



Appeal Decision

Site visit made on 1 September 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2020

Appeal Ref: APP/D0840/W/20/3252268

Nanfant Farm, Churchtown, Cury TR12 7BW

- 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 J Slade against the decision of Cornwall Council.
 - The application Ref PA20/01260, dated 11 February 2020, was refused by notice dated 7 April 2020.
 - The development proposed is the conversion of games room building into a holiday-let.
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Decision

1. The appeal is allowed and planning permission granted for the conversion of games room building into a holiday-let at Nanfant Farm, Churchtown, Cury TR12 7BW in accordance with the terms of the application, PA20/01260 dated 11 February 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plan: Drawing No 06.2020/01.
 - 3) The development hereby permitted shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of this unit on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Main Issue

2. The main issue is whether the proposed holiday accommodation would be in a suitable location having regard to the accessibility of the site by a range of transport modes.

Reasons

3. The appeal building lies to one side of the group of converted, traditional barns being used as holiday lets. At my site visit, I noted that adjoining these buildings, works were underway to convert a more contemporary barn to a dwelling. This group of buildings are separated, but within walking distance, from the village of Cury. The village has a church, a primary school and the evidence indicates a bus service that connects with Mullion, The Lizard village and Helston.

4. The appeal building was permitted in 2015 as a games room to serve guests of the adjoining holiday lets and the appellant indicates that the use is redundant as the building was not regularly used. While not in holiday letting use at my site visit, I understand that the building has in the recent past been used as a separate holiday let.
5. The building is of an attractive appearance complementing the adjoining buildings and the proposal would enable a small unit of accommodation which could, in any approval, be restricted to holiday accommodation by a suitably worded condition. The proposal would, therefore, not be an unfettered open market unit of accommodation in the countryside.
6. Policy 5 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) sets out the approach to business and tourism development across the plan area. In respect of the provision of new high quality sustainable tourist accommodation, the policy, in summary, indicates that proposals will be supported where they would be of an appropriate scale to their location and to their accessibility by a range of transport modes. There is, therefore, no objection in principle to a countryside location for new tourist accommodation providing the policy criteria are met.
7. In this case, the single bedroom accommodation would be modest in size. It is accepted that most visitors would be likely to arrive and use a private vehicle during their stay, however, the ability to use the bus service from the village with the connectivity to some local destinations means that visitors would not be wholly reliant on the private vehicle. Furthermore, the accommodation would also be reasonably close to the public right of way that adjoins the wider site and there are others in the vicinity. The small scale nature of the accommodation would be appropriate to the location which is reasonably close to the village and given the accessibility for visitors to the bus service and some local rights of way, I am satisfied that the requirements of Policy 5 are met in this case.
8. As a consequence of this analysis, I am also satisfied that there would be no breach of Policy 27 of the Local Plan, concerning transport and accessibility.
9. Policy 7 of the Local Plan concerns housing in the countryside and it seeks to restrict such housing unless one of the listed special circumstances is met. Although the proposed accommodation could be conditioned as a holiday let, it would still be a new unit of residential accommodation. Consequently, I consider that Policy 7 of the Local Plan is applicable. In particular, it is criterion 3 of the policy which is the most relevant. In this case, the building is suitably constructed and appropriate to retain. The building to be converted has an existing lawful non-residential use and therefore this element of criterion 3 is met.
10. The case made by the appellant is that the building is redundant to its recreational role. The Council indicate that it could continue to fulfil its recreational function particularly in wet weather and I note that interested parties say that it has not been used as a games room. At the final comments stage, the appellant has explained that the games room was constructed as such, and operated on that basis, but it became readily apparent, that it simply was not being used for its original purposes, and was redundant to its intended purpose. On the balance of the reasonably limited documented information before me, I give the greatest weight to the evidence from the operator of the

site. This provides direct knowledge and information from within the site and, therefore, I judge that the building can be considered redundant and consequently would meet with this element of Policy 7.

11. Additionally, the policy requires that the reuse leads to an enhancement to the immediate setting. Given the high quality appearance of the building in its landscaped setting, there does not appear to be any enhancement that could be provided in this case. Technically therefore this element of the policy is not met. Also, the policy requires that the building to be converted is ten years old or greater. The supporting text indicates that this is to avoid deliberate circumvention of policies designed to limit new housing in the countryside. As the building has fairly recently been built there is a conflict with this element of the policy.
12. As a consequence, while the building is lawful, attractive and suitably constructed, the proposal would not accord with Policy 7 of the Local Plan because not all the relevant requirements would be met.
13. In terms of the other policies, the Local Plan aims to support the rural economy of Cornwall. Policy 2 seeks that the spatial strategy maintains the dispersed development pattern of Cornwall and provides homes and jobs based on the role and function of each place. With the small scale nature of the proposal compared with the existing holiday let site and the economic benefits that would be likely to follow with the use of the building as proposed, in a way that accords with Policy 5 of the Local Plan, I do not consider that there would be conflict with Policy 2 of the Local Plan.
14. Policy 3 of the Local Plan is referenced in the reason for refusal and concerns the directing of development in terms of the role and function of places. This policy aims to direct new housing in a hierarchical way to larger settlements first and indicates outside the main towns there is a range of approaches that would allow the addition of housing to smaller settlements. This is a complementary policy to Policy 7, which covers housing in the countryside. Consequently, as the appeal site is located in the countryside and not within or immediately adjoining a settlement, the proposal would not meet the criteria for new housing as set out in Policy 3 of the Local Plan.
15. In conclusion, in respect of the requirements of Policy 5 of the Local Plan the holiday accommodation would be in a suitable location having regard to the accessibility of the site by a range of transport modes. For the reasons explained there would also be compliance with Policies 2 and 27 of the Local Plan. However, there would be conflict with Policies 3 and 7 of the Local Plan. I will consider the balance of these matters, and whether the proposal complies with the Development Plan when considered as a whole, in the later conclusion section.

Other Matters

16. I have taken into account all the objections to the proposal, including from the Parish Council and local residents. In particular, I have noted the comments that the building has never been used as a games room, that this would lead to another dwelling on the site resulting in an overdevelopment and that the use will bring more traffic along a narrow access that cannot support more traffic. However, in respect of this latter issue, the Council did not object to the proposal on highway or safety grounds. While the access is restricted, I do not

consider that the movements associated with this additional one bedroom unit of accommodation, even in association with the other holiday units and the other unit under construction, together with the traffic to the other sites that use the access, would lead to an unacceptable impact on local roads or the access to the site.

17. In terms of the potential overdevelopment of the site, the building is already in place and the adjoining property, Nanfan Farm House, is separated by well-established vegetation along the boundary. I do not consider that the additional unit of accommodation would cause harm to neighbouring amenity, adversely affect parking provision or crowd the use and occupation of the site such that it could be considered to be an overdevelopment of the land.
18. I understand the comments made by local residents and the Parish Council regarding how the building came to be permitted and its history. However, it is a lawful building which I am not aware can be required to be removed. In these circumstances, I have considered the proposal based on its planning merits and the application of planning policies, and this has led to my overall conclusion.
19. The reason for refusal does not raise a concern with the impact of the proposal on the character and appearance of the area, which lies within the Cornwall Area of Outstanding Natural Beauty, and I have found no reason to disagree.

Planning Balance and Conclusion

20. The proposal would result in an additional unit of holiday accommodation on a site that already has holiday lets. There would be a small boost to the local economy resulting from the proposal. I am conscious of the advice in the National Planning Policy Framework (the Framework) that seeks to support a prosperous rural economy and that decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings.
21. The Framework also advises that decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
22. The proposal would accord with the Framework policy approach to support the rural economy in these respects. In particular, it uses an existing building on previously developed land in a way that is sensitive to its surroundings, is accessible to some extent by public transport and does not have an unacceptable impact on local roads.
23. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Examining the policies of the development plan, the proposal would comply with Policy 5 of the Local Plan which is specific to tourist related development and does not prevent such accommodation being in the countryside. This is a matter of substantial weight in favour of the scheme.
24. The conflict with Policy 7 of the Local Plan weighs against the scheme, however, this is in respect of the lack of enhancement to the immediate setting which is already of a high quality and that the building to be converted is not at least 10 years old. Taking all matters into account I am not persuaded that the scheme would be a deliberate circumvention of the policies designed to limit

housing in the countryside. As a consequence, I attach limited weight to the conflict with Policy 7.

25. I have found that the scheme would comply with Policy 2 and 27 of the Local Plan in the particular circumstances of this case. The conflict with Policy 3 of the Local Plan occurs predominantly because the site lies within the countryside where the policy approach is set by Policy 7. I, therefore, attribute the conflict with Policy 3 limited weight in this case. Given the compliance with Policy 5, the proposal would, overall, meet the sustainability policy approach of Policy 1 of the Local Plan.
26. Drawing all these matters together, the weight that I attach to compliance with Policy 5 of the Local Plan, and in turn Policies 1, 2 and 27, outweighs the conflict with the other policies that I have identified, such that the proposal complies with the development plan when considered as a whole. The Framework is an important material consideration which adds support to the case in favour of approval for the reasons explained above. There are no other material considerations of such weight that indicate a decision should be made otherwise. I therefore conclude that the appeal should succeed. For the reasons explained, it would be necessary in the approval to attach a condition restricting occupation to holiday accommodation and, in the interests of certainty, for conditions to specify the statutory time period and the approved plan.

David Wyborn

INSPECTOR