



Appeal Decision

Site visit made on 20 February 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Appeal Ref: APP/D0840/W/24/3349951

Knot Shore, Restrouguet Hill, Mylor Bridge, Cornwall TR11 5ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr S Hills against Cornwall Council.
 - The application ref is PA23/03142
 - The application sought planning permission for a proposed single dwelling and garage without compliance with condition 2 in relation to decision notice PA21/02311 (Appeal reference APP/D0840/W/21/3278892), dated 09/02/2022.
 - The condition in dispute is No. 2 which states that: the development hereby permitted shall be carried out in accordance with the following approved plans: 07956-TDA-DR-PL-0005/P01; 07956-TDA-DR-PL-0006/P02; TD01 2145 0720 01/1.
 - The reason given for the conditions is: for the interests of certainty.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area, including the scenic beauty of the Cornwall National Landscape (the NL).

Reasons

3. The appeal site is located off Restrouguet Hill, a narrow lane with Cornish hedges either side which provides a pleasing 'tunnel like' effect and which adds significantly to the character of the immediate area.
4. The original application, which was approved at appeal, allows for the construction of a single dwelling and garage on the site. Under the approved plans, access to the dwelling would be achieved via an existing access that serves the home known as Knot Shore.
5. Policies W1 and W2 of the Mylor Parish Neighbourhood Development Plan 2020 – 2030 (the NP), specifically require developments to maintain and improve Cornish hedges, particularly those that form roadside tree tunnels. Moreover, the appeal site is also located within the Cornwall National Landscape (the NL). Paragraph 189 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty within NL's. Furthermore, the Levelling Up and Regeneration Act 2023 requires decision makers to actively seek to further the purpose of conserving and

enhancing natural beauty within NL's. NP Policy L1 supports development proposals that do not adversely affect landscape characteristics protected by policies within the Cornwall AONB Management Plan 2022 – 2027 (the MP). Again, MP Policy LS-P6 seeks to conserve and enhance assets such as Cornish hedges, while pages 49 to 53 of the document outline the importance and value of these features.

6. In this instance, the proposed amendment to the approved scheme would involve the removal of part of the existing Cornish hedge in order to form a separate access to the new dwelling. There are numerous houses along Restronguet Hill with their own access points. As such, the proposal would not look incongruous or out of place. However, given the policy context identified above, it is absolutely clear that the removal of part of the hedge would permanently erode a feature that strongly contributes to the character of the immediate area. The fact that the Council's tree officer may not have objected previously does not alter my view.
7. The appellant has suggested that there is a legitimate fallback position on the basis that previous works have resulted in part of the hedgebank being removed in the vicinity of the proposed access. On the day that I did my site visit, contractors were undertaking significant work to the trees and hedgebank near to the site, and more widely. It was not possible for me to ascertain what the effect of those works might be. However, even if the result is that the gap in the hedge has been widened further, this would still not be as harmful to local character as the proposed development because the latter would involve the formalising of the access, including hardstanding, which would add a greater feeling of urbanisation.
8. In addition, while in theory it may be possible for a vehicle to access the appeal site via the gap in the hedge, doing so would not seem to be a particularly realistic option given that it would involve driving over an area of the site that has no hardstanding. It is also not clear to me from the evidence why the gap in the hedge would inevitably remain if this appeal were dismissed. Indeed, there seems no reason to suggest that the hedge could not be restored in some way, or some replacement planting provided. With these factors in mind, the fallback position attracts little weight in my decision making.
9. I therefore conclude that the proposal would harm the character and appearance of the area, including the scenic beauty of the NL. It would therefore conflict with Policy 23 of the Cornwall Local Plan 2010 – 2030, and NP Policies L1, W1 and W2. Taken together, the relevant aspects of these policies seek to ensure that new development preserves character and appearance, including features such as Cornish hedges.

Other Matters

10. The appellant has suggested that the approved access arrangements could compromise the living conditions of occupiers of both the new dwelling and those of Knot Shore, with particular regard to privacy and noise. However, shared accesses and driveways are quite common and there is no reason to assume that the approved arrangement would be harmful. As a result, even taking account of the conversion of the garage at Knot Shore, this issue is afforded very limited weight.
11. Therefore, in essence, given that the approved access would be perfectly adequate, there are no other considerations that would outweigh the identified

harm to the character and appearance of the area, including the scenic beauty of the NL.

Conclusion

12. The proposed development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR