

Appeal Decision

Site visit made on 27 July 2023

by Hollie Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Appeal Ref: APP/D0840/W/23/3311759

Land adjacent to Wringsdown, Yeolmbridge, Launceston PL15 8NH

- 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 Classic FM Homes Ltd against the decision of Cornwall Council.
 - The application Ref PA22/05855, dated 21 June 2022, was refused by notice dated 16 August 2022.
 - The development proposed is erection of 1 dwelling together with access and boundary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal application was made in outline form with detailed access, layout and landscaping, but with scale and appearance reserved for future consideration.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to the bank and adjoining lane.

Reasons

4. The outline proposal seeks permission for the construction of a single dwelling with a detailed layout, landscaping and point of access onto the adjoining rural lane. The proposal follows many earlier outline schemes, each for a single dwelling, which have been considered at appeal¹. The difference with the current proposal is that the detailed access point has been reduced from a wide, hardsurfaced inset layby and visibly splay, to a much reduced access feature and frontage arrangement. I note the differences between the various schemes which have been drawn to my attention but have determined the appeal proposal on its own merits.
5. The site comprises an elevated area of grassed and vegetated land within the rural settlement of Wringsdown, close to Yeolmbridge. Its northern boundary is formed from a high hedge embankment (the bank), with trees and vegetation above it and extending back into the site. Due to the height of the bank and proximity of dwellings and features on the other side of it, the lane is narrow

¹ APP/D0840/W/15/3004267, APP/D0840/W/19/3221963 and APP/D0840/W/20/3263260

- and has a rural character. I noted that there were some areas where stones and earth had been dislodged from the central low-mid sections of the bank.
6. The site falls within the locally designated North Petherwin to St Clether Area of Great Landscape Value and within '*Landscape Character Area CA31 – Upper Tamar and Ottery Valleys*' (LCA) as defined by the Cornwall and Isles of Scilly Landscape Character Study (2008). The site demonstrates some of the LCA's characteristics insofar as its strong, high hedge forms one of the winding lanes that links the settlements to the main road network, with such features, along with trees and settlements, giving the relatively unchanged landscape a maturity and stability. Guidelines for the management of the LCA refer specifically to managing existing hedges and hedgerows and conserving fields patterns with hedges and trees.
 7. The proposed access arrangement plan (Ref C375 22 205) shows around 8 metres of the central section of the hedge entirely removed to provide the access point, but with the entirety of the access to be provided as a "*proposed 750mm natural Cornish stone wall lower than current height to provide structural integrity and future proofing*". The plan also shows a full height indigenous species hedgerow to be provided behind the visibility splays (of 15 metres in a westerly direction and 18 metres to the east) with existing trees to be relocated behind the existing hedgerow to form additional screening. Within the visibility splays, behind the 750mm stone wall, would be "*low level ground cover*" planting.
 8. Much of the written evidence focuses on how minimal the intervention to the site's frontage would be compared to alternative schemes previously proposed, and I do not seek to disagree that the extent of the frontage that would be opened and inset into the site has been much reduced. However, within the labelling on the plan are the words "*rebuilt*", "*replace*" and "*relocated*", and once undertaken, I consider that the works would have a contrived, deliberately-engineered and suburban quality, with layers stepping up in heights around a tight junction arrangement that would still erode the sense of enclosure, narrowness, maturity and naturalness that the existing continuous linear bank contributes to the character and appearance of the area. The use of reclaimed stone to form the replacement frontage features would not offset this identified harm.
 9. I have read much about the irreparability of the bank and the need for stabilisation works to secure an insurable and safe highway environment in the structural engineer's report² and the separate correspondence from Kivells³. Despite the absence of any evidence to the contrary, even if the severity of the situation is as presented, it does not suggest that the appeal scheme is the only means by which to achieve appropriate remediation. It does not appear that much consideration has been given to any reduced schemes of intervention or repair that would not involve the need to provide visibility splays or that would not result in facilitating further opening works behind the bank in due course.
 10. I have read about and seen photographs of other accesses to dwellings that form a part of the settlement which are more open and/or suburban in appearance. It is clear that the existing site frontage is a feature that differs

²Structural Report by Martin Perry Associates dated December 2021

³ Correspondence dated 16 April 2020 and 7 January 2021,

from the examples provided but does so in a way that creates a sense of the settlement having time-depth and rural character. Undermining the contribution of features that form part of the identity and distinctiveness of a place can only equate to a degree of harm, and where it exists already, harm does not give justification for further harm.

11. I also understand that the detailed access has formed the principal focus of the scheme, given that details pertaining to scale and appearance have been reserved for future consideration. However, in my view, the works would open views through and into a similarly engineered site with steep banks and retaining features to address the challenging landform. These further works to the interior of the site and construction of the dwelling itself have the potential to further suburbanise and harm the semi-rural character of the area.
12. Drawing all these aspects together, the proposal would represent an overly-engineered intervention on a constrained site which contributes positively to the area's character in its existing form. The proposal would therefore harm the area's character and appearance, contrary to, in particular, Policies 2, 12 and 23 of the Cornwall Local Plan (2016). These Policies collectively require development to protect and ensure Cornwall's enduring distinctiveness and maintain and enhance its natural and historic character. For similar reasons, the proposal would have a small erosive effect on the AGLV, thus conflicting with saved Policy ENV1 of the North Cornwall District Local Plan (1999) which places particular importance on the need to protect landscape character in such areas.

Other Matters

13. The evidence suggests that the site could become prone to vermin infestation. However, I do not consider that the appeal proposal is the only means of remedying such, should the need arise.

Planning Balance and Conclusion

14. The identified harm to the character and appearance of the area renders the scheme in conflict with the development plan, when taken as a whole.
15. I have taken into consideration the suitability in principle of the scheme on an infilling basis; the modest, yet valuable contribution that a dwelling would make to the local housing stock; and the associated short and long-term economic benefits, initially during the construction phase, then to those derived from occupation by residents that would depend on local businesses and services. The minor biodiversity enhancements also attract a degree of positive weight, as do the works to secure the safety of the highway environment in the long term.
16. However, even taken together, the benefits do not form a consideration of such materiality that they outweigh the identified harm or indicate that a decision should be made other than in accordance with the development plan.
17. For the foregoing reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR