
Appeal Decision

Site visit made on 3 February 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/D0840/W/19/3240028
Tresournes Farm, Tresillian, Truro TR2 4AP

- 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 C Julyan against the decision of Cornwall Council.
 - The application Ref PA19/00901, dated 29 January 2019, was refused by notice dated 2 May 2019.
 - The development proposed is described as a farm diversification project to provide three exemplar farm based holiday eco lodges, new access track and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr C Julyan against Cornwall Council. This application is the subject of a separate Decision.
3. An application for costs was also made by Cornwall Council against Mr C Julyan. This application is also the subject of a separate Decision.

Procedural Matters

4. The revised National Planning Policy Framework (the Framework) was published in February 2019 and, as such, references to the Framework in this decision therefore reflect the revised Framework as published in February 2019.

Main Issue

5. The main issue in this appeal is whether or not the proposed development would be in a suitable location, having regard to the character and appearance of the surrounding area.

Reasons

6. The development plan comprises of the Cornwall Local Plan Strategic Policies 2010-2030¹ (the Local Plan). The Council's settlement strategy is contained within Policy 2 of the Local Plan, which sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall, providing jobs in a proportional manner based on the role and function of each place. Policy 3 of the Local Plan seeks to control the

¹ Adopted November 2016

- distribution of new dwellings across Cornwall and provides that development within named larger settlements will be allocated according to the Site Allocations Development Plan Document and Neighbourhood Plans.
7. Policy 5 of the Local Plan concerns business and tourism, and is discussed in further detail below in this decision. Policy 7 of the Local Plan supports development proposals within the open countryside where it shown that special circumstances apply. The supporting text to this policy defines open countryside as being the area outside of the physical boundaries of an existing settlement where it has a clear form and shape.
 8. Policy 12 of the Cornwall Local Plan sets out that development must ensure Cornwall's distinctive natural and historic character. Policy 23 of the Local Plan similarly sets out 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.
 9. The Appellant has put it to me that a number of Policies within the Local Plan, as cited by the Council in their reason for refusal, should not apply to the appeal scheme. The Appellant maintains that these Policies relate to housing and that the appeal scheme should be assessed solely in relation to farm diversification. Whilst I will return to the subject of diversification within the decision below, it remains established case law² that the distinctive characteristic of a dwelling was its ability to afford to those who used it, the facilities required for day-to-day private domestic existence, and that it would not lose that characteristic if it was occupied for the purposes of holiday accommodation.
 10. In this instance, the evidence before me indicates that the proposed holiday accommodation would provide bedrooms with bathrooms and washing facilities, and would include kitchen spaces. As such the proposed lodges would exhibit all the characteristics of dwellings and should be assessed on that basis.
 11. The appeal site is located northwest of Tresournes Farm and comprises part of an agricultural field which slopes steeply uphill from south to north. The northern and eastern boundaries of the area where the proposed lodges would be positioned, is bordered by hedges, with the eastern boundary running adjacent to a narrow winding highway. Access to the area where the proposed lodges would be positioned, would be via a track which crosses a substantial sloping agricultural field. The predominately open nature of the surrounding landscape, the presence of agricultural fields and narrow lanes and the scatter of agricultural buildings, give the area an intrinsically rural feel, such that the site is located within the countryside for planning purposes.
 12. The appeal site is separated from any form of defined settlement included within Policy 3 of the Local Plan, by agricultural fields and predominately open landscape. Policy 3 of the Local Plan includes provisions setting out circumstances in which development at locations which are outside of identified settlements, may occur. These circumstances include the use of infill sites and rounding off settlements, as well as providing further support for proposed schemes which make use of previously developed land where it adjoins an established settlement and is of a scale appropriate to the size and role of the

² Gravesham BC v SSE and O'Brien, [1983] JPL 307

settlement. I conclude that the proposed development would not comply with any of these special circumstances, given that the appeal site is significantly divorced from any settlement.

13. Policy 7 of the Local Plan supports development proposals within the open countryside where it is shown that "*special circumstances*" exist such as where there is re-use of a redundant building or where accommodation is required for rural workers. A number of criteria are listed against which proposals may be assessed. The appeal scheme is for holiday accommodation and fails to accord with any of these criteria.
14. In addition to the above, the proposed lodges would not be located close to any other buildings, people or places and therefore can be properly described as being 'isolated' within the context of the Framework. As noted above, the proposal would not be for rural workers and would not involve the subdivision or reuse of an existing building. The proposal would not be enabling development in relation to a heritage asset and, whilst I acknowledge that considerable thought has been put into the design of the proposed lodges, they are not, in my view, of a truly outstanding or innovative design. Consequently, the proposal would not accord with paragraph 79 of the Framework.
15. In respect of the effect on the character and appearance of the area, I observed on my site visit, that glimpsed views of parts of the site, including the proposed access track and position of the proposed lodges, would be visible from the narrow highway which passes the eastern boundary of the site and, due to the undulating and predominately open nature of the surrounding countryside, the site would be visible from a number of locations within the wider landscape and especially from the south where the land rises steeply in and around a main line railway route.
16. I find that the introduction of the proposed lodges at the appeal site would add to the built form within this rural countryside location, and that parking arrangements and the paraphernalia associated with occupation would have an urbanising effect on this rural area. This would be detrimental to local distinctiveness and the character and appearance of the surrounding landscape.
17. Consequently, the proposed development would erode the rural character of the area and would therefore be contrary to Policies 2 and 23 of the Local Plan and paragraphs 127 and 170 of the Framework. Combined, these seek to maintain and enhance the quality of the natural environment, with the emphasis on protecting, conserving and enhancing natural landscapes and countryside assets. Furthermore, and for the same reasons, the proposed scheme would also conflict with Policy 12 of the Local Plan which, amongst other things, seeks to ensure that development responds appropriately to its landscape setting.
18. Policy 5 of the Local Plan relates to business and tourism, and provides support for a range of such forms of development. This expands upon the provisions within Policy 2 of the Local Plan which confirms that proposals would be welcome in relation to supporting the expansion of existing businesses including agriculture. The Appellant has put it to me that the proposal amounts to a farm diversification which is supported by Policy 5 of the Local Plan and by paragraph 83 of the Framework. In this regard, I concur that the provisions of criterion 1. c) of Policy 5 of the Local Plan does support farm diversification.

19. However, farm diversification is a broad category which could reasonably include other forms of diversification in addition to proposals which are for holiday accommodation. The support provided by criterion 1. c) of Policy 5 of the Local Plan does not equate to automatic approval for all and any forms of farm diversification, but rather indicates that the principle of development may be acceptable subject to certain requirements. In this instance, the initial requirements are that the proposal demonstrates an overriding locational and business need to be situated at the chosen site.
20. The Appellant maintains that there is a an overriding locational and business need for the proposed lodges to be situated at the appeal site. In this regard, I am referred to a farm diversification statement produced on behalf of the Appellant, which concludes that the proposal would be necessary in order to preserve the viability of Tresournes Farm, and that new buildings were required as all of the buildings located at the farm were not redundant and remained integral parts of the working farm.
21. However, the submissions made by the Council confirm that planning permission was recently granted for the conversion of several barns at Tresournes Farm for residential use³. In this respect, I find that the subsequent planning application for conversion of barns at the farm brings into doubt that there was an overriding locational and business need for the proposed holiday accommodation to be situated at the appeal site rather than being sited within the farm complex itself. I therefore conclude that it has not been adequately demonstrated that the proposal would accord with the whole of criterion 1. c) of Policy 5 of the Local Plan.
22. Criterion 3. of Policy 5 of the Local Plan provides support for all new tourism facilities, including holiday accommodation, and as such also applies in relation to the appeal scheme. It is clear from the wording of this provision that this support is subject to proposals being of an appropriate scale to their location and being accessible by a range of transport modes.
23. Located approximately one mile south of the appeal site, the settlement of Tresillian contains a range of services and facilities including access to a bus stop which provides regular services through Tresillian in the direction of St Austell and Truro. However, access to Tresillian from the appeal site is via a winding and unlit road without pavements. The evidence before me indicates that there are public footpaths in the area separate from the highways but that these are similarly unlit. Consequently, travelling along the highway would not represent a particularly safe or attractive option for pedestrians or cyclists particularly in adverse weather conditions.
24. It is therefore likely that future visitors to the proposed holiday accommodation would be reliant on private motor vehicles in order to access even basic services, such as a village shop, or in order to reach connections with public transport. Whilst I recognise that holiday accommodation may not result in the levels of trips that would be generated from residential dwellings and that dependence on private vehicles may be expected in a rural location such as this, the proposal would be likely to exacerbate this level of reliance. It would be likely to contribute to a pattern of development that could cause environmental harm as a result of increased car journeys and hence carbon

³ Local Planning Authority Reference: PA19/07562

- emissions. For all of the above reasons, the appeal scheme would not comply with the provisions of Policy 5 of the Local Plan when taken as a whole.
25. In summary of the above, I conclude that the appeal scheme would conflict with Policies 2, 3, 5, 7, 12 and 23 of the Local Plan, and I attach significant weight to the proposal's conflict with the development plan when taken as a whole. The proposal would also fail to accord with paragraphs 79, 127 and 170 of the Framework.
26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, it has been put to me that the appeal scheme represents sustainable development and specifically that the proposal would provide significant economic benefits to the rural economy including Tresournes Farm.
27. The Framework provides that the concept of sustainable development comprises three dimensions – being the economic, social and environmental elements of the proposal. In this respect, the appeal scheme would provide some environmental benefits in terms of their energy efficient design.
28. In terms of social benefits, I would concur that where education of visitors in relation to farming is provided, the benefit may be considerable. However, in this instance whilst I acknowledge the Appellant's intention to provide education and experience of farming, there is no evidence before me which confirms how this would be achieved in practice. I therefore attach moderate weight to this consideration in the determination of this appeal.
29. Turning to the economic benefits of the proposal, I acknowledge that the appeal scheme would be likely to support the local economy in terms of additional spend by visitors to businesses within the area. Furthermore, I acknowledge that the scheme would provide some limited economic benefits in terms of employment during the construction phase and also in relation to the cleaning and maintenance of the proposed lodges. However, these benefits are limited by the scale of the proposal and, consequently, I attach moderate weight to these factors in the determination of this appeal.
30. Further to the above, I have also carefully considered the submissions in relation to the economic benefits to Tresournes Farm which may result from the proposed diversification project. In this regard, the evidence submitted by the Appellant indicates that the viability of the farm itself would be in danger if some form or forms of diversification is not provided. Whilst I acknowledge the importance of supporting such schemes in order to preserve farming activities and thereby help preserve the farmed landscape, as noted above in this decision the evidence before me indicates that planning permission was recently granted for the conversion of several barns at Tresournes Farm for residential use.
31. In this respect, the evidence indicates that the development of the barns has not been included when considering whether the appeal scheme would be necessary in order to preserve the viability of Tresournes Farm. Consequently, I cannot therefore be sure that the appeal proposal would be necessary in order to help the farm remain as a working agricultural holding. I therefore only attach moderate weight to the consideration that the appeal scheme

would provide economic benefits which contribute to the viability of Tresournes Farm.

32. Against these benefits, for the reasons given above, the proposal would result in harm to the intrinsic beauty of the countryside and thereby the character and appearance of the surrounding area. Furthermore, visitors to the proposed holiday accommodation would be likely to be reliant on private motor vehicles, thereby causing environmental harm as a result of increased car journeys and hence carbon emissions. By reason of the importance that the Framework places on the conservation of the environment and the preservation of the intrinsic character and beauty of the countryside, I attach significant weight to these considerations in the determination of this appeal.
33. Once these matters are considered together as a whole, the proposed scheme could not be considered to be sustainable development in the terms of the mutually dependent dimensions of sustainable development contained within paragraph 8 of the Framework or in terms of Policy 1 of the Local Plan for which there is a presumption in favour of.

Other Matters

34. In support of the appeal, the Appellant has referred to a development at Polgoda Farm which was granted planning permission by the Council in March 2018⁴. Whilst consistency is important in relation to planning decisions, I have only been provided with a copy of the decision notice in respect of the cited development. I therefore do not have full details of the circumstances which led to that development being accepted and so cannot be sure that it represents a direct parallel to the proposal, for example in terms of impact on the character and appearance of the surrounding area or in terms of the accessibility of that site. I have therefore determined this appeal on its own merits.

Conclusions

35. For the reasons given above, the scheme conflicts with the development plan when considered as a whole and there are no material considerations to outweigh the identified harm and subsequent development plan conflict in relation to the suitability of the location of the appeal site. I therefore conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR

⁴ Local Planning Authority Reference: PA17/11532