



Appeal Decision

Site visit made on 12 June 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2019

Appeal Ref: APP/D0840/W/19/3224692

Land east of Terrace, Cox Hill, Cocks, Cornwall TR6 0AT

- 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 and Mrs Andrew Sharples against the decision of Cornwall Council.
 - The application Ref PA18/03687, dated 14 March 2018, was refused by notice dated 21 November 2018.
 - The development proposed is use of land for stationing of a log cabin (mobile home).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address in the heading above is taken from the Appeal Form as this more accurately describes the location of the site.
3. The area is described as both Cocks Hill and Cox Hill in the appeal documentation. I have used the latter spelling.
4. The National Planning Policy Framework was revised in February 2019 (the Framework). I have taken the Framework into account as part of the determination of this appeal.

Main Issues

5. The main issues are: (i) whether the proposed development would provide a suitable location for housing; and (ii) the effect of the proposal on the character and appearance of the area.

Reasons

Location of Development

6. The appeal site is located within the north west corner of a grassed paddock, which is used as a horse and pony rescue sanctuary. The site is accessed from an unmade track off Cox Hill, which is a public right of way and also serves a recently constructed shed on third party land. The site and immediate surroundings have a rural character and the land slopes upwards above the lane, which creates an attractive hillside character. The site is undeveloped, except for a small agricultural building near the entrance. There are trees and established vegetation along the track and northern boundary of the paddock, which screens the site from the public footpath.

7. It is proposed to site a log cabin on the land, which would be occupied by the appellants for residential use. The log cabin would be single storey and have a simple rectangular plan form with a dual pitched roof.
8. A material consideration in this case is the appeal decision¹ of 14 August 2017 which related to the erection of a log cabin on the same site. That appeal was dismissed because the Inspector found that the evidence put forward by the appellants was not sufficient to conclusively demonstrate an essential need for a dwelling in this location. In coming to this conclusion, the Inspector found that the site was located within the open countryside; this matter is not disputed by the parties in respect of the current proposal. I have dealt with the appeal on this basis. In addition, the Inspector found that as the submitted plans did not specify the location for the log cabin, the proposal would have a harmful effect on the character and appearance of the area.
9. There are material differences between that scheme and the current proposal. The location of the proposed log cabin has been specified on the submitted drawings and the building has been reduced in size. Whilst it is an important planning principle that like cases should be determined in a like manner, this appeal needs to be determined on its own merits.
10. Policy 7 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (Adopted November 2016) (Local Plan) states that the development of new homes in the open countryside will only be permitted where there are special circumstances. This includes dwellings for full time agricultural, forestry and other rural workers where there is up to date evidence of an essential need of the business for the occupier to live in that specific location.
11. Apart from protecting the undeveloped appearance of the countryside, Policy 7 of the Local Plan is a mechanism for steering new residential development towards the most accessible locations with a range of services, as identified by Policy 3 of the Local Plan.
12. I am informed that the horse and pony sanctuary has been run by the appellants for approximately 17 years on a not for profit basis. It is not a registered charity and there is no intention to commence trading as a commercial enterprise. The sanctuary has capacity for up to fourteen horses and ponies, but currently has nine animals within its care.
13. I understand that the appellants travel to the site from Chacewater once or twice a day to tend to the animals. Both appellants are elderly and suffer from health problems and therefore it can be several hours before they are able to attend to the welfare of the animals. The appellants also state that when the animals are alone there is a risk that equipment could be stolen. Whilst such a theft has not occurred at the site, they have occurred in the local area.
14. In determining the previous appeal, the Inspector found that whilst Policy 7 refers to the essential need of the 'business', this can encompass viable activities carried out on a voluntary basis as well as profit making enterprises. Therefore, a small horse and pony rescue sanctuary is a rural activity which could potentially generate an essential need for a dwelling. I have no reason to disagree with this assessment.

¹ APP/D0840/W/17/3174672

15. The appellants argue that most of the animals at the sanctuary are elderly and have medical conditions, and on occasion sudden illnesses, which require daily attention. This includes checking each animal for injuries and hoof problems, administering individual amounts of feed and adjusting winter coats in the colder months. In addition, the appellants maintain the land to provide hay for feeding and ensure the grazing area is of an appropriate quality.
16. Whilst I acknowledge that the animals at the sanctuary are elderly and have specific daily needs, I consider that the activities set out by the appellants are typical of the daily routine for those who keep horses and ponies. As such, I consider that there is not an essential need for a full time worker to reside at the site. In addition, I understand that a neighbour has the appellants' telephone number so the appellants can be contacted in the event of an emergency.
17. I accept that it would be beneficial for the appellants' health for them to reside at the site, because it would eliminate their daily car journeys to the site from Chacewater. I note the appellants have stated that there are no properties available within a one-mile radius of the site and therefore there is an essential need for a dwelling in this location. However, they have put forward no substantive evidence about the parameters of their search or where such enquiries were made. Conversely, the Council argue that within a one-mile radius of TR6 OAT (the postcode of the appeal site), an online property search on the website Rightmove showed that there were three properties to rent and thirty properties for sale starting at £190,000.
18. As such, I see no justifiable reason why the appellants cannot relocate to a property nearer the site, which would significantly reduce their daily car journeys without creating a need to build an additional residential property within the open countryside.
19. I accept the proposal would be no less accessible than the other dwellings on Cox Hill. However, these properties predate the publication of the Local Plan and the Framework. As such, they do not set a convincing precedent in favour of the current proposal. The Council have recently approved several major housing developments on greenfield sites in the wider area, but I have been provided with very limited details of these schemes or the basis under which they were granted planning permission. As such, I have afforded them limited weight in my assessment.
20. In terms of the security concerns, whilst I do not have any police records to substantiate the thefts in the local area, I do not doubt that they did take place. Therefore, I accept that a more regular on-site presence would seek to minimise the potential thefts. However, from the evidence before me and my site observations, I am not persuaded that the appellants have fully explored the potential for installing alternative security arrangements at the site. For instance, an alarmed gate, which when tampered with would send an alert to the appellants; and/or the provision of a CCTV system to deter potential criminal activity.
21. From the evidence before me, I do not consider that there is an essential need for the appellants to live permanently on the appeal site for animal welfare and security reasons. I conclude that the site would not provide a suitable location for additional residential development. As such, the proposal does not accord with Policies 2, 3 and 7 of the Local Plan, which aim to restrict housing

development in the open countryside and locate the majority of housing development within main settlements.

22. I note that the appellants have suggested that a condition could be imposed to limit the extent of the development to their own personal use. The Planning Practice Guidance states that such conditions should only be used on *"exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission"*. In this instance, the personal benefits of the proposal for the appellants are not justified on planning grounds because the proposal would constitute inappropriate residential development in the open countryside.

Character and Appearance

23. In determining the previous appeal, the Inspector concluded that if the dwelling were to be located within the north west corner of the site, as indicated by the appellants, the proposal would have an acceptable visual impact on the rural landscape.
24. The plans submitted under the current proposal show that the proposed log cabin would be located within the north west corner of the site near the entrance gate. This part of the appeal site is well screened by mature boundary vegetation and it is not readily visible from the wider landscape due to the topography of the site. Given the relatively small scale of the building and the site's low-lying position and the degree of concealment afforded by the mature boundary vegetation, the building would not be prominent in the landscape. As such, the proposal would not lead to the erosion of the natural beauty and appearance of the surrounding rural landscape.
25. For the collective reasons above, I conclude that the proposal would not harm the character and appearance of the area. As such, the proposal would accord with Policies 12 and 23 of the Local Plan, which require the protection of the character and appearance of both designated and undesignated landscapes through high quality design.

Other Matters

26. I note that the appellants intend to sell their existing dwelling in Chacewater to fund the proposal, which in turn would contribute to the local housing supply. However, the proposal would constitute inappropriate residential development in the open countryside, which would significantly and demonstrably outweigh the benefits of the development when assessed against the development plan and the Framework taken as a whole.

Conclusion

27. Whilst I have found that the proposal would not harm the character and appearance of the area, this does not outweigh the harm I have found in relation to the suitability of the location for additional residential development. Therefore, for the reasons given above, and having regard to all other matters raised, including the support of Perranzabuloe Parish Council and the British Horse Society, I conclude that the appeal should be dismissed.

Christopher Miell
Inspector