



Appeal Decision

Site visit made on 3 September 2024 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2024

Appeal Ref: APP/D0840/W/24/3336506

Higher Hawkstor Farm Blisland, Bodmin Moor PL30 4LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Adrian Mansfield against the decision of Cornwall Council.
 - The application Ref is PA23/01179.
 - The development proposed is restoration of Higher Hawkstor Farm for an occasional camping barn for private use only.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issues

3. Areas of Outstanding Natural Beauty (AONB) are now known as National Landscapes. This change in terminology has not affected the reasons for their designation or the fundamental aspects of their special qualities. I have accordingly referred to the Cornwall AONB as the Cornwall National Landscape (CNL) in my recommendation. The CNL is made up of 12 separate geographical sections but is still one single designation. In this case it is the Bodmin geographical section that is relevant.
4. There remains some ambiguity as to the end use of the proposed development. The appeal scheme is advanced as one to provide accommodation for occasional camping for private use. The appellant seems to be certain that it is not a tourist use they are seeking. What is clear; however, is that the proposed development would provide, for all intents and purpose, a self-contained residential unit of accommodation, designed for multiple occupants. I have considered these matters in more detail below, in the context of the main issues which are: a) the principle of the proposed development with specific regard to its location; and b) its effect on the character and appearance of the area with specific regard to the CNL and Non-Designated Heritage Assets (NDHA).

Reasons for the Recommendation

Principle of Development

5. It is not in dispute that the appeal site is in the open countryside where, for reasons of encouraging sustainable patterns of development and in the interests of its intrinsic character, development types and scales are restricted by the Cornwall Local Plan Strategic Policies 2010-2030 (LP) which seek, in terms of its spatial strategy, to maintain a dispersed development pattern with growth, in the main, focused on the main towns and then smaller settlements hierarchically. There are exceptions.
6. Policy 7 of the LP sets out that new dwellings in the countryside will be restricted to, amongst other things, the re-use of suitably constructed redundant, disused buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting. Further guidance suggests that the appropriateness of buildings for conversion will depend, amongst other things, on their structural soundness and the ability to convert the building without substantial rebuilding operations.
7. The appeal site contains buildings in a state of partial ruin. There is no roof structure at all, no first floor, and no fenestration. In places the stone walls have partially or completely collapsed. To the point of it being sufficiently evident to my mind that there are remnants of buildings which allude to something having been there, rather than there being something to specifically re use or 'convert' effectively. It is clear from the evidence and my site visit that the proposal would require substantial rebuilding operations to create a new dwelling out of them. It would, for all intents and purpose, be a new dwelling which happened to incorporate parts of a former building rather than one that would be housed within an entity of sufficient substance. I therefore remain to be convinced that the remains on site would be appropriate to retain, even if it would enhance the setting, or that what's left of the 'buildings' are suitably constructed.
8. Further, Policy 7 requires the building to be converted to have an existing lawful residential or non-residential use. Given the appeal site's current state and evidential last human occupation, there remains ambiguity as to whether any such use has long since been abandoned. To the extent that, based on the evidence, I would not be able to say for certain that it has a lawful use.
9. The proposal is for private camping with no financial gain, which does not appear to represent the form of tourism facilities envisaged under Policy 5. Indeed, the appellant has suggested a condition ruling out holiday let use, however, personal camping appears to be a holiday use and there remains some ambiguity in the evidence as to whether the private nature of the use could extend to family members and friends. A condition has been suggested to control these matters which I shall come back to.
10. Firstly, and given the very remote location of the appeal site, accessibility is an issue. There are public rights of way nearby but the site's semi remote moorland location means that access via the use of the private car would be almost completely relied upon and taking into account the extent of accommodation and potential wider uses proposed, I remain to be convinced that the level of accessibility would be appropriately related to the scale of the development when taking into account the requirements of Policy 5 in that

regard. Secondly, for these reasons and having regard to Policies C1 and T1 of the Climate Emergency Development Plan Document 2023 (CEDPD), the location of the appeal scheme would be such that it would be largely incapable of maximising active travel and minimising the need to. The only options more sustainable than the use of the private car (which is the least sustainable travel option) would be through the use of remote and undulating and at times unsurfaced routes that would be unlit and unsuitable to anyone less able, during inclement weather or in the dark.

11. I have given some thought to the imposition of restrictions for the use of the scheme. Since it would not be appropriate as tourist accommodation under Policy 5 and the appellant's express intention is to not provide such, one could consider personalising a planning permission or imposing restrictive occupancy conditions.
12. In terms of the former, Planning Practice Guidance suggests that planning permission usually runs with the land, and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need. A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company. In regard to the appeal scheme directly, and the appellant's intentions aside, a sufficiently compelling argument has not been presented which would justify a planning permission on personal grounds or for the benefit of a particular group of people.
13. In regard to the latter, it had been suggested to impose the following condition: the use of Higher Hawkstor Farm hereby permitted is limited to use as a camping barn for private purposes only, that shall be used for a maximum of 30 nights in any one calendar year. Higher Hawkstor shall not be rented or let as any form of commercial holiday home and shall not be occupied as a person's sole or main place of residence. The owners shall maintain an up-to-date register of the nights in which Higher Hawkstor is used for camping purposes and shall make this information available at all reasonable times to the local planning authority.
14. As well as my earlier comments, 'private use only' is ambiguous, particularly since the appellant's evidence also alludes to an intention for their family and friends to use the proposal. This could potentially relate to a very wide circle of people. Consequently, I cannot be certain that the scheme will not be in a cycle of almost continual use. Whilst a register of overnight visitors could be required by a condition, I cannot be certain that this is enforceable. It would be extremely difficult to differentiate day visitors from overnight visitors. Such a condition would thus be unenforceable and imprecise.
15. With this and the above in mind, the principle of the appeal scheme would not be acceptable. Accordingly, and in regard to it being the creation of something wholly new, it would serve to encourage unsustainable patterns of development which would be contrary to the Council's spatial strategy. Specifically, Policies 2 and 3 of the LP. It would also conflict with Policies 5 and 7 of the LP and Policies C1 and T1 of the CEDPD, the aims of which I have set out.

Character and Appearance

16. Higher Hawkstor Farm, located prominently in the vicinity of Hawkstor and the Stripples Stones Circle, is considered a non-designated heritage asset due to its contribution to the rural landscape and its evidential link to the sites historic agricultural function. The key landscape feature of the Bodmin Moor section of the CNL is the distinctive upland landscape, created from the underlying granite mass which form the largest granite protrusions along the spine of Cornwall. The moorland is gently undulating with prominent tors which provide a distinctive silhouette against an expansive skyline, further emphasised by the lack of man-made structures and intrusive development. It is particularly important for its tranquillity and dark skies and is designated as an International Dark Sky Park.
17. The farm buildings and access track have, as I have alluded to above, long been lost to the landscape. I accept that it remains just about legible with the shape of the past structure identifiable and that this, combined with its materials and location, sufficiently harks to its historic function and place on the moor. The significant level of intervention required to restore the buildings and access track would however have a substantial visual impact on the landscape, restoring noticeably engineered man-made structures, the lack of which is a key landscape feature of the CNL. The proposal would increase the mass and scale of the buildings, interrupting the expansive landscape. There would be an introduction of residential paraphernalia associated with such use which would be detrimental to the tranquil character and appearance of the CNL, including the reintroduction of an access track that has been mostly subsumed into the moorland.
18. Given the prominence of the location, the resulting development would be felt obviously at night when the internal illumination of the building would be highly visible and unacceptably jarring in the context of the International Dark Sky Park. Whilst a condition is suggested to restrict external lighting, the internal illumination would erode the undisturbed and remote nature of this part of the moorland and negatively impact upon the intrinsically dark landscape of the International Dark Sky Park.
19. The appeal site is not statutorily listed. There is nonetheless significant evidence presented that sets out its historic value as an example of upland farming and historical field systems, including questions regarding its suitability to be so. It is not however for me to consider the merits of an appeal site for statutory designation. This is for a submission to the relevant body to determine.
20. The appellant also questions whether the appeal site should be considered as an asset of archaeological interest which would be demonstrably of equivalent significance to scheduled monuments. Again, I am unaware of any proposal to make it so. The appeal site, along with other remnants in and around it, are no doubt of some archaeological interest and a resource of some value to show what used to be there and contribute to, rather than define, the story of agriculture on Bodmin Moor. Whether they would be demonstrably of equivalent significance to a scheduled monument would require them to meet and/or exceed a very high bar. The evidence, on my understanding, points to former buildings quite typical of their use, function and location rather than being inherently unique or of more than non-designated significance. I have therefore dealt with the appeal site as a NDHA. It is so due to its contribution

to the rural landscape and serving as an evidential link to the site's original function as part of the historical agricultural landscape of Bodmin Moor.

21. The proposed works to the appeal site would be, as I have set out above, extensive. So much so that the result would be a facsimile of what once stood rather than a sufficiently faithful conservation project that retained originality in a more pure form. Having regard to what the remnants of the buildings hark to and the reasons for their identification as a NDHA, there would be equal merit to leaving them as is. They still contribute to the rural archaeology of the moor and tell the story of what used to be. History is as much about what used to be there as what is and/or what can be recovered but, the level of intervention to the appeal site to return it to something that looked like what it was, would be a good example of locking the door after the horse has bolted.
22. I appreciate that, over time, what is left on the appeal site will decay further. Whilst this might take some considerable time given how long they have been there, this is something of an inevitability for the remnants. Works could be undertaken to stabilise and preserve them, and this could take place without the need for the proposals, but this would be a financial decision for the owner. Importantly, the gradual degradation of what is left of the appeal site over time is not, taking into the account the above, sufficient to justify the extent of the works proposed.
23. The appeal site is within the vicinity of the Stripple Stones scheduled monument. Both are within the aforementioned historic landscape. That said, the presence of the appeal site and the significance of the stones do not, sufficiently clearly, align with each other. To the extent that the presence of completed building would unlikely have an adverse effect. The Council do not allege any harm to the ancient monument in their evidence and, with this and the above in mind, I am inclined to agree.
24. Overall, however, and in regard to heritage matters, the appeal scheme and critically the works involved therein, would cause unacceptable harm to the significance of the appeal site as a NDHA for the reasons I have set out. The National Planning Policy Framework 2023 (the Framework) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
25. Given the scale of the appeal scheme in a wider setting and the nature of the works to retain some of the original structure, I would set the level of harm to the significance of the appeal site as moderate. Nevertheless, I would ascribe substantial weight thereto given the level of intervention that would be required to complete the project and what has the potential to be subsumed as a result. There would be some matters to balance, including the benefits of a sustainable long-term use of the resulting building and inward investment both economically and socially. These would however be limited by the scale of the project and the time it would take to complete. The end use is also proposed to be of a private nature. With these factors in mind, I would apportion them less weight, to the point that they would be insufficient to make the level of harm I have found acceptable or justified.

26. Accordingly, the proposal would cause unacceptable harm to the character and appearance of the area, which would extend to the natural beauty and special qualities of the CNL and the appeal site's significance as a NDHA. As such, and in regard to this main issue, it would conflict with saved Policy ENV01 of the North Cornwall Local Plan Part 1 and Part 2 (1999), Policies 12, 23 and 24 of the LP, Policies PD-P1, PD-P2, PD-P11 and BM-P4 of The Cornwall Area of Outstanding Natural Beauty Management Plan (2022-2027) and the relevant paragraphs of the Framework. Insofar as they seek to ensure development is of a high quality and contextually appropriate design and appearance, protecting the natural and historic environment and conserving the special character of designated National Landscapes.

Other Matter

27. The appellant has drawn my attention to PA20/04806, where a similar scheme in a similar location was granted planning permission in 2020. I agree there are some similarities, having seen some of the evidence and matters the Council took into account. Even if I were to agree that the site in that case was in the same state of repair to the one before me and be satisfied that the scale of works to them sufficiently similar, harm would remain in regard to the character and appearance of the area and, specifically, unresolved harm to the CNL and the status of the appeal site as a NDHA. The Council did not find harm and granted a planning permission for the example cited so it is clear there were some differences to the scheme before me which I have, in any event, considered on its own merits and in regard to the main contentious issues.

Conclusion and Recommendation

28. For the reasons given above, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight (including the approach of the Framework) which would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

29. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR