



Appeal Decision

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

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2024

Appeal Ref: APP/D0840/W/24/3341312

Land at Causey, Week St Mary, Cornwall EX22 6UL

- 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 Chris Heard against the decision of Cornwall Council.
 - The application Ref is PA23/01661.
 - The development proposed is the construction of a new field entrance.
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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 Matter

3. The appellant suggests they are prepared to modify the proposal to change the proposed galvanised steel gate to a more traditional timber one; to utilise a vehicle friendly reinforced grass system 'such as EcoGrid E50' instead of a tarmac and hardcore track; and to include public seating in the proposed visibility splay area. I do not have precise specifications or plans of such amendments and therefore I cannot take them into account. Furthermore, taking these suggested modifications into account has the potential to deprive those with an interest in the proposal from having the opportunity to comment. Consequently, having regard to the Holborn Studios Ltd judgement¹, I have assessed the appeal on the basis of the plans and details that were before the Council when it made its decision.

Main Issue

4. Whether the proposed development would preserve or enhance the character or appearance of the Week St Mary Conservation Area including its landscape.

Reasons for the Recommendation

5. The application site is located in the Week St Mary Conservation Area (WSMCA). The significance of the WSMCA can be found in, amongst other things, burgage plots each with a cultivable area of land of approximately 1 acre characteristically laid out in strip fields which are still clearly preserved in the landscape. The Week St Mary Conservation Area Appraisal (WSMCAA)

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

notes that this is especially the case to the east and southwest of the village centre, the latter of which corresponds with the location of the appeal site. The WSMCAA states that the historic field boundaries are an important feature. Indeed, the field and its banked hedgerow boundary form part of an overriding verdant rural character with much enclosure to the roadside between Week St Mary and Week Green which positively contributes to the character and appearance of the WSMCA.

6. The site sits within an Area of Great Landscape Value and the 'CAA 38: Western Culm Plateau'. The Cornwall Character Area (CCA) extract provided identifies key characteristics for the area including small-scale field patterns with Cornish hedges and hedgerows as boundaries which are important landscape features. The valued landscape attributes and key sensitivities include the traditional pastoral land use, with a strong hedgerow pattern of Cornish hedges and hedgerows. The landscape guidance for the area seeks amongst other things to protect and conserve traditional Cornish hedgerows and to keep hedge banks in good repair. The identified attributes of the landscape also make a positive contribution to and add to the significance of the WSMCA.
7. The proposal would require significant landscape intervention, creating a long, sloped access into the field and would remove a substantial section of the traditional earth, stone and vegetation boundary. Due to its gradient rising up from the road level and its wide entrance splay, together with the utilisation of hard surfacing materials and a steel gate, the proposed development would have an unduly prominent and heavily engineered appearance. This would not integrate well with the prevailing rural attributes of the main throughfare between Week St Mary and Week Green. The entrance together with the re-sited bank and hedgerow would also unacceptably reduce the sense of enclosure to the field and the roadside. Consequently, there would be localised harm to the landscape and this would also not preserve the WSMCA.
8. Given the scale and wider context of the proposed development, the harm to the WSMCA would be less than substantial in the terms of the considerations in the National Planning Policy Framework (the Framework). I am required to balance this harm against the public benefits of the proposal. The proposal offers a private benefit to the appellant in providing access to their land. However, there are no clear public benefits advanced that would be capable of outweighing the less than substantial harm to the WSMCA and the great weight I must attach to its conservation.
9. I conclude that the proposal would not preserve or enhance the character or appearance of the Week St Mary Conservation Area including its landscape. In that regard, it would conflict with Policies 2 (Spatial Strategy), 12 (Design), 23 (Natural Environment) and 24 (Historic Environment) of the Cornwall Local Plan Strategic Policies 2010-2030 (2016) and Saved Policy ENV1 (Protecting the Countryside and Landscape Character) of the North Cornwall Local Plan 1999 insofar as they seek high quality design that sustains local distinctiveness and character and conserves and enhances the distinctive natural and historic landscape and heritage assets of Cornwall. For the same reasons, it would also conflict with the requirements in the Framework to conserve and enhance the historic environment and to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

10. The appellant has indicated that a new access is required as planning permission for a neighbouring housing development 'blocks the existing access'. They also suggest that the field was 'once part of Causey Farm' and that 'whilst access to the field was possible through the original farmyard, modern farm machinery is too large to pass through the narrow track between buildings that are now peoples' homes'.
11. However, there is no detailed evidence before me to indicate that there are existing farm operations or maintenance requirements on the field which necessitate large machinery or vehicles which require an access of the substantial parameters proposed. Therefore, my concerns in respect of the harm identified under the main issue are overriding.
12. The appellant has raised concerns in respect of the Council's handling of the application which led to this appeal. However, my jurisdiction in terms of an appeal made under s78 of the Act relates to the planning merits of the proposed development.
13. With regards to the suggestion that the Council applied the wrong paragraphs of the Framework, the paragraphs numbers referenced on the decision notice would have related to the version of the Framework that was in place at that time. However, the appellant's statement applies the same paragraph numbers to the revised Framework which was published on 19 December 2023 and updated on 20 December 2023 and therefore after the Council's decision but prior to submission of the appeal. Therefore, the Council did not misapply the Framework in terms of the considerations relating to the historic environment and the landscape. In any case, I have also found that the proposal would conflict with the development plan and the Framework.
14. Contrary to the appellant's assertions, no substantive explanation has been provided in terms of how the proposed development would facilitate 'the continued use of the field' and why it would provide for any significant social, economic and environmental benefits. The appellant also suggests that the proposal includes a 'wildlife area' and that 'extra Cornish hedge/walling should help with biodiversity'. However, there is no detailed evidence in respect of the extent of any biodiversity net gains and it is unlikely that they would be of a substantial magnitude.

Conclusion and Recommendation

15. For the reasons given above, the appeal scheme would conflict with the development plan and material considerations that have been advanced in this instance do not justify a decision other than in accordance with it. I therefore recommend the appeal be dismissed.

S Wilson APPEAL PLANNING OFFICER

Inspector's Decision

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

M Russell INSPECTOR