
Appeal Decision

Site visit made on 3 May 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 26th May 2017

Appeal Ref: APP/D0840/W/17/3166681

Hartswell Farm, Herodsfoot, Liskeard PL14 4QX

- 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 P Crump against the decision of Cornwall Council.
 - The application Ref PA16/04647, dated 18 May 2016, was refused by notice dated 7 July 2016.
 - The development proposed is conversion of existing outbuildings to provide holiday accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The adopted Cornwall Local Plan (CLP) has replaced Policy TM5 of the Caradon Local Plan. I am required to determine the appeal against the policies of the CLP.

Main Issues

3. The main issues in this appeal are:
 - Whether this would be a suitable location for the proposed holiday units, having regard to access to services and facilities.
 - The effect on the character and appearance of the area.

Reasons

Access to services and facilities

4. The appeal site comprises a former farm holding and its associated land and buildings, situated in countryside to the south of the small village of Herodsfoot. The proposal would involve the use of two modest-sized former farm buildings located on higher ground to the rear of the former farmhouse as two and three-bedroomed holiday units.
 5. CLP Policy 5, paragraph 3 supports the development of new high quality sustainable tourism accommodation of an appropriate scale to its location and which is accessible by a range of transport modes. Proposals also have to provide a well balanced mix of economic, social and environmental benefits.
 6. Herodsfoot is a very small settlement which has almost no services and facilities, with restricted access to public transport. The nearby village of Duloe
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has a limited range of services and facilities, including a community shop and a public house/restaurant and it has a bus service. Even so, Duloe is a considerable distance from the appeal site. It is accessed via narrow rural roads which are steep in parts and which lack separate footways and street lighting. Consequently, it is unlikely that any future occupiers of the proposed holiday units would regard walking and cycling as safe or convenient alternatives to the private car in order to access services and facilities to meet their day-to-day needs.

7. I acknowledge that as the units would be used for holiday purposes, the future occupiers might not need to rely on the same level of services and facilities as permanent residents. For example, they are unlikely to require regular access to a doctor's surgery or a primary school. Also, they would not need to travel to work and they would be likely to use the car to visit other tourist destinations in the wider area, such as the nearby resort of Looe. Nevertheless, the future occupiers would be almost entirely reliant on the private car even for shorter journeys, for example to access a shop in order to buy convenience items or to eat out in the evening. Consequently, whilst opportunities to maximise sustainable transport solutions will vary from urban to rural areas, the units would largely be inaccessible by alternative modes of transport to the private car.
8. I appreciate that the appellant has recently restored the former farmhouse and aspires to expand an existing successful tourism business. There is some suggestion of a demand for additional holiday accommodation in the area, although this has not been quantified. Consequently, expanding the existing business is likely to bring increased tourist revenue into the area as well as an increase in local employment, initially during the construction period and subsequently in management and maintenance of the units. This would benefit the local economy as well as the community. Nevertheless, these economic and social benefits are likely to be small in scale and as such, I can only give them limited weight against the more significant environmental harm described above. Consequently, the proposal would not provide a well balanced mix of economic, social and environmental benefits.
9. Therefore, the proposal would not accord with CLP Policy 5. Furthermore, the proposal would be inconsistent with paragraph 28 of the National Planning Policy Framework (the Framework) at bullet point 3, as it would not be appropriately located and no evidence has been provided of an identified need.

Character and appearance

10. According to relevant case law¹, a dwellinghouse affords to those who use it the facilities required for day-to-day private domestic existence. It does not lose those characteristics if occupied for only part of the year, or at infrequent intervals, or by a series of different persons. Consequently, even if occupancy of the units were restricted by condition, they would still be dwellinghouses for planning purposes. Paragraph 55 of the Framework seeks to avoid new isolated homes in the countryside unless there are special circumstances and would therefore apply to the proposal, as would CLP Policy 7 concerning housing in the countryside.

¹ *Gravesham BC v SSE and O'Brien*, [1983] JPL 306.

11. The two buildings were constructed in the mid-20th Century, with blockwork and rendered walls and low profile sheet roofs. The buildings are located some distance to the rear of the farmhouse. Although not having any particular architectural merit, the buildings have a simple, functional and unassuming appearance, reflecting the rural use for which they were erected. This is consistent with their rural setting, which primarily consists of an attractive mixture of open countryside and areas of woodland extending along both sides of a narrow valley. Therefore, although the buildings are in an elevated position in the countryside and they are seen from some public viewpoints, notably the adjacent public footpath, to my mind their existing appearance does not have a significant adverse effect on the character and appearance of their surroundings.
12. The works to convert the buildings would entail substantial changes to the elevations to insert new window and door opening openings with UPVC frames and cladding the walls in timber, together with new metal roof sheeting. There is no suggestion that the buildings would not be capable of conversion and their height and general form would be unchanged. However, the cumulative effect of the proposed alterations would be to give the units a more obvious, residential character and appearance. This would be entirely at odds with their existing character and appearance and that of the predominantly rural surroundings. Consequently, the units would appear as alien features in their largely countryside setting.
13. I accept that the external materials of the units would not be dissimilar to lodges in the substantial Deer Park holiday village, not far from Herodsfoot. Nevertheless, in that case the lodges largely appear to enjoy a more wooded and secluded setting and are therefore not comparable with the proposal.
14. Although no amenity areas for the units are shown, it would not be unreasonable to expect that such areas would be provided. This would be likely to lead to a proliferation of domestic paraphernalia including outdoor seating, children's play equipment and ornamental planting in the external spaces around the units. As a result, the treatment of the external spaces around the units would further emphasise their residential characteristics in an otherwise generally rural context.
15. For the above reasons, I find that the units would cause unacceptable harm to the rural character and appearance of the area. The failure to enhance the immediate setting of the buildings would therefore be inconsistent with paragraph 55 of the Framework at bullet point 3 concerning the re-use of redundant or disused buildings in the countryside and would not accord with Policy CLP 7 at paragraph 3. No evidence has been advanced to suggest that any other special circumstances, including those also listed elsewhere in paragraph 55 would apply to the units or that they would satisfy the other criteria in CLP Policy 7. The failure of the proposal to respect the character of the countryside would also be inconsistent with paragraph 28, bullet point 3 of the Framework.

Other matters

16. I understand that there are existing water and sewer services. I accept that the proposal would not cause any unacceptable harm to highway safety and that measures could be taken to safeguard any nature conservation interest in

the buildings. However, none of these matters weigh significantly in favour of the appeal scheme.

17. I have been referred to Deer Park and other holiday accommodation in the area, as well as to recent applications for new holiday units and a modern farm building converted to a dwelling. However, as I have been given few details of those developments I cannot compare them with the proposal. The existence of other development in the area which might be outwardly similar to the appeal scheme would not in itself weigh significantly in favour of the proposal. The Council has referred to other schemes involving holiday units which they have refused and which have subsequently been dismissed at appeal.

Conclusion

18. The proposal would not accord with the Development Plan and it would be inconsistent with the Framework. Therefore, I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR