



Appeal Decision

Site visit made on 12 November 2024

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/D0840/W/23/3333970

Penhallow, Fourwinds, Bodmin, Cornwall PL30 4HJ

- 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 and Mrs Andrew Roose against the decision of Cornwall Council.
 - The application Ref is PA23/03215.
 - The development proposed is described on the application form as 'To enlarge residential use and to construct two summerhouses within the extended grounds of Penhallow'.
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Decision

1. The appeal is allowed and planning permission is granted to enlarge residential use and to construct two summerhouses within the extended grounds of Penhallow at Penhallow, Fourwinds, Bodmin, Cornwall PL30 4HJ in accordance with the terms of the application, Ref PA23/03215, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing numbers: 425-001 Location and Block Plans; 425-011 Site Plan as proposed; 425-012 Summerhouse Type Plans and Elevations.
 - 2) No development above ground level shall take place until details or samples of the materials to be used in the construction of the external surfaces of the summerhouses hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details or samples.
 - 3) No development above ground level shall take place until details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed in accordance with the approved details before the use of either summerhouse is commenced.
 - 4) All existing hedgerows shall be protected from accidental damage during the construction phase by a two metre buffer zone. The buffer zone shall be delineated by a suitable fence and maintained for the duration of the works, during which time there shall be no access, storage of materials, ground disturbance, burning or contamination within the fenced areas.
 - 5) Prior to the installation of any external lighting, full details including height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. The lighting installation shall thereafter be carried out in accordance with the approved details.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Class E of Part 1 of Schedule 2 to the Order, other than that authorised by this permission, shall be undertaken.

Preliminary Matters

2. The Council advise that the change of use of the land to domestic garden has already taken place. I saw at my site visit that the summerhouses had not been erected on site.
3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". I have therefore referred to the Cornwall AONB as the Cornwall National Landscape. However, for the avoidance of doubt, the legal designation and policy status of these areas are unchanged. I have proceeded on this basis, continuing to refer to the AONB where relevant.
4. Whilst not referred to in the reason for refusal, the Council refer to Policy ENV1, a saved policy from the North Cornwall District Local Plan 1999 (saved LP) and Policy C1 of the Climate Emergency Development Plan Document 2023 (the DPD) in their statement. These policies seek to protect the natural beauty of the landscape and are therefore relevant to the proposal before me. I have therefore considered the appeal on this basis.
5. The Blisland Neighbourhood Development Plan was made on 28 September 2023 (the NP), after the planning application was determined. However the appellant has had an opportunity to comment on it in their submissions and accordingly, I have taken relevant policies into account in my consideration of this appeal.

Main Issue

6. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area including the Cornwall National Landscape (NL).

Reasons

7. The appeal site is located in one corner of an existing field, adjacent to the bungalow known as 'Penhallow'. Located in the lowest part of the field, the remaining field slopes north eastwards towards a boundary hedge located on the ridge. Established hedges border the field where it meets local roads and the main A30 dual carriageway. The boundary of the field with Penhallow lacks formal delineation. Penhallow and the appeal site are set up and back from both the road to the south and the A30.
8. Despite its relatively elevated position and its proximity to the open moorland to the east, Bodmin Moor is not visible from the appeal site and the appeal site does not exhibit moorland characteristics. Instead, the appeal site lies within the undulating pastoral landscape to the west of Bodmin Moor with an open and expansive patchwork of fields, enclosed by Cornish hedge boundaries and sparse tree cover. These are key characteristics of the Cornwall Character Area CCA34, the Fowey Valley Catchment, in which the site is located.

9. The proposed summerhouses would have the same finished floor level as the existing bungalow. As the field continues to rise beyond the appeal site, the summerhouses would not appear on the ridgeline. For these reasons, together with their modest size and scale, the summerhouses would only be visible to a limited extent from the existing entrance to Penhallow and to an even lesser extent from some distant locations, including the A30 where traffic is travelling at speed.
10. Use of an increased area of land as garden would lead to domestication of the land which would be at odds with the key characteristics of the area. That said, given the established hedgerows around the remaining area of field, and the relatively limited area of land in question, the effect on landscape character would be very minor. The provision of a permanent boundary around the appeal site such as a hedgebank, would assimilate the development into the landscape and reinforce the landscape character of CCA34. This could be secured by a condition. Further domestic outbuildings could also be controlled through a condition to remove permitted development rights. With this mitigation secured, the proposed development would have a neutral effect on the character and appearance of the area.
11. I am required to further the purpose of conserving and enhancing the natural beauty of the AONB¹ and Paragraph 182 of the Framework requires that I give great weight to conserving and enhancing landscape and scenic beauty. In this respect, I have also had regard to the cumulative impact of the proposal. The area around the appeal site is not undeveloped. There are two nearby residential properties together with the A30 which is a busy, major road. In this context and with the conditions in place which I have referred to, the proposal would have no appreciable impact on either the scenic beauty or character of the landscape. Accordingly, the proposal would conserve the landscape and scenic beauty of the NL and no conflict with Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (the LP) or Policy PD-P2 of the Cornwall Area of Outstanding Natural Beauty Management Plan 2022-2027 would arise.
12. For these reasons, I also find no conflict with Policies 2 and 12 of the LP, Policy ENV1 of the saved LP, Policies 5 and 8 of the NP and Policy C1 of the DPD which seek to maintain, respect and protect the special and distinctive character of Cornwall and require proposals to respond positively to local identity.

Other Matters

13. Although not in the reason for refusal, the Council refer to the Cornwall International Dark Sky designation of Bodmin Moor. That said, the appeal site is close to the A30 where light spill from vehicle headlights already occurs and a condition controlling lighting at the appeal site would be necessary in any event to safeguard protected species, as identified in the Preliminary Ecological Appraisal (PEA). In this context, the appeal proposal would have a neutral impact on dark skies. I therefore find no conflict with Policy 9 of the NP.

Conditions

14. The Council have suggested conditions in the event that the appeal is allowed. I have considered these and amended them as necessary in light of the advice

¹ Section 85 of the Countryside and Rights of Way Act 2000 as amended by Section 245 of the Levelling-up and Regeneration Act 2023

in the Planning Practice Guidance. A time condition is not necessary, as the development has already begun. In addition to the conditions already referred to above, it is necessary to specify the approved plans in the interests of certainty. A condition requiring the submission of materials is necessary to safeguard the character and appearance of the area and a condition protecting existing hedgerows is necessary to safeguard protected species as identified in the PEA.

Conclusion

15. For the reasons given above the appeal should be allowed.

Alison Fish

INSPECTOR