures to mitigate harm to the SAC. The Council is satisfied that

this matter, which did not constitute a reason for refusal, has been satisfactorily addressed.

79. The requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) apply. Notwithstanding the above, within the context of the appeal, the responsibility for assessing the effects of the proposal on the European designated sites falls to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter further, and to undertake an Appropriate Assessment (AA) of the implications of the appeal scheme for the European designated site
80. However, as the first main issue provides a clear reason for dismissing the appeal, the outcome of any such AA would have no bearing on the overall outcome of this appeal. Therefore, I do not need to consider this matter any further as part of my decision.

Other

81. Under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act), I am, as the decision maker, required to consider the effects of the development on the designated heritage assets of a Grade II listed building which lies within the site vicinity.
82. In determining the application, the Council has not found any harm to the significance and setting of the building known as Tremayne House, which is located around 160 south of the appeal site, within a group of properties within the hamlet of Tremayne. Based on my site visit, which included consideration of the separation distance between the appeal proposal and the listed building, together with the intervening mature landscaping and outbuildings, I have no reason to disagree with the Council in respect of this matter. The appeal scheme would be sufficiently distant, and screened from the setting of this two storey dwelling, so as not to harm its significance.
83. I have noted the appellants' reference to case law², approved planning applications³ relating to sites within Cornwall Council's area, and allowed appeals⁴ within a wider geographical area, in respect of proposals for rural workers dwellings. No full details of the planning application and appeal decision cases have been provided within the appellants' evidence.
84. On the basis of the appellants supplied commentaries, I find that there is no compelling evidence that the circumstances of those cases to which the appellants have referred, including matters such as the reasons for seeking an additional dwelling, the availability of existing suitable alternative residential accommodation, the nature of the rural business, the location of the proposed dwelling in relation to the business unit and other existing residential units, the personal circumstances of the appellants, or wider material factors which influenced the judgements reached, are entirely comparable with those of the current appeal.

² Keen vs. Secretary of State for the Environment and Aylesbury Vale District Council (1996)

³ Refs PA20/04256 and PA18/03990

⁴ Refs APP/P1615/A/09/2113439, APP/N0410/A/09/2099799, APP/C1760/A/08/208990, P/PPA/240/239

85. As such, these decisions do not alter my above conclusions in respect of the main issues, and do not justify allowing the current appeal, which I must determine on the basis of the merits of the proposal before me and the current appeal site circumstances.
86. The Council has raised no objection to the appeal scheme in respect of matters including the detailed design of the building, impact on neighbouring living conditions and the living conditions of future occupiers of the proposed dwelling, highway safety and parking, drainage and biodiversity. These are requirements of the development in any case, and compliance in these respects does not justify or outweigh the significant harm that would arise from the proposal in respect of its unsuitable location.

Conclusion

87. The proposed development would conflict with the adopted development plan when considered as a whole, and there are no material considerations, including the Framework, that indicate that the proposal should be determined other than in accordance with the development plan.
88. Therefore, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR

APPEARANCES:

For the appellants:

- *Mr Philip Jenkin -appellant*
- *Mrs Jacquelyn Jenkin – appellant*
- *Mr Gareth Rowe BSc Hons MRICS FAAV – Jo Maynard Chartered Surveyor and Agricultural Valuer*
- *Ms Tamsyn Froom – Tamsyn Froom Architecture Ltd*
- *Dr Simon Mitchell – BSc (Hons) BVSc MSc PhD MRCVS – Senior Veterinary Surgeon Coast 2 Coast Farm Vets*

For the Local Planning Authority:

- *Mr James Holman, MRICS MRTPI FAAV – Principal Development Officer, Cornwall Council*
- *Mr Peter Gregory - Principal Development Officer, Cornwall Council*
- *Ms Tazmin Burr – Support Officer, Cornwall Council*