



Appeal Decisions

Site visit made on 19 November 2024 by S Wilson LL.B. MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal A Ref: APP/D0840/W/23/3333690

Field South of Penarrow Road, Mylor Churchtown, Cornwall TR11 5UD

- 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 Nick Jarvis (Working Woodlands Cornwall CIC) against the decision of Cornwall Council.
 - The application Ref is PA22/10574.
 - The development proposed is use of site for timber processing and drying including erection of two polytunnels for use as solar kilns, erection of barn for storage of equipment, erection of 5 kWp ground mounted PV array, new track, hardstanding, and erection of compost toilet.
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Appeal B Ref: APP/D0840/W/24/3344833

Field South of Penarrow Road, Mylor Churchtown, Cornwall TR11 5UD

- 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 Nick Jarvis (Working Woodlands Cornwall CIC) against the decision of Cornwall Council.
 - The application Ref is PA23/09496
 - The development proposed is use of site for timber processing and drying including erection of two polytunnels for use as solar kilns, erection of barn for storage of equipment, erection of 5 kWp ground mounted PV array, new track, hardstanding, and erection of compost toilet.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Appeal Procedure

3. 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 appeals.
4. As set out above there are two appeals on this site. They appear to differ only in some minor amendments and the fact that Appeal A relates to application PA22/10574 which was submitted without a Landscape and Visual Appraisal (LVA) and Appeal B relates to application PA23/09496 which was submitted with an LVA dated 19 November 2023. Evidence for Appeal A included the LVA submitted with application PA23/09496 and a supplementary views addendum dated May 2024. However, Appeal A was not determined before the refusal of application PA23/09496. I have considered each proposal on its individual

merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Applications for costs

5. An application for an award of costs in relation to Appeal B has been made by Cornwall Council against Mr Nick Jarvis (Working Woodlands Cornwall CIC). This is subject of a separate decision.

Preliminary Matters

6. 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 twelve separate geographical areas. The appeal site is located in geographical area nine: South Coast Central.

Main Issue

7. The main issue in these appeals is the effect of the proposal on the character and appearance of the area with specific regard to the location of the site within the CNL.

Reasons for the Recommendation

8. The appeal site is located in the open countryside on a steep river valley in an elevated position. It is a sloping grass field located within the CNL and the Fal Ria, Truro and Falmouth Landscape Character Area (LCA). The site is visible from the nearby highway upon both the uphill and downhill approach to the access and through a mature hedgerow. The access itself affords good visibility of the site, with the access connecting to an overgrown track located on the eastern side of the site.
9. The site is enclosed by mature hedgerows to the north, west and south, and is open to its eastern aspect, giving expansive views over the river and surrounding landscape, and appears to form part of a larger field. There is a small grouping of trees centrally located towards the southern end of the appeal site. Despite their maturity, the existing hedgerows allowed intermittent views of the site at the time of my visit, and specifically on the downhill and uphill highway approaches to the access.
10. The key landscape characteristics of the LCA and the South Coast Central CNL include, amongst other things:
 - A system of small creeks and river valleys that drain into the river Fal.
 - Woodland on steep slopes, and where woodland does not dominate the slopes there are pasture fields usually with scrub vegetation down to the water's edge.
 - Farmland is a mix of pasture and arable with some areas of upland rough ground with a small field pattern of anciently enclosed land with more regular larger fields indicating areas of more recent enclosure. Fields are bounded by Cornish Hedges with extensive tree cover on these boundaries, adding to the wooded feel.

11. The proposal would introduce, amongst other things, two polytunnels 27.4m long x 9.14m wide x 3.71m high. Whilst I acknowledge the details provided in the LVA and supplementary views addendum, and despite their lightweight and removable nature, they would be visible from a number of locations: the river, surrounding farmland and from land-based vantage points, and would also be visible from the adjacent highway. I note that the images in the LVAs are mostly taken from long distance and that the site would appear larger and more visible on closer views. The materials of construction and the linear structure of the polytunnels would contrast against the verdant and open countryside setting, failing to demonstrate a contextual understanding and response to the unique attributes of the site and its setting.
12. As described above, the existing mature hedgerow at the site affords intermittent views of the appeal site from the downhill and uphill highway approaches. Whilst some hedgerow planting along the east side of the track and at the access area is part of the proposals; I am not convinced that it could sufficiently screen the development due to the elevated and open position of the site in the landscape, its visibility from multiple viewpoints and especially from the adjacent highway on approach to the site, and by reason of the likely number of years the hedgerow would need to reach maturity. Furthermore, even when the proposed additional hedges have fully matured, they may not provide sufficient screening in winter when foliage is reduced.
13. Moving to the other aspects of the proposals, the barn, toilet, solar array, and track would be located in a position offering much better screening. However, due to the elevated position and ability to see the site from multiple locations, I am not convinced that the screening would be entirely effective. Notwithstanding the above, taken cumulatively with the polytunnels, the proposal would introduce a busy visual intrusion into a tranquil rural setting, exceeding the sensitivity and capacity of the setting which would be incompatible with the distinctive character of this location. This in turn would fail to maintain local distinctiveness and undermine the contribution the site makes to the landscape and scenic beauty of the CNL.
14. The appellant maintains that the polytunnels would be temporary and suggests that a planning condition could be imposed requiring that the polytunnels be removed at the end of their tenancy. However, I have not been given any direction on the suggested wording of the condition and therefore I cannot be certain that a condition of that nature would satisfy the tests for planning conditions as set out in paragraph 57 of the National Planning Policy Framework (December 2024) (the Framework).
15. I acknowledge the main parties' submissions regarding the consultation responses provided by the Council's AONB unit. Whilst noting those details, I have considered these appeals on their own merits and based on my site visit observations. For the reasons given above, I find that the proposals would result in harm to the landscape and scenic beauty of the CNL; harm to which the Framework provides that I must apply great weight.
16. Consequently, the proposal would be inappropriate to its location and would fail to conserve or enhance the CNL. Accordingly, the proposal would conflict with Policies 1, 2, 5 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030. The proposal would also fail to accord with Policies L1 and BE1 of the Mylor Parish Neighbourhood Development Plan 2020-2030; the relevant paragraphs

of the Framework and Policies PD-P1, PD-P2, PD-P11, PD-P17 and SCC-P1 of the Cornwall National Landscape Management Plan 2022-2027, insofar as they seek sustainable development that maintains local distinctiveness and conserves and enhances the landscape and scenic beauty of the CNL.

17. Against the harm identified above, the proposal would provide benefits in terms of employment opportunities, and may assist in maintaining the health and economic viability of a woodland resource. Furthermore, the proposed seeding of non-working areas of the site with a species rich grassland may provide limited benefits in terms of biodiversity enhancement. I attach moderate weight to the cumulative benefits of the proposal by reason of the scale and nature of the scheme. I therefore find that the moderate benefits described above, would not outweigh the harm to the landscape and scenic beauty of the CNL, to which I attribute great weight in the consideration of these appeals.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that both Appeal A and Appeal B should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

Appeal A

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

Appeal B

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

Mr A Spencer-Peet

INSPECTOR