
Appeal Decision

Site visit made on 21 July 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2020

Appeal Ref: APP/D0840/W/20/3248222

Glencoe Vean, Lane From Junction South Of Terrigal To Glencoe, Goonearl, Scorrier TR16 5EB

- 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 Mark Hitchen against the decision of Cornwall Council.
 - The application Ref PA19/09526, dated 23 October 2019, was refused by notice dated 3 January 2020.
 - The development proposed is change of use and extension to existing ancillary accommodation to form detached residential C3 dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Cornwall Council against Mr Mark Hitchen. This application is the subject of a separate Decision.

Procedural Matter

3. The appellant has invited me to consider granting permission for the use of the existing building as a dwelling, in its current form, as an alternative to the submitted scheme for change of use and extension. This proposal would differ significantly from that determined by the Council, and on which the views of interested parties were sought. Consequently, my consideration of the alternative scheme would deny those who should have been consulted through the planning application process, the opportunity of such consultation. I have therefore determined the appeal on the basis of the plans submitted to the Council.

Background and Main Issue

4. The building was originally a garage for Glencoe Villa, the house to the east, but a Certificate of Lawfulness was granted in 2017¹ for its use as a holiday letting unit. In 2018 planning permission was granted, on appeal², for a new dwelling, and conversion of the holiday let to ancillary garaging. A condition of this permission required the cessation of the residential use of the holiday let upon occupation of the new dwelling. The Inspector's letter stated that the condition was necessary to ensure that there was only one dwelling on the site, to accord with the Council's strategy for the location of new homes in rural areas.

¹ Local Planning Authority Ref: PA17/07121

² Planning Inspectorate Ref: APP/D0840/W/18/3196494

5. Subsequently, permission was granted³ for a revised design for the new dwelling, but with a similar condition requiring the holiday let to revert to ancillary accommodation on occupation. Finally, in 2019, permission was granted⁴ to vary the terms of the planning condition, so that the use of the building would be ancillary to Glencoe Villa, rather than the new dwelling.
6. The appellant contends in his Statement of Case that the building has been in use for unrestricted residential purposes since March 2018, so the proposal is for the retention of an existing dwelling, rather than the provision of a new dwelling. However, this does not correspond with the description of the development, or the existing use, as stated on the application form. Furthermore, the Statement of Case says that the application relating to this appeal would result in a net increase in the number of individual residential units on the site and in the immediate vicinity⁵.
7. I saw that the new dwelling is complete and appeared to be occupied, so the terms of the planning condition dictate that the appeal building should now only be used for purposes ancillary to Glencoe Villa.
8. The main issue in this appeal is, therefore, whether the site is suitable for a new dwelling, bearing in mind the settlement policies of the development plan, and the accessibility of the location.

Reasons

9. The Council's settlement strategy is set out in Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan). The strategy seeks to maintain the dispersed development pattern of Cornwall, and provide housing based on the role and function of each place. Policy 3 says that, outside specific main towns, housing growth is to be delivered through rounding off of settlements; development of previously developed land (PDL) within or immediately adjoining settlements; infill schemes; rural exception sites; and the identification of sites through Neighbourhood Plans.
10. Proposals for rounding off, infill, or development of PDL are only supported by Policy 3 within or immediately adjoining a settlement. Whilst the site lies within a loose group of dwellings, the scatter of buildings does not have a distinct form, or shape. There are no clearly defined boundaries, or any sense that this is a distinct community with a shared identity. Rather, it is a low-density cluster of individual buildings in the countryside. The appeal site does not, therefore, lie within or adjacent to a settlement. The development is not put forward as a rural exception site, and the site is not identified for residential development by the St Agnes Parish Neighbourhood Plan 2018 – 2030 (the Neighbourhood Plan). Therefore, the proposal does not comprise any of the types of new housing that is supported by Policy 3 of the Local Plan.
11. Policy 7 of the Local Plan says that development of new homes in the countryside will only be permitted where there are specified special circumstances, including where the proposal is for a replacement dwelling in accordance with criterion 1, or the reuse of an existing building under criterion 3. The planning history dictates that the proposal cannot be construed

³ Local Planning Authority Ref: PA18/09273

⁴ Local Planning Authority Ref: PA19/06244

⁵ Paragraph 2.7

- to be a replacement dwelling, as the former residential use of the building has already been replaced by the new dwelling to the west.
12. To qualify for reuse under criterion 3, the building should be suitably constructed, and redundant, disused or historic. The building is not of historic interest, and it has not been demonstrated that it is, or will become, redundant or disused. In any event, the scale of the proposed extensions and alterations means that little semblance of the original building would remain. The proposal would therefore go beyond what could reasonably be described as the reuse of the building. The proposal does not fall within any of the other criteria described in Policy 7, so would not meet any of the special circumstances required to justify the development of a new house in the countryside.
 13. The dwelling would be located within a group of buildings, so would not be an isolated home in the countryside, as described by paragraph 79 of the National Planning Policy Framework. However, the nearest settlement to the appeal site is Wheal Rose, which lies approximately 0.8 kilometres, as the crow flies, to the south west. Occupants of the dwelling would have to negotiate a journey of about 1.3 kilometres by road to reach the village. Much of the route would be along an unlit road with no footpaths or cycleways. I have not been provided with evidence to demonstrate that there are any regular bus services between the site and the village. In view of the distance and the nature of the route, occupants of the dwelling would be likely to resort to the use of a private motor vehicle to make this journey.
 14. Whilst there are employment opportunities at Wheal Rose, there are very limited services or shops. Occupants would have to travel further afield, to Mount Hawke (2.25 kilometres by road) or Blackwater (2.5 kilometres by road) to obtain day to day services. Higher order services could only be obtained in Redruth, approximately 4 kilometres by road to the southwest. In view of the limited access to public transport facilities, there would be a high dependence on private motor vehicles to make these journeys. The appeal site does not therefore represent an accessible location for a new dwelling.
 15. The loose scatter of buildings in the vicinity of the appeal site does include some large detached houses. These dwellings are, however, quite well screened by trees and hedgerows, so the area retains a rural character. The proposed dwelling would not be a prominent feature in the landscape, and it would be seen within the context of the surrounding cluster of two storey buildings. It would, therefore, have a limited impact on the character and appearance of the countryside.
 16. Nevertheless, the proposal would conflict with the settlement policies of the development plan, and the day to day services required by occupants would not be accessible by sustainable transport modes. The development would therefore be contrary to Policies 2, 3 and 7 of the Local Plan, and Policies 1 and 7 of the Neighbourhood Plan. Taken together, these policies seek to direct new housing to accessible locations within or adjoining settlements.

Conclusion

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

Nick Davies
INSPECTOR