



Appeal Decision

Site visit made on 20 May 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Appeal Ref: APP/D0840/W/24/3353178

Land at Shop, Bude EX23 9SQ

- 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 S.May against the decision of Cornwall Council.
 - The application Ref is PA24/00899.
 - The development proposed is the erection of an agricultural storage shed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in February 2025 after the appeal was submitted. The Council's reasons for refusal refer to paragraphs 114 and 180 of the 2023 Framework the wording of which is now found in revised paragraphs 115 and 187. I have determined the appeal accordingly.

Main Issues

3. The main issues are
 - the effect of the proposal on the character and appearance of the site and surrounding landscape, with reference to the Gooseham to Launcells Area of Great Landscape Value; and
 - the effect of the proposal on highway safety.

Reasons

Character and appearance

4. The proposed building would be sited at the northern end of a strip of land which narrows in width towards its south western boundary. The site is separated from the road by a further small parcel of land and a hedgerow. The adjoining land slopes towards the south where undulating fields and belts of trees give the landscape an attractive rural character and appearance.
5. The site falls within the Gooseham to Launcells Area of Great Landscape Value (AGLV) identified in the Cornwall Local Plan Strategic Policies 2016 (CLP). Within this it lies within Cornwall Character Area (CCA) 38 'Western Culm Plateau' as defined in the Cornwall and Isles of Scilly Landscape Character Study. The valued landscape attributes and key sensitivities of the CCA identified in the study include

the traditional pastoral land use, with a strong hedgerow pattern of Cornish hedges and hedgerows; small hamlets and farmsteads, many of medieval origin, linked by narrow lanes with frequent small stone bridges; and vernacular buildings using local slate and sandstone. From my site visit, the site and its immediate surroundings are consistent with this character.

6. The building would be approximately 6.39m wide, 9.4m long and 4.39m high. The proposed use of green, box profile metal cladding with a green sheet metal roof and a roller shutter door would give it a utilitarian appearance. Although views of the building from the road would be limited due to the height of the hedgerow along the southern side of the curving road, it would nevertheless be visible through the site entrance and over the bank on the eastern side of the access where the height of the hedgerow has been reduced. Whilst landscaped bunds are proposed around the edge of the site and the adjoining land for lavender cultivation, the upper part of the building would nevertheless also be visible in the landscape from the adjoining land to the south of the site
7. Although the size of the building may have been reduced since a previous proposal, the utilitarian design of the metal clad building, whilst of a form similar to some agricultural buildings, would not reflect the traditional local building vernacular which is a valued landscape attribute and key sensitivity of the CAA 38. Together with its visibility from the road and the adjoining land, this means that the building would harm the traditional pastoral landscape and would not conserve, maintain or enhance the character and distinctive landscape quality of the AGLV.
8. Whilst I am aware there is an existing metal clad building a short distance across the road from the site, I am not aware of the planning context of that building. It is separated from the site by the intervening road and hedgerows and does not justify the harm which would be caused to the AGLV by the proposal which I have considered on its individual merits.
9. Although the proposed building would be used in association with a lavender growing business on the adjacent land and is sufficiently small in scale so as to comply with policy 5 criterion c) of the CLP, for the reasons given, the proposal would have an adverse effect on the character and appearance of the site and surrounding landscape. This would result in conflict with CLP policies 2, 12 and 23 and saved policy ENV1 of the North Cornwall District Council Local Plan 1999 (NCDLP) which require proposals to protect, conserve and enhance the valued landscape and promote local distinctiveness.
10. For the same reasons it would also conflict with policy C1 of the Climate Emergency Development Plan Document 2023 in so far as it seeks to promote locally distinctive, high quality design.

Access

11. The building would be accessed from an unnamed country road linking Shop to the A39. Whilst the proposal would use an existing access, that access is on a bend in the road with tall hedgerows on either side of the road abutting the edge of the carriageway. The evidence indicates that the access previously served a larger parcel of land which was part of a dairy farm.
12. I saw on my site visit that the hedge adjoining the access has been reduced in height for a short section immediately on the south eastern side of the access.

Nevertheless, it still created a significant obstruction to the view of drivers exiting the site. Together with the position of the access on the inner curve of a bend in the road, this means that users of the building exiting the site would not be able to see clearly oncoming vehicles approaching from the south east.

13. The hedgerow on the north western side of the access is higher than that on the south eastern side and would also significantly obstruct the view of oncoming vehicles from the western direction for drivers exiting the site. I experienced the poor visibility for drivers exiting the site on my site visit when trying to drive out of the site onto the road. The poor visibility in both directions prevented me from exiting the site without the aid of the appellant standing in the road to warn me of oncoming traffic.
14. Manual for Streets (MfS) provides guidance on the visibility splays to be provided at junctions on bends. Applying the MfS guidance, the 'Y' distance at the junction based on a 60kmh (37mph) stopping sight distance would be 59m. The 'X' distance would normally be 2.4m although this could be reduced to 2m if the road passing the site could be shown to be very lightly trafficked with slow vehicle speeds. The plans submitted with the appeal do not show visibility splays meeting this guidance or demonstrate how they would be achieved.
15. The Council's Highway Development Management officer's comments on the proposal indicated that whilst vehicle speeds are lower than the national speed limit which applies to the stretch of road passing the site, the absence of emerging and forward visibility for users of the site access and the resulting lack of inter-visibility, presents a significant risk of collision. I have found no reason to come to a different conclusion.
16. Whilst the appellant's evidence indicates that there may be alternative accesses available, it also states that these are overgrown and does not include evidence of their suitability or the extent to which they are in the appellant's control. Similarly, the evidence does not demonstrate that the appellant has control over the hedgerows which obstruct the visibility at the existing access of the site to the highway. As a consequence, I am not satisfied that the visibility at the access could be improved to a safe standard to accord with MfS or that a suitable alternative access to the site could be provided.
17. Although the evidence indicates the land adjoining the site would support the growing of 24,000 Old English Lavender plants and the appellant is in the process of setting up beds for the plants, I saw from my site visit that the use is still at a very early stage. I did not see any clear evidence of the scale of planting, cultivation techniques or practices indicated in the Planning, Design and Access Statement.
18. The appellant would visit the site a minimum of once every four days equating to a minimum of 88 visits per year with seasonal spikes in activity during periods of planting and harvesting. The proposed use of the building for the storage of planting and packing equipment and for growing and preparing seeds would provide additional indoor space for the lavender growing business. This additional indoor capacity would allow activities to take place on the site which are not currently undertaken there. Although it would facilitate an expansion of the lavender business, I have not been provided with any compelling evidence that the

activities proposed to take place in the building would not generate vehicle movements in their own right.

19. Moreover, if the appeal was allowed the Council would have limited control over the nature of the agricultural activities carried out on the site and the frequency of associated vehicle movements. The appellant's evidence, for example, indicates that small scale lavender farming can use a few seasonal workers and that engagement with the local community could include workshops, farm tours and events. The evidence does not demonstrate the number or nature of vehicle movements to the site which might arise as a result.
20. Even though informal signs and reflective markers have been used by the appellant to warn drivers of oncoming vehicles about the site access and a mirror is used to give drivers exiting the site some opportunity to see oncoming vehicles, these measures would be insufficient to ensure that the proposal would not have an unacceptable impact on highway safety.
21. Therefore, for the reasons given, the development would cause harm to highway safety in conflict with CLP policies 12 and 27 which require development to demonstrate safe, well connected routes and provide safe and suitable access for all people.

Other considerations

22. Against the harm I have identified, the proposal would support a lavender farm business on the land immediately adjoining it which would be a moderate economic and community benefit of the proposal.
23. Whilst the use of the adjoining land for a lavender growing business may also have an ecological benefit, including to bees, the evidence does not demonstrate how the proposed building would contribute to that benefit. In the absence of such evidence, I conclude that the ecological benefit of the proposed building would be limited.
24. I am aware of other appeal decisions dismissing proposals for other rural buildings¹. However, I am not aware of the full details of those schemes or their planning context. I have determined this appeal on its individual merits.

Planning Balance and Conclusion

25. The economic and community benefit of the proposal accords with the Framework's policy to build a strong and competitive economy and attracts moderate weight in favour of the proposal. In the absence of evidence to demonstrate the ecological benefit of the proposal, that benefit carries only limited weight in favour of the development.
26. Applying CLP policy 1, the Framework makes clear that existing policies should not be considered out of date due to their age. Due weight should be given to them according to their degree of consistency with the Framework. The policies relevant to this appeal include policies 2, 12 and 23 of the CLP and saved policy ENV1 of the NCDLP. These policies are consistent with the Framework's policy to protect and enhance valued landscapes and the intrinsic character and beauty of the countryside. Policies 12 and 27 of the CLP are also consistent with the

¹ APP/D0840/W/20/3254194; APP/D0840/W/22/3313085; APP/D0840/W/23/3329337.

Framework's requirement that applications for development ensure safe and suitable access can be achieved for all users. The conflict with those policies therefore carries substantial weight in this appeal.

27. The proposal conflicts with the development plan when read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR