



Development Management
 Planning and Sustainable Development
 Service

OFFICER REPORT – DELEGATED

Application number: PA20/08566	Expiry date: 12 March 2021
Received on: 5 October 2020	Neighbour expiry date: 8 February 2021
UPRN: 010093596832	Consultation expiry date: 4 March 2021
Legal agreement: No	Site notice posted: 15 February 2021
Departure: No	Site notice expiry: 8 March 2021
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	No
Is this decision contrary to local council recommendation? No	

Applicant:	Mr Phil Kerry
Site Address:	Land North Of Tregunwith Wood Tregunwith Mylor Bridge TR11 5SU
Proposal:	Installation of a mobile home for a temporary worker's dwelling and erection of an agricultural building
Application Type:	Full application

Consultee representations:

Cornwall AONB Unit (9 February 2021)

This application seeks permission for the erection of an agricultural building (barn) and temporary dwelling (mobile home) on an open field on the south western shore of Restronguet Creek. This location is part of the patchwork of open fields and hedges which characterise the agricultural landscape which borders the creek and provides its setting. The conspicuously limited presence of built form within this rising ground above the wooded shoreline is an important part of the character and tranquillity of the creek.

Whilst we would generally seek to support agricultural enterprises and development to support these within their designated landscape, these need to be responsive to the landscape character and scenic beauty of their settings.

The proposed barn (the dimensions of which are not provided) will form a conspicuous new element within the open agricultural landscape bordering the creek. Likewise the presence of a mobile home (of unspecified appearance) will further highlight the presence of this uncharacteristic development in this location. The presence of this new agricultural enterprise in this sensate landscape setting will be further highlighted by the need for intensive fencing of an uncharacteristic nature, light spills from the buildings and headlights of vehicles attending the site and the other paraphernalia associated with rabbit husbandry.

The changes to the landscape will be clearly evident from both the Gold Paths number 311019 and from appreciable areas of the AONB including the, much used recreational waters of the creek to the north and from extensive areas of Point and Penpol on the shores of the creek to the north and east.

The Cornwall Local Plan Policy 2 sets out broad and ambitious requirements for new development within the County particularly in regard to "*Respecting and enhancing quality of place*". This conspicuous and uncharacteristic development in this location does not provide for this requirement.

The Cornwall Local Plan Policy 23 Natural Environment requires that: "*Development proposals will need to sustain local distinctiveness and character and protect and where possible enhance Cornwall's natural environment and assets according to their international, national and local significance*". Likewise it amplifies, and expands on paragraph 172 of the NPPF and requires that "*Great weight will be given to conserving the landscape and scenic beauty within or affecting the AONB. Proposals must conserve and enhance the landscape character and natural beauty of the AONB and provide only for an identified local need and be appropriately located to address the AONB's sensitivity and capacity*". This application is not appropriately located to address the AONB's sensitivity and capacity.

The AONB enjoys the very highest level of landscape protection, equal to that of National Parks. The primary purpose of the designation is to conserve and enhance the natural beauty of the area and planning policy requires that development within the AONB deliver this purpose.

Policy MD9 of the Cornwall AONB Management Plan sets out the requirement for development in the AONB and this proposal clearly fails to address a number of these requirements.

CAONB Management Plan policy MD15 is of particular relevance to this application and sets out the test for farm diversification. "*Farm diversification and infrastructure will be supported where they provide sustainable rural businesses, enhance local distinctiveness and cultural heritage and where it is of a scale and design that can be accommodated within the sensitive landscapes of the AONB*". This application fails to address the requirements for local distinctiveness and cultural heritage and scale and design that can be accommodated within the sensitive landscape.

Policy SCC9.01 of the CAONB Management Plan states: "*Require consideration of the cumulative landscape and visual impact from individual developments on local character and tranquillity for example along the shores and slopes of the Fal Ria and creek side, waterside and coastal settlements. Require all new development including replacements dwellings to respond appropriately to the sensitivity and capacity of this Landscape.*" As set out above this application fails to address a number of the requirements of this policy.

We do not consider that this proposal with its conspicuous and uncharacteristic appearance in this location addresses the AONB's sensitivity and capacity. It would not conserve and enhance the landscape character and natural beauty of the AONB or comply with the development plan policy and relevant material considerations related to it and we object to it on this basis.

Countryside Access Team (5 February 2021)

Thank you for consulting Countryside Access Team in respect of this Planning Application. I can confirm that Countryside Access Team in its role as Highway Authority for Public Rights of Way has NO OBJECTION to the proposals.

Footpath 311/19/1 must remain open and accessible at all times.

Section 34(1) of the Road Traffic Act 1988 (RTA 1988) provides that anyone driving a mechanically propelled vehicle, for example a motor car, on a road that is a footpath, bridleway or restricted byway is guilty of an offence unless it can be shown that there is a private right in place for people to use the access way.

Ramblers Association (Cornwall) (20 January 2021)

The site has a designation Area of Outstanding Natural Beauty in which there is a presumption against development. It is a very quiet rural area and at present the access track used by the public footpath serves one farm and one further residential house. The proposed dwelling will be isolated development in the countryside. The proposed residential caravan, large agricultural shed (no dimensions given on the drawing) and many animal pens will be conspicuous from the path and will detract from the very pleasant coastal countryside. If permission were to be given, no doubt towards the end of the permission period the next application would be for a residential house and, once built, the rabbit breeding would cease.

Environment Agency

No comments received

Chief Land Agent And Valuer

Brief Background to Application and Applicant's Stated Reasons for Requiring the Proposed Development in Respect of Existing/Proposed Farm Enterprise -

The applicant owns approximately 2 acres of land which gently slopes from a private access track on the west boundary to the river's edge on the east boundary. The land is currently in grass but has an interesting feature on the west boundary of small enclosure formed by beech planting. There is a public right of way that runs along this western boundary.

The applicant plans to develop a new facility on the site based around the rearing of rabbits via 250 breeding does. The applicant has experience of running similar enterprises elsewhere in the country. He currently runs 4 facilities in Nottingham, Derbyshire and Cambridgeshire.

The application includes a new agricultural building this will be utilised to process the carcasses post- dispatch. There will also be staff facilities included with in the building. This will not be used for primary agricultural purpose -livestock or crop housing, storage of feed, supplies or machinery.

The applicant requires a temporary agricultural dwelling for the employed farm worker to live in to enable them to undertake their duties and provide fulltime care to the business.

The site will be laid out with a series of rabbit hutches and harras fence lines creating individual pens or runs. These pens will create an intensive visual effect similar to a series of dog kennels or fruit cages.

Summary of Principal Consideration/Factors Relevant to this Application

A. Evidence of necessity to live on site

Is there a functional need?

Currently there is no agricultural activity on the site and therefore no essential need. However, the applicant has provided case evidence based on the Granby site - which is presented as an identical site in size and use - that a Planning Inspector having heard evidence from both the appellant and the Council's agricultural expert that there would be an essential need for a rural worker to be permanently on the site. It is accepted that a fully established and functioning livestock enterprise of this type with the numbers of breeding females and growing progeny would justify an essential need for a worker to be on site full time.

Is this a newly erected agricultural unit or a new farming activity on an established one?

This will be a new enterprise created on the field. There is no existing full time agricultural activity in the site.

Can the functional need be fulfilled by other dwelling(s) on the unit or in a nearby settlement?

Whilst there are a small number of dwellings in the wider area, the availability of these, their cost and, their location relative to the site would make them unsuitable to meet the essential need.

Have any dwellings or redundant buildings suitable for conversion been sold in recent years?

There is no evidence of previous accommodation on the site in recent times.

Viability of business

- (i) Has clear evidence been produced in the form of a business plan or financial plan to indicate a firm intention and ability to develop the enterprise concerned?

The applicant has produced both a business plan and trading accounts based on the Granby unit.

The information provided indicate that a rabbit breeding business of this size run in a commercially competent manner would be sustainable/viable, namely that there would sufficient return having allowed for a return on invested capital, depreciation and all costs to the business to generate the equivalent of a the full time salary of an employed competent agricultural worker.

The business plan relies on the ability of the business to sell the meat products and ancillary products through regional markets. Meat sales make up 60% of the income, pelt and pelt products 30% and pet sales 10%. Whilst rabbit meat is a regular meat product on the continent, UK markets are less well developed; the Country does

import rabbit meat and it should therefore be possible to replace imported rabbit meat with UK produced.

(ii) Has the proposed enterprise been planned on a sound financial basis?

Yes -the business case and accounts provide a consistent position on the costs and returns associated with this type of business.

(iii) Does the proposed enterprise have the prospect of generating a profit (equal to the average annual agricultural wage and return on capital invested) within 3 years?

Yes

Other Relevant Issues

Are there other factors which need to be taken into account?

This is a speculative application. There is no pre-existing trading activity on the site. The application reads like a "pre-packed" application that could be located in any 1 ha paddock anywhere in the country. There is no specific or justifiable reason why this business should be located in this location. There is no argument made within the business case why this location has a significant preference and benefit to this business.

The site has particular landscape value which the proposed intensive use of this 1 ha site would impact. This is a planning matter more than an agricultural one and I leave it to the Planning team to consider this aspect.

In considering a temporary consent for a mobile home, there needs to be an understanding that this could lead to an application for a permanent dwelling in three years' time. If there is a case for a temporary dwelling then there is a case for permanent dwelling on the site

Is the proposed siting related to the functional need of the enterprise and other buildings?

The location of the temporary dwelling is related to the functional need

Conclusion

This is a speculative application in the sense that there is no onsite activity currently in place. The application, based on a previous application in Granby, which was successful through a planning appeals, has been reproduced for this 1 ha field on the edge of the Restronguet Creek. I can find no specific justification why this site should be the location for the proposed activity apart from the fact that the applicant has purchased the site.

The functional and financial tests, the proof of "essential need", can be met by the application based on the evidence presented by the applicant.

Mylor Parish Council (11 February 2021)

The Parish Council objects to this application. One of the main issues is the effect of any development on the character and appearance of the area. The site lies in the

AONB which has the highest level of protection and great weight should be given to enhancing and conserving the landscape and beauty of the AONB. The Cornwall Local Plan Policy 23 states that development likely to adversely affect local designated sites should only be permitted if the need and benefit of the site outweighs the loss. There is nothing in this application which would benefit the site, rather the reverse. Local Plan Policy 7 states that providing temporary accommodation for workers should only be permitted if it supports established and viable rural business. There is no established business. The area is home to many wide life species and the proposed rabbit breeding facility would have a detrimental effect on them. Measures would need to be taken to protect the rabbits from predation and this would involve not just fencing around the perimeter but overhead as well. The access to the site will not support any additional traffic as it really no more than a track. The area should be protected as not only does it lie within an AONB but also a County Wildlife site enjoyed by many walkers.

Principal Public Space Officer (Landscape) (4 March 2021)

Summary comments

Thank you for consulting the Landscape Architects in the Environment Service, Cornwall Council on the above application.

It is considered that this development proposal does not

1. reflect the local landscape character of isolated farm steads in an agricultural landscape rising from the shoreline of Restrouquet Creek
2. conform to Policy 2 of the Cornwall Local Plan which states development should
 - a. 'maintain and respect the special character of Cornwall'
 - b. 'demonstrate a cultural, physical and aesthetic understanding of its location'
 - c. 'protecting, conserving, and enhancing the natural 'landscape' in recognition of 'national and local status'
3. conform to Policy 23 of the Cornwall Local Plan which states development should
 - a. 'sustain local distinctiveness and character'
 - b. 'respect the sensitivity and capacity of the landscape asset'
4. adequately assess the potential landscape and visual impact of the proposed development.

No landscape and visual assessment/appraisal has been submitted within the application to demonstrate the potential effects on the landscape character and visual amenity in this nationally valued landscape. The primary purpose of the Area of Outstanding Natural Beauty designation is the protection of the scenic beauty of the landscape.

The Design and Access letter states that this is 'the erection of a temporary rural workers dwelling and agricultural building in an area characterised by the other agricultural development'

Agricultural buildings in this landscape are associated with historic farms. There are no individual barns in this landscape. Existing agricultural barns are also not of the scale proposed, where this barn would be 5.5m in height and 25m in length. It is not clear from the submission why it is necessary to have an agricultural building of this scale, and particularly height, to rear and breed 'free range' rabbits.

The application documentation does not

1. assess the impact on the local landscape character of this development
2. assess the visual impact of the buildings, or the new access road. It does not provide any details of the size of the vehicles, or the frequency of vehicular use of this track to service the rabbit rearing enterprise
3. provide detail the materials and colours of the mobile home
4. provide layout plans of fencing in the fields for the free-range rabbits.

Cornwall Council Ecologist

The site is adjacent to a County Wildlife Site, which feeds into a SAC and SPA. To fully review this application we require a Preliminary Ecological Appraisal and evidence to support an HRA for the SAC and SPA. In addition, we will require this development to deliver BNG at it hits the 1-hectare threshold.

Representations Received:

There have been no letters of support for the proposal. There have been a significant number of objections to this proposal and the following is a summary of the main relevant planning concerns that have been raised;

- This is an unsuitable site in this Area of Outstanding Natural Beauty;
- There is no mention of how the rabbits shall be slaughtered or of how biological waste will be dealt with more widely;
- There is nothing in the proposal outlining how waste from this process shall be disposed of, nor how it will be ensured that none of this waste will contaminate the surrounding area;
- There will be a number of additional vehicle movements;
- There are no measures outlined on how the applicants intend to combat the spread of disease in the rabbits;
- The proposed area is a known home for protected wildlife, including nearby badger setts, as well as otters, brown log-eared, lesser horseshoe and common pipistrelle bats, ospreys, kingfishers, herons, egrets and countless wild birds and the noise and disruption is most likely to drive them away;
- A rabbit farm would attract wildlife such as foxes and badgers, and possibly domestic dogs, threatening local conservation efforts;
- There would need to be a strong perimeter fence and overhead mesh to prevent predation of young rabbits by birds of prey which would create quite a blot on the landscape;
- AONB policy requires the development to protect and enhance the high landscape quality and character of the local natural environment. It will not enhance Cornwall's natural environment and assets;
- The proposed location can only be accessed via a largely single track lane, which is very narrow with minimal passing places. This is primarily used as a public footpath to Mylor Bridge and the Pandora Inn. Delivery and refuse disposal lorries could also pose a danger for pedestrians, cyclists and horse riders;
- Cornwall Local Plan Policy 7 states that providing temporary accommodation for workers should only be permitted if it supports established and viable rural business. There is no established business;
- Rabbit welfare is a concern;
- The site is near Tregunwith Wood and contrary to ANOB policy;
- Buildings will affect the natural beauty of the area;

- This intensive farming will also result in foul smells for local residents;
- It would be a visual intrusion into an undeveloped creek side area that is completely without any similar development or building structures;
- The visual intrusion would apply both to views from the east side (despite the Applicant's assertion that the buildings would be masked by trees at the water's edge) and also from the public footpath to the west side that would look down onto the proposed development;
- Overriding grounds of damage to the environment;
- If a more suitable location for the rabbit farm were found then the Planning Authority might be expected to support the enterprise. However, this application appears to be from a land owner seeking a use -however unsuitable - for land he has purchased in an AONB;
- This is not an opportunity for sustainable development;
- There is insufficient evidence that the proposed business will be viable. The potential economic benefits of this proposal are minor and the impacts are substantial and permission should be refused on that basis;
- The running of this intensive farming application will create dust and odour during the removal of waste every time the rabbit population is removed, having reached slaughter weight;
- The use, scale and massing of the proposed structures, associated smells and impact on protected wildlife would be totally out of context in the AONB;
- Light pollution from the proposed residential dwelling and any security lights at night will impact on the existing natural dark sky area;

Restronguet Creek Society (Summarised comments)

The Planning Application Form as submitted is incorrect on a number of important numbered responses, namely:

- (4) the site is less than 1 hectare in area;
- (5) the application is for far more than a temporary worker's dwelling and erection of an agricultural building;
- (10a) trees and hedgerows are most definitely present on the development site;
- (10b) there are also trees and hedgerows adjacent to the development site that are important as part of the local landscape character, and some are understood to have Tree Preservation Orders on them;
- (12a) protected and priority species are certainly present on, at, and close to, the site;
- (12b) designated sites, important habitats or other biodiversity features are also present on land immediately adjacent to the proposed development; and
- (14/15) it is unclear what provisions there may be for the removal of trade waste such as carcasses particularly if there are plans to kill and prepare meat on the site.

With regard to The Foul Drainage Assessment (FDA) form, the application is wrong, in that there is no public mains water supply to the site; and the foul water system is most likely to be situated at the bottom of the site and thus within 10m of the adjacent creek.

There is nothing in the application that could be construed as being, contributory to 'sustainable development' and the potential benefits are insignificant to the actual and potential adverse impacts to the Creek, its wildlife, its inhabitants, or to Cornwall.

With regard to the objectives of the Cornwall Local Plan, it does not respect and enhance the quality of place, nor generate and sustain economic activity, nor respect the role and function of places, as required by the Plan.

The operator would be reliant on delivery of tankered water, or have to go the considerable expense of piping it in or gain permission to drill a borehole on the site. Without mains electricity the site would be reliant on a generator to provide power, which would create unwanted noise, thereby disturbing the current peaceful setting, as well as deliveries of fuel to run it.

Access to the site from the main highway is by way of permitted access along a privately owned narrow, and at places steep, unmade track about 1 km in length which currently serves two dwellings and provides access for the farmer to his surrounding fields. Without further work it is wholly unsuitable for any commercial traffic associated with the proposed development. In addition, the junction with the main road Carclew/Mylor Bridge has poor visibility and is not acceptable for the access and egress of commercial vehicles. In addition, permissions would also have to be sought from the access track owner.

The proposal is to establish and manage a 'free range' rabbit farm, based on 250 doe rabbits to sustain the population, plus facilities for on-site staff and for storing equipment to maintain the site, including one or two Kawasaki utility vehicles, a tractor with a grass mowing attachment, and other machines, all of which will presumably need fuel to be kept on site.

Their droppings will not be collected but remain on or in the soil. Used straw 'bedding' will be allowed to compost. The mortality rate of farmed rabbits is usually quite high and carcasses will remain on the soil until removed. The rabbits will be visible by several species of birds of prey resident in the Creek and attract natural predators on the ground. The latter will consist of members of the local small mammal populations. The rabbits will attract them, and these small mammals will then also be slaughtered by way of bait boxes, being regarded as 'pests'. At present they are regarded and loved as part of the natural ecosystem of the County Wildlife Site and its immediate surroundings. These small mammals also form part of the local natural predator/prey food web, and thus the mere presence of the farm will disrupt, in an unknown way, the natural ecological balance that already obtains.

There is no mains drainage at the site, and the application proposes the installation of a septic tank or package treatment plant to be installed but seems unclear as to which it should be. If slaughtering is also to take place on site, as expected, there will no doubt be extensive DEFRA requirements that the applicant will have to meet. The site is very close to the Creek edge and any polluted run-off from whatever drainage scheme is finally decided upon would be unacceptable.

The inevitable run off from the surface soil on the site, contaminated with rabbit droppings, will end up in the waters of the Creek. Soil runoff from farmland into it is already a problem of some magnitude. Contaminated soil and water will be even worse. All farmed animals usually require some form of medication at some stage. Rabbits are known carriers of bacteria. Some of these can infect cattle, local wildlife, and humans.

Even without the risk of SARS-CoV-2, the mere presence of a rabbit farm, next to a public footpath will no doubt attract a considerable amount of public objection and protestors.

There is a pattern of the gaining of consent for a permanent dwelling through the 'back door' of a small agricultural venture. For all of the above reasons, the Restronguet Creek Society most strongly objects to this planning application, and fully supports all of the many other well-crafted objections already appearing on the Council Planning website.

Feock Parish Council (Adjoining Parish Council)

Feock Parish Council consider that the proposed development within the AONB will have an enormous detrimental visual impact and will be clearly seen from Penpol, Point Quay, and the Old Tram Road, Devoran. There are also risks of pollution to the creek especially the effect of the high run off of nitrates which one might assume would be associated with such a project. The primary purpose of the AONB designation is to 'conserve and enhance' the natural beauty of the landscape, this proposal would be contrary to this aim and therefore we object to this application.

Constraints and designations:

Area of Outstanding Natural Beauty Reference: . Name: CORNWALL. Description: Area of Outstanding Natural Beauty

1km Buffer to AONB Name: CORNWALL. Designation Date: Nov-59. Local Section: SOUTH COAST - CENTRAL

2km Buffer to AONB Name: CORNWALL. Designation Date: Nov-59. Local Section: SOUTH COAST - CENTRAL

Area of Special Advertisement Control Name: Cornwall. Notes: This information is derived from the former District and Borough Councils. Date Approved: 09.11.1981

Community Infrastructure Levy Parish: Mylor. Band: Band 1. Sub Zone: Designated Rural Areas/AONB

Cornwall Wildlife Sites Name: Restronguet Creek. Code: CK13.13

Designated Rural Areas Housing Order 1981: Designated rural areas

Definitive Footpath Route Code: 311/19/1. Category: Gold

Neighbourhood Development Plans Name: Mylor. Status: Pre-submission consultation. Date Made:

Parish Name: Mylor

Potentially Contaminated Land (Polygons) Land Code: UM. Classification: Unspecified deposited material (filled ground).

Public Right of Way 10m Buffer Route Code: 311/19/1. Category: Gold

River Bank Top Buffer River Bank Top Buffer Source: Estuaries buffered to 20m

SSSI Impact Risk Zones All Consultations:

Infrastructure: Airports, helipads and other aviation proposals.

Wind and Solar Energy: Wind turbines.

Minerals Oils Gas Extraction: Planning applications for quarries, including: new proposals, Review of Minerals Permissions (ROMP), extensions, variations to conditions etc. Oil & gas exploration/extraction.

Rural Non Residential:

Residential: Residential development of 25 units or more.

Rural Residential: Any residential development of 25 or more houses outside existing settlements/urban areas.

Air Pollution: Any industrial/agricultural development that could cause AIR POLLUTION (incl: industrial processes, livestock & poultry units with floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500t).

Combustion: General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/combustion.

Waste: Landfill. Incl: inert landfill, non-hazardous landfill, hazardous landfill.

Composting:

Discharges:

Water Supply:

SSSI Impact Risk Zones All Consultations:

Infrastructure: Airports, helipads and other aviation proposals.

Wind and Solar Energy:

Minerals Oils Gas Extraction:

Rural Non Residential:

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Air Pollution: Any industrial/agricultural development that could cause AIR POLLUTION (incl: industrial processes, livestock & poultry units with floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500t).

Combustion: General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/combustion.

Waste:

Composting:

Discharges:

Water Supply:

Wind Turbine Safeguarding Zone Classification: Any wind turbine 11metres to blade tip or taller, or has a rotor diameter of 2 metres or more. Consult: Ministry of Defence. Site: Cornwall

Wind Turbine Safeguarding Zone Classification: All wind turbine development. Consult: NATS. Site: UK and Northern Ireland

Zones of Influence Natura 2000 Sites Site Name: Fal and Helford SAC. Buffer Distance: 12500

Relevant policies, SPGs and Government guidance:

Cornwall Local Plan Strategic Policies 2010 – 2030:

Policy 1	Presumption in favour of sustainable development
Policy 2	Spatial strategy
Policy 3	Role and function of places
Policy 5	Business and tourism
Policy 7	Housing in the countryside
Policy 12	Design
Policy 13	Development standards
Policy 21	Best use of land and existing buildings
Policy 23	Natural environment
Policy 27	Transport and accessibility

Mylor Neighbourhood Development Plan:

Mylor Neighbourhood Development Plan - Pre-submission consultation - limited weight.

Policy H1	Mylor Bridge settlement boundary
Policy H6	Housing design
Policy L1	Protecting the landscape
Policy L2	Protecting vistas and views
Policy L3	Creeks and estuary
Policy BE1	Agriculture and business change of use
Policy TA3	Footpaths and rights of way

National Planning Policy Framework 2019:

Section 2	Achieving sustainable development
Section 11	Making effective use of land
Section 12	Achieving well-designed places
Section 15	Conserving and enhancing the natural environment

Other guidance and advice:

Cornwall Area of Outstanding Natural Beauty Management Plan 2016-2021

Appraisal/key issues and conclusion:

Relevant Site History

PA17/01004 - Installation of steel steps on cliff face to access and maintain land – Refused and subsequently dismissed at appeal 12th April 2018;

PA16/03502/PREAPP - Do I need permission to install a steel access stairway down the cliff in order to maintain trees at the bottom – Advice issued 16th December 2016;

PA14/03763 - Screening Opinion – For the material change of use of the land from agricultural to a mixed use for the stationing of motorcars, caravans, motorhomes, off road vehicles, para gliders, tents or similar camping equipment, preparation of food, retail activities, boats or any form of watercraft, games, parties, concerts of Barbeques, and fishing from the shore. In addition the erection of sheds for storage or any other purpose, fences, jetties, slipways or laying of moorings or outhauls and the construction

of pathways, byways, bridle paths and roads – Screening Opinion issued 1st May 2014 – EIA development.

Proposed development

The proposal is for the installation of a mobile home for a temporary worker's dwelling and erection of an agricultural building on a parcel of land adjacent to Restronguet Creek to the north of the village of Mylor Bridge. The site area for the workers dwelling and agricultural building is approximately 0.2 hectares as well as an access track approximately 1km in length which is shared with a Gold status public right of way although the applicants control extends to approximately 1 hectare of land which comprises agricultural field laid to rough grassland.

The proposal is to develop a free-range rabbit farm enterprise with an essential need for a worker to be available at the site at most times in connection with the proposed enterprise. The proposals would see the development of a 250-doe, free-range rabbit production unit over the next three years. The applicant states that the projected annual sales of meat rabbits after three years would be approximately, but less than 10,000 units per annum. They continue by confirming that the enterprise would require and sustain a full-time worker but in order to be successful – and to operate properly – there is an essential need for staff to live on site to provide for the welfare and security of the livestock.

The agricultural building would have a block wall up to approximately 1.3m on the north, west and east elevation and be open to the south. The sides would be timber-clad and it would have a fibre cement sheet roof. The building would have a centre ridge line running east west with a maximum height of approximately 5.8m at the ridge and 4.3m at the eaves. The building would be approximately 24m long and 12m wide giving a total area of approximately 288m².

The mobile home for the workers dwelling would have a single storey cabin appearance and would be approximately 6m wide by 12.2m long. The cabin would have a ridged roof approximately 3.5m high at the ridge and 3m high at the eaves. The cabin would have two bedrooms, a bathroom and a living/kitchen/dining area.

The site plan shows the agricultural building in the north east corner of the site with the proposed cabin to the immediate south. The cabin would be connected to a sewage treatment plant and drainage field to the south although details of this have not been provided. The site would be accessed from the lane via a new track along the northern border of the field which would be constructed with a crushed concrete base and topped with gravel shingles. The track would be approximately 90m long by 4m wide. There would be a parking and manoeuvring located adjacent to the western side of the agricultural building and space for two vehicles to park between this building and the proposed dwelling.

Principle of development

The site is located in the open countryside remote from any settlement and within the Cornwall Area of Outstanding Natural Beauty. The nearest existing residential building is located approximately 200m to the south east at Tregunwith Wood. The relevant local plan policies are thereby 3, 7 and 21.

Policy 3 directs housing development to the key towns and outside of this housing is to be delivered through identification of sites in neighbourhood plans, rounding off of

settlements and development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role, infill schemes that fill a gap in an otherwise built up frontage and do not physically extend the settlement into the open countryside and rural exception sites under policy 9. The proposed development does not comply with the requirements of Policy 3 of the CLP.

The site is located in a rural area within the open countryside and the AONB and so Policy 7 of the Cornwall Local Plan is relevant and relates to housing in the countryside.

The development of new homes in the open countryside will only be permitted where there are special circumstances. New dwellings will be restricted to:

1. Replacement dwellings broadly comparable to the size, scale and bulk of the dwelling being replaced and of an appropriate scale and character to their location; or
2. the subdivision of existing residential dwellings; or
3. Reuse of suitably constructed redundant, disused or historic buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting. The building to be converted should have an existing lawful residential or non-residential use and be ten years old or greater; or
- 4 Temporary accommodation for workers (including seasonal migrant workers), to support established and viable rural businesses where there is an essential need for a presence on the holding, but no other suitable accommodation is available and it would be of a construction suitable for its purpose and duration; or
- 5 Full time agricultural and forestry and other rural occupation workers where there is up to date evidence of an essential need of the business for the occupier to live in that specific location.

Although the applicant is proposing an agricultural use of this site, there is no established and viable rural business at this stage and no evidence has been provided to state why the business must be located on this land other than it is currently owned by the applicant and available. The applicant provides details explaining that the development of the site could take a period of three years and would require several months of operation until the business is at the stage where it could support at least one full time worker and possibly not until the end of the three-year period. Although it is accepted that there may be a need for a worker on site for this type of operation, policy support is dependant on this being an established and viable rural business. It is therefore not considered that there is a proved essential need for a presence of this business on this site.

Policy 21 of the CLP refers that encouragement will be given to sustainably located proposals that use previously developed land and buildings provide they are not of high environmental or historic value. There is building currently on this land and no evidence of a previous use. The site is within the AONB so is considered to have a high environmental value. As such the site is not considered to constitute previously developed land and is not sustainably located due to its isolated location in the countryside.

The NPPF encourage local planning authorities to support sustainable development. Paragraph 11 of the NPPF states; "*Plans and decisions should apply a presumption in favour of sustainable development*". It suggests that planning permission should be granted unless any adverse impacts would be so significant as to outweigh the

benefits of the development. However, the proposed site is an undeveloped field within the AONB and there are no individual agricultural buildings in this immediate landscape.

The proposal is therefore not considered to comply with Policies 3, 7 or 21 of the CLP and is not considered to be acceptable in this location.

Design and impact on the character of the area, including upon the Area of Outstanding Natural Beauty

The location for the proposed development is a sloping meadow abutting the banks of Restronguet Creek. It is bounded inland by an access track and Gold status public right of way, which is well-used and continues along the banks of the Creek to Restronguet and the Pandora Inn. On the Northern bank of the Creek lie the settlements of Point, Penpol and Restronguet Point, all of which would have views across the creek to the application site which currently has a backdrop of undeveloped rolling farmland, lying as it does with the AONB.

Policy 2 of the Cornwall Local Plan seeks to ensure that the design of development is high quality and demonstrates a cultural, physical and aesthetic understanding of its location.

Policy 12 of the Cornwall Local Plan seeks to ensure Cornwall's enduring distinctiveness and that its distinctive natural and historic character is maintained and enhanced. It goes on to state that proposals will be judged against fundamental design principles of (amongst other things) character – creating places with their own identity and promoting local distinctiveness while not preventing or discouraging appropriate innovation. Being of an appropriate scale, density, layout, height and mass with a clear understanding and response to its landscape, seascape and townscape setting; layout – provide continuity with the existing built form and respect and work with the natural and historic environment.

The site is within the Area of Outstanding Natural Beauty (AONB). Policy 23 of the Cornwall Local Plan states great weight will be given to conserving the landscape and scenic beauty within or affecting the setting of the AONB. Proposals must conserve and enhance the landscape character and natural beauty of the AONB and provide only for an identified local need and be appropriately located to address the AONB's sensitivity and capacity. Proposals should be informed by and assist the delivery of the objectives of the Cornwall and Tamar Valley AONB Management Plans including the interests of those who live and/or work in them. Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

The Cornwall AONB Unit have been consulted and have confirmed their objection to the proposal. They conclude that *'We do not consider that this proposal with its conspicuous and uncharacteristic appearance in this location addresses the AONB's sensitivity and capacity. It would not conserve and enhance the landscape character and natural beauty of the AONB or comply with the development plan policy and relevant material considerations related to it and we object to it on this basis.'*

The design and materials of the proposed barn reflect the agricultural nature of the development. The agricultural building would be constructed from fibre cement sheets – coloured grey for the roof and either grey or green for the walls. The development

would result in other ancillary equipment such as pens, fencing etc which would result in an intensification of the appearance of the agricultural use which is considered to have an unacceptable adverse appearance on the landscape and setting of the AONB. The application submitted details confirms that double heras fencing would need to be provided as well as fencing for fox and stoat control although no full detail of the fencing has been provided and the applicant has suggested that as the fencing is light and portable, then the location and quantity of fencing within the site could change at any time.

It is therefore considered that the proposed barn would form a conspicuous new element within the open agricultural landscape bordering the creek. Likewise, the presence of a mobile home for use as a temporary workers dwelling would further highlight the presence of this uncharacteristic development in this location. The presence of the proposed development would be further highlighted by the need for associated rabbit farm paraphernalia, fencing, hutches and additional light at night for security and from the residential use.

Given the above it is considered that the landscape character and natural beauty of the AONB would not be conserved and enhanced in accordance with the requirements of Policy 23 of the Cornwall Local Plan. In reaching this conclusion great weight has been given to the requirement to conserve and enhance the landscape and scenic beauty of the AONB in accordance with paragraph 172 of the NPPF. The development is not considered to accord with Policies 2, 12 and 23 of the Cornwall Local Plan and the Cornwall AONB Management Plan 2016 – 2021.

Ecology

The application site adjoins and slightly overlaps with the Restronguet Creek County Wildlife Site. The applicant has not provided any ecological information to support the proposal. The Councils ecologist has confirmed that the site is adjacent to a County Wildlife Site, on Restronguet Creek which feeds into a Special Area of Conservation (SAC) and Special Protection Area (SPA). To fully review this application, the ecologist would require a Preliminary Ecological Appraisal and evidence to support a Habitat Regulation Assessment for the SAC and SPA.

The Ecologist has also stated that as the development area is 1 hectare or larger than the application would need to be supported by appropriate Biodiversity Net Gain (BNG). Although the ownership area is in excess of 1 hectare, the application area only accounts for approximately 0.69 hectares and this includes the access track that leads to the public highway. As this is below the threshold for the need to achieve 10% BNG, there is still the need to ensure that the application can identify where the proposal would conserve, protect and where possible enhance biodiversity. This information has not been provided with this application. This is contrary to Policy 23 of the CLP and paragraphs 170 and 175 of the NPPF.

The development site is adjacent to a line of tree protected by a Tree Preservation Order (The Carclew and District Tree Preservation Order confirmed April 1950). The proposed agricultural building and the mobile home would not be located in a position whereby any of the protected trees would need to be felled. However, foundations and preparation work would have the potential for damage to the root systems as they are so close to the trees. If this application were to be approved, appropriate tree protection would need to be provided on site prior to any work commencing and this could be ensured through the provision of a precedent condition.

However, as outlined by the Council's ecologist, the information for ecology in relation to the CWS, SAC and SPA has not been provided and the application therefore is in conflict with Policy 23 of the CLP and paragraphs 172 and 175 of the NPPF.

Foul Drainage

The application is supported with a foul drainage assessment form which identifies that the drainage for this development would consist of a package treatment plant discharged to a soakaway or drainage field. Although the indicative location for this is shown on the proposed block plan, no other details of this system such as percolation tests, plant design or size has been provided.

If this application were to be approved then further information would be required to address these concerns but given the extent of the land available, it is considered that this could be addressed through the imposition of a precedent condition.

Public Footpath and access

The access to the site is along a private track approximately 1km in length and shared for its full length with a Gold status Public Right of Way. The private track is narrow in sections with some tree lined high hedges and limited passing spaces, except for one field where for approximately 300m the track is open to the field on the north western side. The track provides vehicular access to a number of agricultural fields and to residential properties at Halwyn and Tregunwith Wood.

The public right of way is well used, and this was evident to the case officer during the site visits. The public right of way connects the public highway with the creek-side walk to the Pandora Inn and further along to the River Fal and back to the village of Mylor.

No details have been provided for the number of vehicles that would be associated with the construction period for the proposed development or for during its operation. However, it is considered that any significant intensification of vehicular use of this public right of way would not be considered acceptable and would be contrary to Policy 27 of the CLP.

Article 4 Direction

Reference has been made by objectors to an Article 4 Direction removing permitted development rights for this land. Although an Article 4 Direction is in force along the creek side, this application site is not within the area covered which at its closest point is approximately 450m to the south east. Therefore, any reference to an Article 4 Direction is incorrect and therefore not considered to be relevant to this application.

Climate change implications

In light of the Cabinet unanimously approving the Council's plan to tackle the climate emergency and help Cornwall cut its carbon footprint, it is necessary to consider the climate change implications of the proposed development. It is intended to proceed with a Climate Change Development Plan Document, which is intended to focus on renewable energy provision, energy efficiency and carbon sequestration.

Community Infrastructure Levy (CIL)

This proposed development is CIL liable. If the application had been approved, or if an appeal is lodged and subsequently allowed, the CIL liability would be applied to the development.

Balance of considerations and conclusion

The resulting buildings would be visible from aspects from outside of the site and built in isolation not clustered with any other existing buildings within the Area of Outstanding Natural Beauty (AONB).

The proposal would fail to accord with the aims and intentions of the development plan and is considered to be harmful to the important landscape character and the visual amenity of the locality. The provision of the new buildings in the open countryside on land that has been previously undeveloped is considered unsustainable. Given the high status protection of the AONB, it is considered that the proposed siting of the buildings are inappropriate by reason of their visual prominence.

Whilst no details have been submitted with the application identifying the daily number of and type of vehicular movements in and out of the site, it is considered that any intensified use of the site that involves any increase in vehicular activity in and out of the site using the existing narrow access shared with a public footpath, would be to the detriment of highway and public safety.

The lack of ecological information does not allow the satisfactory assessment of the proposals impact on ecology and wildlife contrary to Policy 23 of the CLP and paragraphs 172 and 175 of the NPPF.

The site is within the AONB and open countryside and divorced from services and facilities where residential development would not ordinarily be supported other than in accordance with the special circumstances set out in policy 7 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP). The proposal conflicts with policies 7, 21 and 23 of the CLP. The proposal does not amount to sustainable development and conflict also exists against policies 1, and 2 of the CLP and paragraphs 8, 79, 84, 127, 170 and 172 of the National Planning Policy Framework 2019. All other matters have been considered but none override the harm identified.

Taking these factors into account, it is considered that the proposal is considered unacceptable. All other matters raised have been taken into account, including the planning history and the comments of the Parish Council, the consultees and the representations received, but none is of such significance as to outweigh the considerations that have led to the conclusion.

Recommendation:

It is therefore recommended that Planning Application PA20/08566 be refused for the following reason(s):

The application involves the construction of a new temporary workers dwelling in the countryside, detached from any definable settlement containing the necessary facilities required to support day-to-day occupation, which would encourage the use of a private motor vehicle and is not considered to be sustainable development. New housing development in this location is not supported by Policies 3, 7 or 21 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP). The proposal would incur

significant visual harm to the immediate setting and surrounding natural environment from the construction of a dwelling and agricultural building in the open countryside resulting in landscape and visual harm to the Area of Outstanding Natural Beauty. Notwithstanding the modest associated economic benefits of this proposal, they do not outweigh the unsustainable location and harm to the natural qualities of the setting. The proposal is considered contrary to Policies 1, 2, 3, 7, 21 and 23 of the CLP, paragraphs 122, 127, 170 and 172 of the National Planning Policy Framework 2019 (NPPF) and policy MD9 of the Cornwall Area of Outstanding Natural Beauty Management Plan 2016-2021.

The location of this site relies on access along a public right of way which includes narrow sections with no passing places. The proposed location of this development would encourage conflict between pedestrians motorised traffic giving rise to increase danger for all users and creating an unacceptable highway safety impact. As such the development is considered to conflict with Policies 1, 16 and 27 of the CLP and paragraph 108 of the NPPF.

The submitted information is insufficient to enable the Local Planning Authority to assess the impacts on protected species and does not provide any information in relation to Biodiversity Net Gain. The proposal thus conflicts with CLP policy 23 and paragraphs 172 and 175 of the NPPF.

Informative

Please note that the proposed development set out in this application would have been liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be calculated and applied accordingly.

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Drawing no SC/BCH/03	(Agricultural Building elevations and plan)
Drawing no SC/BCH/04	(Rural workers dwelling)
Drawing no SC/BCH/02	(Block plan)
Drawing no SC/BCH/00	(Location plan)
Drawing no SC/BCH/01	(Location plan)

Copies of decision notices and documents associated with the decision making process, where relevant, for the above applications can be found in the Council's on-line planning register using the following link and by entering the reference of the application you are interested in.

Link: <http://planning.cornwall.gov.uk/online-applications/>