



Appeal Decision

Site visit made on 27 July 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal Ref: APP/D0840/W/22/3313085

**Rosecare, Tregilly, Road From Junction South East Of Tremayna To
Rosmoor, St Gennys, Bude EX23 0BE**

- 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 J Mowbray against the decision of Cornwall Council.
 - The application Ref PA21/10129, dated 27 September 2021, was refused by notice dated 13 June 2022.
 - The development proposed is agricultural & forestry storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Amended plans were submitted as part of the application. The plans amend the size of the building proposed. The Council has had regard to the amended plans and, accordingly, so have I.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the Cornwall Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is an elevated and modest portion of a larger agricultural field. It is accessed via a farm track and is located in open countryside to the west of Rosecare.
5. The site lies in the Kellan Head to Millook Haven Coast Landscape Character Area of the Cornwall and Isles of Scilly Landscape Character Study, within the AONB and Heritage Coast. Paragraph 176 of the National Planning Policy Framework 2021 (the Framework) states 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. The Framework also seeks to support economic growth in rural areas.
6. Policy 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (the CLP) reflects these aims. It states that development proposals must conserve and enhance the landscape character and natural beauty of the AONB and provide only for an identified local need. Development should also maintain the character and distinctive landscape qualities of the Heritage Coast. This policy is consistent with the Framework because it relates to the protection of the AONB.

7. The character of the landscape in this part of the AONB is very distinctive and is marked by steep-sided wooded valleys with enclosed farmland on rounded hilltops. Although clearly manmade in respect of the field patterns and hedgerows, it has a marked natural beauty. During my site visit I noticed that the upper levels of the hills are open and mainly undeveloped with some small-scale buildings and development at small, nucleated villages. There was a very obvious absence of built development in the landscape and the appeal site is an isolated location.
8. The proposed building would be located close to the top of a hill in a position which would be visible from several roads and parts of Crackington to the southwest. Although the submitted plans include two datum points, there is insufficient detail submitted to assess its overall height in relation to the top of the hill and the existing ground levels across the site.
9. I viewed the site from a number of places in the surrounding area, including from publicly accessible areas to the southwest. Whilst it may not actually breach the skyline, the proposal would stand as an isolated structure at the edge of the field, where the landscape drops away steeply to the southern and western sides. There would be no other buildings in the immediate vicinity and, as such, it would represent a somewhat incongruous feature in the overall landscape area, despite its stepped roof design and use of materials consistent with the guidance in the Cornwall AONB Management Plan 2022 – 2027 (AONB MP).
10. From some places its impact would be partially reduced by its proximity to the vegetation and a stand of trees at the boundaries of the site. A new landscaped enclosure, with hedge planting would help to ameliorate and screen the proposal. Additionally, further planting, including within the existing hedgerows, could have been secured via condition had I been minded to allow the appeal. Even so, such screening cannot be relied upon, particularly in winter months when foliage is reduced, and nor can its survival in the long term be guaranteed. In any case, the proposal's appearance would still be visible from locations within the wider landscape.
11. Whilst I note reference to a previous building occupying part of the site, no details of the building have been submitted. The only evidence of its existence before me is an aerial image which appears to indicate that it was of a more modest scale than that proposed, located in the corner of the field, but there was virtually no evidence of it visible on the ground at the time of my visit. Although the appellant considers the site is previously developed land, as stated in the Glossary to the Framework, this excludes land that is or was last occupied by agricultural or forestry buildings.
12. In view of the high level of protection afforded to the AONB, the proposal would represent a harmful incursion of development into the undeveloped landscape. Overall, the proposal, because of its size and siting, would result in an unacceptable adverse impact on the distinctive open, unspoilt character and appearance of the landscape.
13. Consequently, the proposal would cause unacceptable harm to the distinctive character and appearance of the area, which includes the AONB. It would be contrary to CLP Policies 1, 2 and 23, where together they seek to ensure that the local distinctiveness and character of the area is protected, and that development responds appropriately to its landscape setting. The proposal

would conflict with Policies PD-P1 and PD-P11 of the AONB MP, which together seek to ensure development responds positively to its context and setting.

14. It would also conflict with the provisions of the Framework in relation to protecting and enhancing valued landscapes.

Other Matters

15. I have had regard to the Agricultural Business Plan and the indicative storage layout plan submitted in support of the proposal. I note that the storage layout plan was based on a previous iteration of the proposed building and the Business Plan was based on a different site layout. Nevertheless, I consider that insufficient information has been submitted regarding the circumstances, frequency of use and need for storage on the site. Although it was only a snapshot in time, there appeared to be very few items on the site during my visit.
16. Moreover, while it may be beneficial for the appellant to have storage at the site, once the essential maintenance works to the woodland and farmland are carried out, the requirement for equipment is likely to be intermittent and limited. Many of the activities referred to, including the growing of vegetables, egg production and beehives for honey production appear to be small scale and relate to outside activities rather than necessarily requiring a permanent building. Furthermore, no substantive evidence has been provided to demonstrate that the proposed building at the appeal site is the only option, or that there are obstacles to a continued appropriate management of the land without the building. Thus, there is little compelling evidence to demonstrate an over-riding need for the permanent building proposed.
17. I acknowledge the importance of supporting a prosperous rural economy, including the development of agricultural and other land-based rural businesses. However, I am not convinced that the appellant has demonstrated that there is an over-riding need for a building of this size and that there is no alternative location. Accordingly, this matter carries only limited weight.
18. My attention has been drawn to other applications and an appeal within the wider area. However, I have been provided with very limited details of those permissions, whilst I have no detailed understanding of the planning history of those sites. Nevertheless, I note that the appeal relating to Lower Beeny involved a building next to an existing building and, as such, it had a different context. In any case, I have considered this appeal on its own merits.
19. The proposal is said to have no impact on ecology or the historic environment, nor would it result in loss of trees or hedges. However, these represent a lack of harm and accordingly, would be neutral in any balance. There would be some ecological benefits and additional planting, resulting in biodiversity net gain. It would also relate to grade 4 agricultural land. These measures carry limited weight in favour of the proposal. I have also taken account of appellant's intentions to manage the land in an environmentally sustainable way, including providing a sustainable local food source. Nevertheless, these matters in themselves do not mean the current scheme is acceptable and does not in any event absolve me from making an assessment as to its effect in regard to the main issue of the case.

20. I am also mindful that the Council's officers originally recommended that planning permission should be granted for the proposed development, and that the appellant has modified the proposal in discussion with officers. However, this does not alter my findings above.
21. Despite the adverse impact the appeal scheme would have on the character and appearance of the area, including the AONB, basic considerations of its nature and scale do not lead me on those terms to regard the appeal scheme as 'major development' in the AONB for the purposes of paragraph 177 of the Framework and Policy 23 of the CLP. Nevertheless, there would still be overriding harm arising from the extent of development proposed in the particular circumstances of this proposal. The scheme would therefore be contrary to the great weight expected to be given to the conservation and enhancement of the landscape and scenic beauty of the AONB.

Conclusion

22. The proposed building would harm the character and appearance of the area, which includes the AONB, contrary to the development plan, taken as a whole. There may be some benefits associated with the appeal scheme, but given its scale the weight attributed to these matters is limited and would be outweighed by my findings as to the harm which would be caused. As such, material considerations identified in this case do not indicate that permission should be forthcoming.
23. For the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR