
Appeal Decision

Site visit made on 13 September 2016

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 September 2016

Appeal Ref: APP/D0840/W/16/3143389

Bumbledown Farm, Callestick, Cornwall TR4 9LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Partridge against the decision of Cornwall Council.
 - The application Ref PA15/06806, dated 8 May 2015, was refused by notice dated 25 September 2015.
 - The development proposed is the conversion of a redundant store and the replacement of an agricultural building with four holiday letting units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) Whether the site would be a suitable location for holiday accommodation
 - (b) The effect of the proposal including the extent of residential curtilage on the character and appearance of the countryside
 - (c) Whether the proposed development would be likely to harm local ecology including protected species

Reasons

Location

3. Holiday letting accommodation is often located in the countryside and many people coming on holiday to this area, be it for a weekend, a week or longer would be looking to stay in rural locations. However, that does not mean that new holiday let units should necessarily be allowed to proliferate in the open countryside, as this site is.
 4. The site is certainly within an easy walk of Healeys Cyder Farm. This is a reasonably large tourist attraction offering tours of the cider making process and the orchards as well as a shop, restaurant, café and viewing of farm animals. On the eastern side of Callestick village is Callestick Farm, which is a scaled down version of Healeys but involving ice cream production instead of cider. This is also walkable from the site but because of the narrow road into the village I do not consider it likely that residents in the proposed units would generally walk to Callestick Farm.
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5. However, although these attractions are walkable from the site any holiday-makers staying in the proposed units would still be remote from day-to-day facilities that they would require whilst on holiday such as a convenience food store or a pub because there are no such facilities in the village.
6. People renting such units would be likely to come in their own private vehicles from other parts of the country and they would inevitably use these to travel around the local area including the coast and beaches, as the appellant points out. But there is no reason why new holiday units would not be more appropriately located in or on the edge of settlements that possess the above facilities; the amount of journeys on the roads would be reduced, which is encouraged under the transport policies in the National Planning Policy Framework (NPPF).
7. Whilst there is a bus stop at the junction of the main A3075 road with Callestick Road the Council has pointed out that this bus route provides only one bus a day in each direction. Such a bus service is clearly not an alternative to the private car and the bus stop is in any case over 1km from the site along unlit roads.
8. The Council has not cited any development plan policies in its first refusal reason but it references NPPF paragraphs 14, 28 and 55. The appellant challenges whether paragraph 55 is relevant but holiday let units are still residential uses, albeit that such units are part of the appellant's aspiring business.
9. Paragraph 55 states that isolated homes should be avoided in the countryside subject to a number of exceptions. I agree in this case that the garage/store building is redundant to the appellant's use (due to his use of the larger adjacent refurbished barn for his storage needs) and that the external physical changes to convert it would be of a relatively minor nature and would not significantly increase its prominence to users of the adjacent BOAT¹. This would therefore be a relevant exception.
10. But the proposal to replace the agricultural barn/former hay store would result in two new build residential units, not a re-use of the existing building. The appellant's point that NPPF paragraph 28 supports the growth and expansion of all types of business and enterprise in rural areas both through conversion of existing buildings and well-designed new buildings does not in my view overcome this preclusion to new build residential uses in the countryside set out in paragraph 55. Indeed this policy preclusion is an important and significant constituent element of the NPPF.
11. As the Council points out, the appellant has not evidenced any demand for holiday accommodation in this particular area and consequently I can see no justification for the two new build units. Such new build holiday letting units would be more sustainably located within appropriate walkable distance of day-to-day facilities, which are more likely to occur in a larger settlement than one the size of Callestick.
12. The appellant refers to the introduction of permitted development rights allowing changes of use from agricultural buildings to dwellings, citing this as a

¹ Byway Open to All Traffic

fallback position. However, the GPDO² only allows qualifying existing agricultural buildings to change their use to residential and not the erection of new dwellings so this cannot constitute a fallback position simply on the grounds that the proposal could not go ahead without express planning permission, hence this appeal.

13. The appellant cites two permissions for holiday accommodation allowed at appeal in June 2012 including at nearby Homestead Farm. But I do not consider that permission to be on the same scale as that proposed here. It simply involved the change of use of a garage to bed and breakfast accommodation whereas this proposal is for 4 self-contained dwellings including two new build units.
14. Equally, the other cited appeal at Cambridge Barn, Portreath involved the retention of an extension to an annexe to be used as two holiday lets and is also not on the same scale as this proposal. I must in any case consider this proposed development on its own merits and although I acknowledge some of the points raised in these appeal decisions above as argued by the appellants, those decisions do not outweigh my concerns about the location of this proposal.
15. I recognise the economic contribution that a holiday letting business would make to the rural economy in the area, including its spin-off on other tourist related local businesses, as well as the multiplier effects resulting from the construction project itself. Whilst I agree that the conversion of the garage/store would be appropriate in terms of extant national policy, I conclude for the above reasons that the two new build units would not.

Character and Appearance

16. As set out above, I agree with the appellant that the conversion works to the garage/store would not impact significantly on the character and appearance of the immediate area.
17. However, this would not be the case for the two new build units. The proposed pair of semi-detached dwellings would be more than twice the height of the existing former hay barn. These would not be particularly prominent from the BOAT because of the intervening garage/store and the recently refurbished larger adjoining barn and would be screened from the east by the adjacent tall hedge. But they would nonetheless be visible from some points along this publicly accessible track and the scheme as a whole would produce the effect of a small courtyard of new residential development in an isolated countryside location.
18. I also agree with the Council that the creation of additional hard parking spaces and a new play area would also introduce built ancillary development which is inappropriate in such an open countryside location. The red line site plan contains several areas which are currently green and open and which appear to me to be outside the residential curtilage of the principal dwelling occupied by the appellant. It appears that not only would part of this area be given over to hard surfaced development but that the proposal could allow further unspecified ancillary development within these areas in the future that would further urbanise land that currently lies or may lie outside the residential

² The Town and Country Planning (General Permitted Development) (England) Order 2015/596, Schedule 2, Part 3, Class Q

curtilage of the main dwelling on the site. That would be entirely inappropriate in this isolated rural location.

19. 'Saved' Policy 3A of the Carrick District Wide Local Plan (LP) states that the Council will protect and enhance the countryside by refusing permission for development which significantly harms its beauty and landscape, amongst other factors. Policy 6G states that proposed residential use should not result in the character and appearance of the open countryside being significantly adversely affected by the effect of minor residential activities and structures.
20. For the above reasons I conclude that the proposal would significantly affect the existing character and appearance of the countryside in this location and that it would conflict with the above development plan policies. This includes for the reason that Policy 6G only allows for conversions rather than new build residential uses and accords with the NPPF in this regard as set out above. For the same reasons the proposal would fail to recognise the intrinsic character and beauty of the countryside, contrary to NPPF paragraph 17, fifth bullet point.

Ecology and Biodiversity

21. The Council asked the appellant to provide a bat survey at registration of the application but he has failed to do so, apparently because he considers that the hay barn falls outside the Council's criteria for requiring such a survey to be submitted.
22. However, given the age, current vacancy and construction of this building I can understand why the Council would want some assurance as to whether bats are roosting in it. Such surveys are fairly simple and cheap to conduct and I cannot understand why the appellant has chosen not to do so.
23. I agree that in the absence of such a survey, which should be conducted prior to deciding whether to grant planning permission, there is no certainty that protected species will not be adversely affected, contrary to Section 11 of the NPPF.

Other Matters

24. In view of my above conclusion that there would be no material objections to the conversion of the garage/store into two holiday let units I have considered whether to allow this element of the proposal via a split decision. However, for the reasons given above I cannot be assured that the other works within the red line and potentially other external works will not also take place. Such works would be unacceptable for the reasons set out and so I conclude that allowing this element of the proposed development would not be appropriate.

Conclusion

25. For the reasons given above I conclude that the appeal should be dismissed.

Nick Fagan

INSPECTOR