
Appeal Decision

Site visit made on 18 August 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/D0840/W/20/3251632

Land adjoining the Miners Arms Car Park, Mithian, St Agnes TR5 0QF

- 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 & Mrs Kemp against the decision of Cornwall Council.
 - The application Ref PA19/10937, dated 13 December 2019, was refused by notice dated 23 March 2020.
 - The development proposed is described as change of use and rebuilding of a redundant farm building to provide a one bedroom single storey holiday cottage for short term lets.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although its occupation as holiday accommodation could be secured by planning condition, the appeal proposal would nevertheless create a separate self-contained residential unit. It would also contain all the facilities necessary for normal day to day existence. The proposed development would therefore provide the facilities required for private domestic existence. It would not lose this characteristic if it was occupied by a series of different persons. Consequently, it is appropriate to treat the proposal as a dwellinghouse as well as holiday accommodation for the purposes of applying planning policies.

Main Issue

3. The main issues are whether the proposed development would be acceptably located, having particular regard to: access to a range of transport modes; and policies in the St Agnes Neighbourhood Development Plan 2018 - 2030 (SANDP).

Reasons

Accessibility

4. The appeal site would be accessed through the existing field entrance which is reached via the shared access to the car park for the Miners Arms public house. The highway running through Mithian is unlit, relatively narrow and contains no separate footways or cycle lanes. The surrounding highway network, including the route between Mithian and the bus stops on the B3285, is characterised by generally narrow twisty rural lanes with high hedges. The bus service that stops on the B3285 runs reasonably frequently between Newquay and Truro and stops at a number of other settlements on its route.

5. Being approximately 600 metres away, the nearest bus stop – near to Glen Carne Nursery and café – is within walking distance of the site. Located only a short distance further, the other bus stops and Mithian School could also theoretically be reached on foot or bicycle. However, to get to them, occupiers of the proposed development would need to negotiate relatively long stretches of unlit, and sometimes high-hedged, narrow highway. With no separation from vehicular traffic, it seems to me that walking or cycling to and from the site would therefore be neither particularly appealing nor safe. This is likely to discourage occupiers of the proposed development from walking and cycling to the bus stops and services and facilities both locally and in more distant settlements. With the submitted evidence indicating that Mithian has only limited services or facilities, including the public house and the nearby Rose-in-Vale hotel, the site's situation is, as acknowledge by the appellant, thus not conducive to accessing the development except predominantly by private car.
6. I accept that this may be the case for rural areas in general. Amongst other aspects, the National Planning Policy Framework (Framework) also recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and sets out that sites to meet local needs in rural areas may have to be found in locations that are not well served by public transport. However, in this instance, the limited alternative transport options available and the distance to other settlements with services and facilities mean that future occupiers of the development would be likely to be highly reliant on one mode of transport – the private car – for a significant majority of their journeys and to serve their daily needs.
7. With the lack of realistic transport alternatives and occupants of the proposed development having little choice other than to rely on driving to and from the site, the development cannot be regarded as maximising the use of sustainable transport modes. Neither can it be described as being accessible by a range of transport modes and minimising car travel. In coming to this view, I have taken account that the site is approximately 1.5 kilometres east of St Agnes and is said to be only some 30 minutes walking distance from the good range of services and facilities there, that much of the rural community of the parish are unable to access the bus without having to walk along roads, and that school children may walk from Mithian to the nearby bus stops, including at peak times. I also have little substantive evidence that any opportunities to make the site more sustainable by, for example improving the scope for access on foot, by cycling or by public transport, have been considered.
8. It has been put to me that the highway through Mithian and to the B3285 is relatively quiet, that the highway conditions in the locality are similar to much of Cornwall's road network and that there have been numerous residential and other development proposals which have been permitted in similar locations. It is asserted that the site is close to the tourism facilities of the north coast and that car journey lengths would likely only be short and limited to the immediate locality given the array of services and goods available in nearby settlements. It is also suggested that one additional car would not be noticed and that tourists occupying the proposed development would be likely to want to maximise walking and cycling, take advantage of the numerous designated footpaths in the area, and be unlikely to walk or drive on the highway at peak times. Be that as it may, these do not lead me to a different conclusion.

9. The Appellants have brought to my attention a nearby development recently permitted by the Council. However, although that scheme involved the provision of tourism accommodation and the highway conditions are said to be similar to those in the area surrounding the appeal site, the particular circumstances of it – including in relation to its different location and its notably lesser distance to nearby bus stops – do not reflect the appeal site. It is therefore not directly comparable to the appeal proposal. Accordingly, I attach minimal weight to it and have determined the appeal on its individual merits.
10. For the above reasons, I conclude that the proposed development would not be acceptably located with regard to access to a range of transport modes. I therefore find that it conflicts with Policies 5 and 27 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) and SANDP Policy 19. Amongst other aspects, these seek tourism development to be accessible by a range of transport modes and require development to be located where the use of sustainable transport modes can be maximised by prioritising safe access by walking, cycling and public transport to minimise car travel.

SANDP Policies

11. The site contains disused, dilapidated buildings and forms part of a field which is enclosed by boundary treatment and well-established soft landscaping. It is located to the side of the car park to the rear of the Miners Arms public house, which is one of a number of properties forming a generally linear pattern of development fronting the highway in this part of Mithian. Although the car park extends beyond it, the site is relatively open and reads as forming part of the rural surroundings of the settlement and situated beyond the clear line of properties that characterise this part of the built environment of the village.
12. The recently 'made' SANDP establishes settlement boundaries for a number of villages, including Mithian. The site is located directly adjacent to but outside of the settlement boundary of the village. On this basis, the Council's Decision Notice alleges that the appeal proposal is contrary to SANDP Policies 1 and 2.
13. Policy 1 sets out that development within settlement boundaries will be supported subject to conformity with other SANDP policies. Policy 2 sets out that the provision of affordable homes on exception sites in accordance with the CLP is supported. However, while the supporting text to Policy 1 states that new development outside these boundaries would be treated as exception sites, neither of the policies place a blanket exclusion on development which is located outside of settlement boundaries and which does not seek to provide affordable homes on exception sites.
14. As such, it seems to me that the appeal proposal – which would be for tourism accommodation and its occupation as such could be secured by planning condition – does not give rise to any specific conflict with either of the two SANDP policies listed in the Council's Decision Notice. The fact that the site is outside of the defined settlement boundary, and also reads both visually and physically as not forming part of the village, does not lead me to a different conclusion in relation to those listed policies.
15. The main parties set out a number of detailed arguments regarding the suitability of the appeal site, particularly in relation to its location and the applicability of other CLP and SANDP policies. This includes matters such as previous uses of the site, whether the appeal proposal would accord with CLP

Policy 3 in relation to development of previously developed land, rounding off or in-fill development, and whether the site should be regarded as being within the open countryside where for example CLP Policy 7 would be applicable. However, whilst I take these representations seriously, the matters raised do not lead me to a different overall conclusion on this main issue and specifically with regards to the conformity of the appeal proposal with the SANDP Policies 1 and 2 listed in the second reason for refusal in the Council's Decision Notice. Given I am dismissing the appeal for other reasons, it is also not necessary to pursue these matters any further because they could not lead me to a different overall decision.

Other matters

16. The site is within the setting of the Grade II Listed building of the Miners Arms public house and within the Mithian Conservation Area (CA). Although the Council does not allege that the proposed development would have an adverse effect on the setting of the listed building, the Council's Officer Report sets out that there would be a limited adverse impact in relation to the Conservation Area. It identifies that this would, in relation to the Framework, equate to less than substantial harm, and concludes that the harm to the CA would be outweighed by the public benefits. Having regard to the submitted evidence and having considered the development and visited the site, I have no reason to disagree with these conclusions. However, it is not necessary for me to pursue these matters further and come to a definitive view because, in dismissing the appeal on other grounds, the proposed development would not give rise to any harm to designated heritage assets.
17. The Council's Officer Report sets out that the site is within the buffer zones for the Fal and Helford Estuaries and Penhale Dunes Special Areas of Conservation and that the appeal proposal would place additional pressure on these sites in terms of recreational use. This indicates that the development may be likely, in combination with other plans and projects, to have a significant effect on the internationally important interest features of these areas. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.

Planning Balance

18. I have found that the proposed development would not be in an appropriate location with regard to access to a range of transport options and therefore conflicts with the development plan. It is not alleged that the development plan is out of date and the evidence before me indicates that the Council has a sufficient supply of housing land. Consequently, the approach set out in paragraph 11d of the Framework is not applicable in this case.
19. With a traditional and simplistic appearance, the proposed building would not have a significant visual impact and the spread of built form would be limited given it would be in the same position and not unacceptably larger than the existing disused buildings it would replace. It would not be isolated and would result in the removal of the dishevelled built form on the site. It has been put to me that the appeal proposal would also provide a discreet, high-quality and unique single-storey holiday let which is in demand, would represent a logical use of land, and would be of a scale, location and use that is appropriate to its setting. Be that as it may, these matters do not provide justification for development that conflicts with the development plan. The accessibility issues

that I have identified above and the likely reliance on the private car by occupiers of the proposed development means that the appeal proposal also cannot reasonably be described as a sustainable tourism development which would be environmentally benign and of a use and location appropriate to its setting.

20. The appeal proposal would provide additional windfall accommodation which is recognised by the CLP as having an important contribution to the overall supply of housing, while the Planning Practice Guidance highlights the role that housing can play in supporting the broader sustainability of rural areas. In addition to providing a new unit of accommodation within an established residential community, its use as a tourist let would also complement and add to the existing stock of holiday cottages in Mithian and the surrounding area.
21. Economic benefits would include the supporting of the appellant's local tourism business, employment related to construction works and management of the holiday let, and occupiers would be likely to use services and facilities in the locality and the wider area for both day-to-day needs and tourism-related activities. The development would therefore also help to maintain and enhance the vitality of rural communities and support a prosperous rural economy, including in relation to Mithian and other villages nearby.
22. However, given the scale of the development, the contribution to the supply of housing would be negligible while the social and economic benefits and the contribution to the local area would be limited. Accordingly, I find that the benefits of the appeal proposal would not outweigh the harm I have identified and the conflict with the development plan.
23. Even if the proposed development benefited from policy support in the CLP in relation to matters such as rounding off, in-fill or use of previously developed land, it would not indicate that the development would be suitably located in relation to its accessibility by a range of transport modes. Despite my finding that there would be no conflict with SANDP Policies 1 and 2, my conclusion on the first main issue and the conflict with CLP Policies 5 and 27 and SANDP Policy 19 is therefore sufficient for me to find against the appeal proposal when weighed against its limited benefits. Accordingly, material considerations do not indicate that the appeal proposal should be determined other than in accordance with the development plan.

Conclusion

24. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR