



Appeal Decision

Site visits made on 22 May 2023 and 1 August 2023

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/D0840/W/22/3309929

West Combe, Landulph Cross, Saltash PL12 6NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Hannah Cash against the decision of Cornwall Council.
 - The application Ref PA21/06579, dated 24 June 2021, was refused by notice dated 31 May 2022.
 - The development proposed is the erection of two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been made in outline with access for consideration at this stage, and appearance, landscaping, layout and scale for consideration at the reserved matters stage. Illustrative plans show the possible layout of two dwellings and the submissions indicate that single storey dwellings are proposed. I have had regard to this information as to what the appellant has in mind for the development.
3. At the appeal stage, a signed and dated Unilateral Undertaking (UU), under section 106 of the Town and Country Planning Act 1990, has been submitted. This UU includes the obligation to pay the appropriate financial sum to mitigate the effects of the development on the Plymouth and Tamar Estuaries Special Protection Area (SPA). I will consider this matter later.

Main Issue

4. The main issue is whether or not the development plan would support the proposal in this location, having regard to the effect of the development on the character and appearance of the area within the Tamar Valley Area of Outstanding Natural Beauty.

Reasons

5. The appeal site consists of the bottom section of the large rear garden of West Combe¹. This garden area has well established and mature hedges to the side boundaries and at the end of the garden area. The garden runs parallel with the road that links Landulph Cross with Cargreen. West Combe is one of the properties adjoining the cross roads and nearby is Landulph School. There is a grouping of properties in this general location and these properties extend

¹ Within the submissions there is a mix of spelling the property name as West Combe and West Coombe. The plans show the property as West Combe and therefore that is the name I have used in this appeal.

down the road towards the appeal site. Grimsdale is the last property on the northern side of the road and, with its open frontage, the site provides a developed feel in this immediate location. On the other side of the road are the double gates and vehicular access to West Combe which are located within the hedged boundary.

6. Beyond this point, mature and quite tall hedges bound the edges of the carriageway. Some mature trees are also evident and they add positively to the rural character and appearance of this section of road. There is a bend in the road before the Methodist Church, and this restricts longer distance views looking east such that this section of the road, between Grimsdale and the Chapel, is quite contained and experienced as an intervening, undeveloped and verdant area. It is, in particular, the road side hedges that form a key component of the streetscene and contribute substantially to the rural character. In occasional views through field gates beyond the site, the wider landscape can be appreciated, and this adds to the sense that this stretch of road is beyond a built up area and has a greater affinity with the countryside.
7. The general area falls within the Tamar Valley Area of Outstanding Natural Beauty (AONB) and within the landscape character area CA26 East Cornwall and Tamar Moorland Fringe (CA26) as described in the Cornwall and Isles of Scilly Landscape Character Area Study. This Character Area Study describes the key landscape characteristics of the area, and this includes a strong pattern of Cornish hedges.
8. The proposed development would include the removal of a section of roadside hedgebank to provide a new vehicular access to serve the two dwellings. It would be necessary to provide suitable visibility onto the road. The submitted drawings show splays in each direction either side of the access point. This would involve the removal or cutting down/back to a reasonably low level a reasonably long section of the hedge either side of the access. Potentially some of the hedge could be kept on the western side behind the splay, although less by the access point. In the easterly direction, because of the bend in the road, more hedgerow would be cut down and/or back to provide the required visibility.
9. Although landscaping is a reserved matter, the appellant has explained that the trees along this frontage would be retained and that the suggested approach is to cut the hedge and bank in the visibility splay down to 45cm and then to create new hedgebanks to the rear within the plot to make the banks continuous. Because the Council Highway Section were concerned that this bank might regrow, the appellant would accept a condition that the bank would be regularly trimmed and be kept below 600mm.
10. The combined effect of these works would be that the attractive and rural appearance, with the present hedge framing the highway, would be considerably eroded by the provision of the new access and the visibility splays which would extend across this section of road frontage. The tightness of the hedge to the road would be lost in this area and the access and splays within this stretch of road would, even if generously landscaped, appear somewhat engineered and contrived causing harm to the character and appearance of this section of rural road, and would thereby diminish its contribution to the AONB.
11. At the present time, the rear garden of West Combe is not especially apparent. However, the provision of the access, the associated vehicle manoeuvring area

within the adjoining part of the site, the related parking of some vehicles, together with the visual presence of some parts of the new buildings, even if single storey, would be likely to be appreciable from parts of the road through the new access point. These changes would combine, even if well designed and landscaped at the reserved matters stage, to be experienced as a visual extension of the built form into the undeveloped rural surroundings. This would create an adverse visual effect that would add to the harm resulting from the changes to the road boundary hedging. The combined effect would be that the development would not conserve and enhance the landscape and scenic beauty of this part of the AONB, a matter which the National Planning Policy Framework (the Framework) requires should be given great weight. For these reasons, the scheme would also not be sympathetic to the landscape character of the CA26 area.

12. I have carefully considered all of the appellant's landscape submissions, including the Landscape & Visual Appraisal². The impact of the development would be localised and there would not be harm to the general and wider landscape. However, I consider that the effect of the changes to this section of the road would be more marked and harmful than anticipated by the appellant's submissions. This stretch of road, with its boundary hedging, is characteristic of one of the key qualities of the landscape area and is sensitive to change. On the information available, I consider that the effect of the development would be harmful to the character and visual appearance of this part of the road and could not be satisfactorily mitigated by any likely details at the reserved matters stage. The adverse effect to the character and appearance of this section of the road, which would be open to view by walkers, cyclists and motorists, would be readily apparent and would undermine the visual and rural qualities of this area.
13. In this respect, I agree with the Tamar Valley AONB Partnership who objected to the scheme. This was, in summary, because they considered that the capacity of the landscape to absorb this type of development is very limited in this location and that the impact upon the landscape both in terms of visual intrusion and character would result in a development that would not comply with the requirements of Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) concerning landscape impact.
14. The scheme would be experienced as an extension of built form into open land beyond the existing extent of built development. Despite this, open countryside would remain to the east and the two dwellings proposed, on this section of land, would not materially undermine the wider open land and undeveloped space that separates Landulph Cross and Cargreen.
15. Nevertheless, due to the identified harm to the AONB, the scheme would not comply with criterion 4 of Policy 3 of the Local Plan which requires that development should, in summary, demonstrate that it conserves and enhances the landscape character and natural beauty of the AONB. Consequently, the scheme, because of its adverse landscape impact on the AONB, would not comply with Policy 3 of the Local Plan which can allow residential development outside the main towns.
16. For completeness, Policy 3 includes other policy criteria to assess development proposed within or adjoining settlements such as schemes for infill, rounding

² March 2021 (Reviewed June 2021) Anne Priscott CMLI

off and development of previously developed land³. In this case, the scheme would not meet with the requirements of infill because it would not fill a small gap in an otherwise continuous frontage. The development would not benefit from the allowance for rounding off because the housing would have the appearance of visually extending development into open countryside and the site does not have the appearance of being within the boundaries of the settlement.

17. However, it is agreed by the Council that this rear garden land falls to be considered as previously developed land. In these circumstances, as the site could be said to broadly adjoin the dwelling of West Combe, which is located within the settlement at Landulph Cross, and with the provision of two dwellings that would be of a scale appropriate to the size and role of the settlement, the scheme could, in principle, benefit from the allowance for the use of previously developed land under Policy 3 of the Local Plan. Nevertheless, as the scheme would unduly harm the AONB, there would be conflict with Policy 3 of the Local Plan when considered as a whole. Furthermore, I am not satisfied the scheme would meet with the requirements of Policy 21 of the Local Plan, which seeks to increase building density, because of the harm to the character of the surrounding area which is of high environmental quality.
18. In the light of the above analysis, and notwithstanding the details that could be submitted at the reserved matters stage, I conclude that the scheme would harm the character and appearance of the area, and in particular fail to conserve and enhance the landscape and scenic beauty of this part of the AONB. Accordingly, the proposal would fail Policy 1 of the Landulph Parish Neighbourhood Development Plan 2018-2030, Policies 1, 2, 3, 12 and 23 of the Local Plan and the Framework which seek, amongst other things, that development proposals sustain local distinctiveness and character, and protect and where possible enhance Cornwall's natural environment.

Other Matters

19. The proposed dwellings would fall within the zone of recreational influence of the SPA. The UU and related payment at the time of commencement would mitigate the impacts on the SPA in accordance with the Cornwall Council European Sites Mitigation Supplementary Planning Document July 2021. In these circumstances, the evidence indicates that the proposal, either alone or in combination with other schemes, should not have a significant or adverse effect on the integrity of the SPA, although because of my overall conclusion I have not needed to consider this matter further.
20. I have taken into account the representations which include both support for and against the scheme, as well as the views of the Parish Council. I have considered the main issues raised in the analysis above and examined the benefits of the scheme in the overall planning balance below.

Planning Balance and Conclusion

21. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁴.

³ I have had regard to the Chief Planning Officer's Advice Note: Infill/Rounding Off – December 2017.

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

22. The construction of the appeal dwellings would provide a boost to the supply of housing on a windfall site and would make efficient use of the land. There would be social and economic benefits to the local economy during construction and in subsequent occupation, although these would be to a limited degree due to the scale of the proposal, and in respect of construction would only be for a limited time. The economic benefits would include New Homes Bonus and the revenues from Council Tax to the Council. The increase in the number of units of accommodation in proximity to the school could help to support the school roll.
23. The dwellings would be constructed in proximity to a settlement and would comprise development of previously developed land. Two dwellings would be development of a scale appropriate to the size and role of Landulph Cross. In this respect the provision of the dwellings at this site would not conflict with the broad locational requirements of Policy 3 of the Local Plan. Consequently, I do not consider that the likely dependence of occupants on the private vehicle to access most services and facilities should weigh against the scheme.
24. There would also be the opportunity to construct energy efficient and sustainable dwellings, and the site could be developed to provide a net gain to biodiversity. However, as only two additional dwellings would be provided, and in the circumstances where the Council is able to demonstrate a Framework compliant supply of housing, I attribute the cumulative benefits of the proposal limited weight.
25. On the other hand, in terms of harm, the scheme would harm the character and appearance of the area and would fail to conserve and enhance the landscape and scenic beauty of the AONB. This harm to the area would be localised, nevertheless, it would be significant in this section of road and any harm to the AONB is a matter which the Framework requires should be given great weight.
26. Consequently, the benefits of the scheme merit limited weight and the harm and policy conflict should be afforded great weight. I am satisfied that the level of harm that I have found, despite any details that are likely to be submitted at the reserved matters stage, would not be outweighed by the benefits of the scheme. It is such that the harm and policy conflict that would result from the scheme would conflict with the development plan when considered as a whole.
27. For the reasons given above, there are no material considerations of such weight that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR