



Appeal Decision

Site visit made on 11 June 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/D0840/W/23/3320596

Land North West Of Ramehead Cottages, Ramehead Lane, Rame, Torpoint, Cornwall PL10 1LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Chris Wilton against the decision of Cornwall Council.
 - The application Ref is PA23/00924.
 - The development proposed is an agricultural machinery and crop storage shed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Class A of Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) establishes that agricultural development on units of 5 hectares or more is permitted development subject to certain restrictions, limitations and conditions. The Council accepts that the proposal would be within the limitations imposed by paragraph A.1 of the Order. However, paragraph A.2 (2) (i) of Part 6 of the Order requires an application to be made as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building. These are the only matters for consideration in such an application.
3. There is no statutory requirement to have regard to the development plan as there would be for development which requires planning permission. As such, I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are material to the matters for consideration.
4. Following the submission of the appeal, amendments¹ were made to Class A of Part 6 of the Order which came into force on 21 May 2024 that extended permitted development rights for agricultural development in certain respects. The main parties have had the opportunity to comment on those amendments.

Main Issues

5. The main issues are the effect of the proposed siting, design and external appearance of the building on (i) landscape character having regard to the

¹ Statutory Instrument 2024 No.579

special qualities of the Cornwall Area of Outstanding Natural Beauty (referred to as AONB or national landscape); and (ii) the significance of the Grade I listed Church of St Germanus and Grade II* listed Chapel of St Michael.

Reasons

National Landscape

6. The proposed siting of the agricultural building is within a designated national landscape. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) sets out a general duty whereby I must seek to further the purpose of conserving and enhancing the natural beauty of the AONB. Paragraph 182 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
7. The Cornwall Area of Outstanding Natural Beauty Management Plan 2022-2027 identifies the proposed siting as being within Rame Head, an area covering the extreme southeast of the AONB. Having regard to the above and my own observations of the appeal site and surrounding land, there are a number of important distinctive components of the landscape.
8. Chief amongst them is the natural form of the coastal landscape whereby the peninsula and headland contain dramatic cliffs that frame the sandy beaches of Whitsand Bay. The topography combined with its proximity to the sea, limited built form and low level exposed vegetation allow for sweeping scenic views along the coastline and give a sense of openness and spaciousness. The conical hill on Rame Head has the medieval chapel of St Michael (the chapel) on top. This forms a prominent landmark owing to its exposure, elevated height and has a distinctive outline against the skyline. I was able to observe the silhouette of the ridge of land between the spire of the Church of St Germanus (the church) and the chapel from some distance away along Military Road.
9. The attractive configuration of the natural landscape is enriched by the palpable sense of history. The conical mound on Rame Head is itself a probable iron age promontory hill fort, and the chapel was historically used as a religious building, beacon and watchtower. There are other historic buildings and coastal fortifications close by. In comparison to the natural scenery, manmade interventions are limited. Even so, most of the structures that are present on Rame Head Lane are obviously purposeful, with that purpose rooted in the coastal location, be that for spirituality, coastal defence or the safety of seafarers.
10. Given the considerable scenic qualities of how the landscape and heritage assets are entwined, it is unsurprising that there are footpaths along the top or close to the cliffs. These allow walkers to enjoy the attractive spacious scenery, sense of remoteness and connect with the past.
11. The appeal site is part of a field close to a row of cottages, associated with the coastguard. The field lies adjacent to a section of Ramehead Lane along the exposed ridge that lies between the church and the chapel. A public right of way runs close to the northwest of the proposed siting. The absence of built form, boundary hedgerows and agricultural character of the land add to the special qualities of the national landscape by forming part of a pleasant, spacious rural backdrop to the more dramatic coastal features and heritage assets. It is explained that stacks of straw bales and agricultural machinery are

stored on the land, which I observed at my site visit. To an extent, these detract from the silhouette of the landform and spaciousness, but as they are transient in nature this is limited. Overall, the fundamental qualities of the appeal site make a positive contribution to the AONB.

12. The proposal would introduce an agricultural building measuring approximately 24m by 12m, and 7m in height. It would appear as a standard portal framed agricultural shed, clad in green profiled metal sheeting with large openings, and grey fibre profiled roofing sheets on a shallow pitched roof. Hence, its general design and external appearance would be utilitarian, typical of many such buildings seen in the working countryside. However, whilst these factors are not inherently objectionable, its siting in the highly sensitive context described above would be harmful for the following reasons.
13. Firstly, it would introduce considerable additional built volume onto land where there is presently none. This would notably erode the sense of spaciousness and remoteness as one approaches the chapel along Ramehead Lane, or along the footpath adjacent to the appeal site.
14. Furthermore, owing to the surrounding land levels, the building's bulk, form and height would puncture the skyline when seen from afar, making its siting particularly conspicuous. This would harmfully interrupt the silhouette between the church spire and chapel. The combination of the relatively large scale of the building and its obviously functional but mundane appearance, would not warrant such a prominent position. It would dilute the configuration of historic buildings on Rame Head and their interrelationship with the natural landscape, thereby undermining an important aspect of the scenic quality of the national landscape.
15. It is highlighted² that, unlike other instances of permitted development, the Government chose not to restrict Part 6, Class A rights in an AONB. Be that as it may, it does not follow that the designation and special qualities of the AONB are irrelevant to the consideration of siting, design and external appearance.
16. Consequently, the proposed siting of the building would be harmful to the special qualities of the AONB, which runs counter to the expectations of the general statutory duty. Furthermore, it would conflict with policies in the development plan that generally seek to avoid harm and minimise impact on landscape character in sensitive areas. Consistent with the approach in the Framework, the harm to the national landscape is a matter to which I attribute great weight.
17. My findings are broadly consistent with the views of an Inspector who recently considered an appeal³ for a dwelling at the site. Nevertheless, I have reached my own view based on the evidence in this case, including my own observations.

Listed Buildings

18. The small stone, single cell chapel of St Michael is a Grade II* listed building, thought to be of Norman origin. Its isolated, very prominent cliff top position is a fundamental part of its significance and is integral to its architectural simplicity and historic uses. The spaciousness and remoteness of its natural

² Paragraph 5.15, Appellant's Statement of Case

³ Appeal reference APP/D0840/W/21/3284321

coastal landscape setting, away from other buildings therefore contributes notably to its value as a heritage asset. This can be appreciated at close quarters but also from some distance away as a landmark.

19. The Grade I ancient stone Church of St Germanus lies further inland, but nevertheless has a striking presence and elevated hierarchy in comparison to its surroundings, owing to its position on a ridge and distinctive 13th century spire. Its significance is comprised of several components which include its considerable aesthetic value as a historic religious building. The list entry details its early origins, and subsequent enlargements and alterations. Consequently, the building reflects the evolution of church architecture over a considerable period.
20. The historic fabric and presence of the building is a tangible and direct connection with the past and constitutes an important and longstanding religious building likely to have been a focal point for the community it served. Moreover, historic interest is derived from the likely connection between the church and the chapel which are linked by Ramehead Lane and footpaths, with the spire and chapel visible in distant contiguous views. Hence, the surrounding landscape forms part of the setting of the church which further enhances its significance.
21. The appeal site lies between the chapel and church, and along the historic connecting route. As such, it is within the setting of both designated heritage assets. For similar reasons to those outlined in relation to the AONB, the erosion of spaciousness and position of the proposed large, utilitarian building would have a harmful effect on the historic configuration. Moreover, its presence in their settings would detract attention from them in longer views, and when walking between them. Hence, the insensitive siting of the proposed building would be harmful to the significance of both.
22. As is highlighted by the appellant, the general statutory duty⁴ that is relevant to planning applications that affect listed buildings is not engaged when considering proposals for prior approval. Nevertheless, the Framework contains guidance, which is relevant, and in its parlance, the proposal in this case would result in less than substantial harm to the significance of two designated heritage assets. Any such harm requires clear and convincing justification⁵, with the harm weighed against the public benefits of the proposal.
23. The agricultural building would provide cover for agricultural machinery and straw which is stored on the land. This would assist the appellant in his farming business as the siting would be operationally convenient. Whilst this would be of private benefit to the appellant, there are also public economic benefits derived from supporting agricultural enterprises.
24. Some reference is made to the use of the building in providing emergency care for injured animals, including Dartmoor ponies. However, this is not the intended primary use of the building, and such incidents would be likely to be infrequent. It is not shown that the proposed building would provide the only suitable shelter in such circumstances. Hence, this factor attracts little weight.
25. It is put to me that there are no more suitable locations for such a building within the appellant's farming operation. I have had regard to the holdings

⁴ Section 66, Planning (Listed Buildings and Conservation Areas) Act 1990

⁵ Paragraphs 206 & 208 Framework

block plan and alternative site assessment provided⁶. It is also highlighted that there are multiple designations and heritage assets across the farm which could act as a constraint to development.

26. Nevertheless, there is limited explanation of the methodology used to set the parameters for the alternative site assessment, nor is it clear how, or if, the criteria are ranked. The consideration of the likely effect on listed buildings is largely based on a distance measure rather than a consideration of their heritage value or respective significance, which is overly simplistic. Furthermore, some alternatives have been discounted on the basis that they may require access works or excavation, without the likely extent of those works being fully quantified.
27. Moreover, the analysis is undertaken per holding number, rather than identifying specific sites. The table suggests holding number 7, described as 'Sand school, livery parking and yard' might be suitable. However, the appellant discounts it because it is on 'made ground' and that the loss of the sand school would be harmful⁷. Based on this limited explanation, it is not clearly shown that this applies to the whole of holding 7, nor why the ground conditions could not be addressed. Hence, it is not shown that the loss of the sand school would be an inevitable consequence.
28. Therefore, I am not satisfied that there has been a rigorous exploration of alternative potential sites that could suitably address the straw and equipment storage requirements of the farming business. It follows that I am not persuaded that the harmful siting proposed in this case represents the only possible option. Even so, cognisant of the challenges in finding other sites, this is a factor that attracts minor weight in favour of the appeal scheme. Overall, I attribute the cumulative public benefits moderate favourable weight.
29. However, paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. In this case, the Grade I and Grade II* listings of the church and chapel respectively denote their exceptional heritage value.
30. Consequently, I find that the sum of public benefits would fail to outweigh the less than substantial harm to the significance of the listed buildings. As such, conflict arises with national policy in the Framework which seeks to protect the historic environment.
31. Therefore, I find the proposed siting, design and external appearance of the building would result in unjustified harm to the significance of the chapel and church. This is a matter which attracts great weight.

Other matters

32. In the information presented there is considerable discussion, with reference to caselaw, on the nature of a prior approval, its differences with a planning application, and the correct way to approach my determination. In general terms, there is no dispute that this is a context where the principle of the development is not itself in issue.

⁶ Appendices 4a and 4b, Appellant's Statement of Case

⁷ Paragraph 9.6, Appellant's Final Comments

33. The Court of Appeal in *Murrell v Secretary of State for Communities and Local Government* [2010] EWCA Civ 1367 held⁸ that the analogy between prior approval and an application for an approval of reserved matters following the grant of outline permission is not a precise one. There is an obvious difference in that in the case of outline planning permission there exists an accrued permission, whereas in a Class A prior approval under Part 6 case, no permission accrues until the occurrence of one of the events specified in paragraph A2(2)(iii) of the Order. Furthermore, there is likely to have been an assessment of the general suitability of the site at the outline permission stage, leaving less flexibility at the reserved matters stage.
34. Examination of the case law cited does not clearly establish that the permitted development rights in part 6 of the Order mean that I am obliged to find a site on the appellant's agricultural unit as is suggested⁹, nor required to suggest suitable alternatives. Rather, I must assess the considerations of the prior approval in relation to the scheme before me. In any event, as will be seen above, based on the evidence provided, I am not convinced that it is shown that there are no more suitable options.
35. Considerable reference is made to guidance in PPG7 and content in the Inspector Training Manual. In relation to the former, I have not given it weight as it does not represent national policy and was withdrawn a considerable time ago. In respect of the latter, my approach is generally consistent with the advice highlighted.
36. Six appeal decisions¹⁰ have been provided by the appellant relating to prior approval applications under Part 6 of the Order. In most of those cases the Inspectors did not find that the siting, design or external appearance of the development would result in harm. Furthermore, those developments related to different local planning authorities and so, are in different locations to the appeal site. They were not within the Cornwall AONB or setting of the listed chapel and church. Therefore, whilst I have taken note of the general approach to prior approvals, with which I am broadly consistent, they carry very little weight when assessing the specific effect of the proposal in this case.
37. Some of the representations received raise concerns that the proposal would not concern agricultural land. However, there is little substantive evidence that the land falls in another use, and photographs show the storage of straw bales and agricultural machinery. Further objections refer to the limitations imposed by paragraph A.1 of Class A, Part 6 of the Order whereby development is not permitted if it would be carried out on a separate parcel of land forming part of the agricultural unit which is less than 1 hectare in area. Although the appellant's land rights may vary across the agricultural unit, the appeal site lies adjacent to other holdings¹¹, and there is little to suggest he does not have rights to farm the entirety of the land.
38. The appellant is critical of the Council's failure to engage in discussions with him during and after their decision. However, this is not a matter that lies within the scope of this determination.

⁸ Paragraph 46

⁹ Paragraph 9.5, Appellant's Statement of Case

¹⁰ Appendices 6-11, Appellant's Statement of Case, referenced APP/F2605/W/20/3249717; APP/L3815/W/20/3263528; APP/R1010/W/20/326580; APP/W3330/W/21/3282779; APP/E2734/W/3235313 & APP/Q9495/W/21/3267632

¹¹ Holdings Block Plan, Appendix 4B, Appellant's Statement of Case

Conclusion

39. The proposed siting, design and external appearance of the building would have an unacceptably harmful effect on the special qualities of a national landscape and the significance of designated heritage assets. Therefore, the appeal should be dismissed.

Helen O'Connor

INSPECTOR