

Appeal Decision

Site visit made on 8 October 2024

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2024

Appeal Ref: APP/D0840/W/24/3338432

Efford Farm, Vicarage Road, Bude, Cornwall EX23 8LT

- 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 Mr R Heard against the decision of Cornwall Council.
 - The application Ref is PA22/11409.
 - The development proposed is single detached cottage style dwelling with associated access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was made in outline with all matters aside from access reserved, and I assessed the appeal on that basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the Bude Conservation Area (the CA);
 - the effect of the proposal on the setting of the Grade II* listed building Ebbingford Manor; and,
 - whether or not the proposal would be safe with regard to flood risk.

Reasons

Bude Conservation Area

4. The site is part of a field. A hedgerow forms its south boundary, beyond which is Stanbury Drive, which doubles as a Public Right of Way (PROW). A short distance to the west the PROW branches into the former stead of Efford Farm, now a business centre. It crosses a yard and rises beyond a pair of houses at the edge of the complex. The site, the field and Efford Farm are within the CA.
5. The CA has a layered significance which revolves around its medieval origins, its past industry, and its subsequent move towards tourism and leisure during the Victorian period. The area around Old Efford was the vanguard of Bude's medieval development and a focus of its agriculture. The appeal site is a well-preserved part of a former historic field system, dating from at least the 19th Century, forming part of the holding at the Victorian era Efford Farm. The former farmstead, despite its conversion, largely retains its historic character.

6. The open, pastoral nature of the site, and that of the wider field, therefore make a positive contribution to the significance of the CA. This is reflected in the designation of the field within the Bude Conservation Area Appraisal (2010) as an area of 'Significant Open Space'. The urbanising effect of recent housing development aside the CA to the south places a further emphasis on the importance of the site as historic farmland that contextualises Efford Farm.
7. As one travels west along Stanbury Drive the lane narrows and is enclosed by dense hedges. Filtered glimpses of the sky through the hedge indicate the openness of the field beyond. Despite the housing to the south, it is obvious that one has left the urban confines of Bude behind. Further down the lane the hedge lowers and allows for partial views of the west side of the field. As the PROW goes up past the dwellings at Efford Farm users are afforded views of the eastern side of the field. The site is also highly visible from a lower car park within the business centre, which is logically used by employees and visitors.
8. Whilst the dwelling would be pushed west so as to protect ecology and prevent visibility from Stanbury Drive through the site access, it would block the filtered views of the sky through the hedgerow. The driveway and potentially large parking and turning area, and any associated vehicles, would be open to view. Together with inevitable domestic paraphernalia such as bins and signage, it would be evident from Stanbury Drive that the open field has been partially developed and subdivided, at the expense of its role within the CA. It is not clear how the removal of Permitted Development Rights would prevent this.
9. From the Efford Farm car park the development of the site would be prominent. The site of the dwelling would be an elevated part of the field on a fair gradient. Whilst the intention is to cut the dwelling into the slope, functionally there is only so much excavation that can realistically take place. In this topography, the dwelling would in my opinion likely appear to loom over boundary features and have a significant urbanising effect. As this is an issue of loss of openness, it would not be resolved by any particular design or use of finish materials.
10. The development would, however, be most apparent from the PROW northeast of the houses at Efford Farm. Landscape evidence¹ models that the dwelling would be largely screened from this position. However, using existing built form for reference indicated to me that the dwelling would instead be clear to view. Indeed, I saw from here that the farmland would be truncated by the proposal in visually pronounced terms. The elevation of this part of the PROW means that it is unlikely that boundary treatments and engineering would soften the presence of the dwelling and its grounds. New boundary planting, native or otherwise, would undermine the open quality of the field in any event.
11. It follows that the significance of the CA would be harmed. The extent of harm would be less than substantial. Paragraph 205 of the National Planning Policy Framework (the Framework) explains that great weight should be given to the conservation of designated heritage assets. Paragraph 208 goes on to require decision makers to weigh any less than substantial harm to a designated heritage asset against the public benefits of the scheme. Here that balancing exercise must take place in the context of s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets a strong presumption against a grant of planning permission for development that would fail to preserve or enhance the character or appearance of a conservation area.

¹ Within the Landscape Scheme and Visual Impact Assessment (February 2024)

12. The social and economic benefits accruing from the provision of one dwelling to Cornwall's housing supply in an accessible location close to a range of services would be modest. There would be a small safety benefit in the improvement of the passing place at the site access. Limited biodiversity enhancement could be achieved through planting within and near the site. Together, these public benefits would not justify the harm that would arise to the CA.
13. Reference is made to an appeal decision relating to one of the new houses to the west². However, that site reads as an adjunct to an adjacent terrace, and is outside of the CA. It has therefore had little influence on my decision.
14. Accordingly, I conclude that the proposal would have an unacceptable effect on the character and appearance of the CA. It would conflict with the relevant heritage and landscape aims of Policies 3(d) and 23 of the Bude-Stratton Neighbourhood Development Plan 2016 – 2030 (made 2016) (the NDP), Policies 2, 12, 23, and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 2016) (the CLP), Policy C1(7) of the Climate Emergency Development Plan Document (CEDPD) (adopted 2023) and the Framework.

Ebbingford Manor

15. I have a duty to consider the effect of the proposal on the setting of Ebbingford Manor. The house draws significance from its medieval origins and varied historic fabric and architecture developed over a range of phases. Given that the appeal site is potentially also medieval in origin and close by, there is a logic in drawing an association between the two. However, even with the submission of an historic impact assessment, neither party has been able to make any conclusive link between the appeal site and the old manor house.
16. There is little intervisibility between the site and the asset and this could be further limited by reinforcing the intervening field boundary / tree line with planting. Given such, the evidence before me indicates that the proposed development would not harm the significance that Ebbingford Manor derives from its setting. Rather, its setting would be preserved. In this regard the proposal would accord with Policies 2, 12, and 24 of the CLP, Policies 3(d) and 23 of the NDP, Policy C1(7) of the CEDPD and the Framework.

Flood Risk

17. An area of the access to the site along Stanbury Drive is within Flood Zone 2, owing to the potential for a fluvial flood event associated with the nearby Bude Canal. Whilst the dwelling itself would be safe from fluvial flood waters (and surface water flooding), the Planning Practice Guidance (PPG) makes clear that the safety of access routes for occupants and emergency workers during a flood event should also be considered within a Flood Risk Assessment (FRA). In the absence of a proper FRA, it is not clear to me if the development would be safe during a flood event, nor if it could be made safe by way of a condition.
18. If the Council did not previously broach this issue in relation to the recent permissions for the housing to the west, that does not release me from the need to do so now, nor for an FRA to be submitted which fulfils the requirements of policy. That the planning inspector did not explicitly visit this issue at the nearby site is not instructive either, as the role of the inspector is focussed on the principal important controversial issues between the parties.

² Appeal Ref: APP/D0840/W/17/3184093

19. I therefore conclude that the proposal would not be safe with regard to flood risk. The proposal conflicts with the relevant objectives of Policy 26 of the CLP, Policy CC3 of the CEDPD, the PPG and the Framework.

Other Matters

20. Given that I am dismissing the appeal for other reasons, I have given no consideration as to the need of otherwise for the Sequential Test to be applied with regard to flood risk in this case.

Planning Balance and Conclusion

21. In light of the harm that would arise to the CA and my conclusion that the development would not be safe from flooding over its lifetime, the proposal falls into conflict with the development plan when read as a whole. The other considerations before me do not indicate that I should make a decision other than in accordance with the development plan.
22. For this reason, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR