



Appeal Decision

Site visit made on 14 January 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal Ref: APP/D0840/W/24/3345397

Land at Channel View Farm, Sandy Lane, Redruth, Cornwall

- 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 Pete and Rosemarie Turner against the decision of Cornwall Council.
 - The application Ref is PA23/08707.
 - The development proposed is the formation of a vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published. Although I have made my determination against the updated national policy context, the relevant changes to the Framework are not fundamental to matters which are determinative to the outcome of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character, appearance and ecology of the area.

Reasons

4. The site consists of land and a hedgerow bounding Sandy Lane, part of the A393. It lies within the Silverwell-Camborne character area of the Cornwall Character Assessment (CCA). Features of the rural landscape include fields bounded by hedges. Pressures identified by the CCA include the loss and neglect of field boundaries. The Cornwall Design Guide Supplementary Planning Document (SPD), adopted December 2021, advises that hedges have an important role in the distinctiveness of places.
5. The existing hedgerow is in poor condition with gaps and sections of bramble. It may not be of traditional build. Nevertheless, it is a substantial feature of significant length, and contrasts with punctured lengths of hedgerow elsewhere. Along with the fields themselves, the hedge provides a soft setting and relief from the built-up area nearby. It also provides an ecological corridor. As such, the hedge provides an attractive rural feature which contributes positively to the character and biodiversity of the surrounding area.

6. The proposal seeks to create a new access to serve the fields. This would include wide splays either side of the new access, to ensure adequate visibility between vehicles using the new access and traffic using Sandy Lane.
7. It is proposed that a new Cornish hedgerow would be planted behind these visibility splays. Even so, the new access and its angled splays would conflict with the essentially linear alignment of the existing hedgerow. The broadly central location of the access would form a significant break, undermining the visual continuity and integrity of the hedge. These factors, together with the surfacing of the entrance, mean that the proposal would have a hard, engineered and urban appearance. Consequently, it would detract from the rural character of the area. Any possible alternative access involving greater hedgerow loss is not before me.
8. The parties have referred to a Preliminary Ecological Report relating to another proposal, although this has not been provided to me. Additional hedgerow planting is proposed, which would exceed by some margin the amount that would be lost. This may result in biodiversity benefits over time. However, the proposal would permanently fracture the existing hedgerow, adversely affecting its use by species, in particular during construction and until the new hedgerow has become established. On the evidence available to me, I conclude that its overall ecological effects would be negative.
9. Another Inspector found that a proposal in Cubert, Cornwall¹ involving the loss of hedgerow would only cause moderate and localised harm. That said, this hedge was described as being of relatively recent origin. In any case, I have few details of its importance or otherwise to the surroundings. This decision does not therefore change my conclusions.
10. For the reasons given above, the proposal would harm the character, appearance and ecology of the area. As such, it would conflict with policies 12 and 23 of the Cornwall Local Plan, adopted November 2016 and Policy C1 of the Climate Emergency Development Plan Document (CEDPD), adopted February 2023. These require the design and layout of proposals to respect, maintain and enhance the character, distinctiveness and biodiversity of the area. Framework Paragraphs 8 and 187 similarly seek to improve biodiversity and for development to be sympathetic to local character and landscape setting. It would also conflict with the SPD. I give these conflicts very substantial weight.

Other Considerations

11. The fields are currently accessed from a track further along Sandy Lane. The track is located between two dwellings and is narrow. This may well prevent its use by large, wide vehicles and thus constrain the agricultural business, including the use of best and most versatile agricultural land. In providing a new access, the proposal would result in economic benefits to the business. CLP policies 5 and 21, make clear the importance of supporting rural business and agricultural growth, as do Framework paragraphs 85 and 88. Accordingly, this benefit carries significant weight in favour of the proposal.
12. The existing track has restricted highway visibility for vehicles at its junction with Sandy Lane, because of existing boundary treatments. These are not within the control of the appellants, preventing their improvement. On-street parking means

¹ APP/D0840/W/23/3319700

that vehicles on Sandy Lane may approach from the opposite side of the carriageway and this can cause bottlenecks, requiring reversing manoeuvres. The proposal would mean that agricultural vehicles accessing the fields would not need to use the track. CLP Policy 27 requires development to provide safe and suitable access and so provides a degree of support for the proposal.

13. However, I have little evidence of the frequency of use of the track, particularly given its width constraints. The speed of traffic on Sandy Lane is limited by the need to negotiate the nearby roundabout and parked vehicles. No evidence has been provided to me of any reported accidents caused by the existing access. The Council's highway consultee did not object to the proposal, but nor was the existing access considered to be particularly unsuitable. Consequently, I give the highway benefits of the proposal only limited positive weight.
14. The proposal would mean that potentially noisy agricultural vehicles serving the farm would not have to travel past the properties at its entrance, which may occur during unsociable hours. That said, I have little substantive evidence to show that this is a particular problem, especially given the width restrictions of the existing track. Nor would the proposal entirely remove its use. Accordingly, I give only limited positive weight to these benefits. Reference has been made to another planning application² where such benefits were determinative, but I have few details of this case and so cannot draw a useful comparison.
15. An appeal in Wrexham³ has been provided to me, where the benefits of a proposal for multiple dwellings were found to outweigh harm to the character and appearance of the area, including the loss of trees. However, these benefits covered a range of matters such as housing land supply, and were judged against a different planning policy background. As a result, this decision is of limited relevance to the proposal before me and it does not alter my findings.

Planning Balance and Conclusion

16. There is a degree of tension between the conflict with CLP policies 12, 23 and CEDPD Policy C1, and the support of CLP policies 5, 21 and 27. Similarly, CLP Policy 2 requires conservation of the natural landscape and consideration of biodiversity, whilst also supporting improved conditions for businesses and their expansion. However, for the reasons given, the balance of considerations is against the proposal, and it would therefore conflict with CLP Policy 2 as well. It follows that the presumption in favour of sustainable development contained in CLP Policy 1 is not engaged and so is neutral in the planning balance.
17. As a result, the proposal conflicts with the Development Plan as a whole. The material considerations in this case, and the weight I give to them, do not indicate a decision other than in accordance with it. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR

² LPA reference PA19/02319

³ APP/H6955/A/18/3194493