
Appeal Decision

Site visit made on 10 September 2020

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

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/D0840/W/20/3252019

Penaluna, Quarry Lane, Paul, Penzance, Cornwall TR19 6TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Richard Gilling against Cornwall Council.
 - The application Ref PA20/00777, is dated 24 January 2020.
 - The development proposed is the change of use of existing ancillary accommodation at Penaluna to form a separate dwelling.
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

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

Background and Main Issue

3. The Appellant has submitted this appeal on the basis of non-determination of the planning application. Following the submission of the appeal against non-determination, Cornwall Council (the Council) has identified the reasons the local planning authority would have given to refuse consent. The Appellant has seen these details and has had the opportunity to respond.
4. In light of the submissions, the main issue is whether or not the proposed development would be in a suitable location for a new dwelling, having regard to the accessibility of services and facilities and to the character and appearance of the surrounding area.

Reasons

5. The appeal concerns a single storey, timber clad building located close to the dwelling at Penaluna. The appeal site is accessed from a very narrow, winding, unmade trackway which connects to the B3315 highway approximately five hundred metres to the east of the site. The appeal site is isolated from other dwellings and development at the end of the narrow unmade trackway and, by reason of the high hedges, surrounding open agricultural fields and nearby narrow lanes, the site has an intrinsically rural feel, and as such I conclude that the appeal site is located within the open countryside for planning purposes.
6. The appeal site is not located within a settlement and, given the separation distance to the built form of the hamlet at Sheffield, would not be situated

adjacent to or adjoining that settlement. In my view, the appeal site is isolated from other people, buildings and places within the context of the National Planning Policy Framework (the Framework).

7. From the observations made on my site visit, and from the evidence before me, the settlement at Sheffield contains no meaningful services or facilities. Whilst it was noted that Sheffield does provide access to a bus stop, I have not been provided with any information regarding the frequency of services to and from this stop. Nonetheless, given the distance and narrow nature of the unlit trackway which connects the site to Sheffield, it cannot be said that access to the bus stop would represent a particularly safe or attractive option for pedestrians or cyclists particularly in adverse weather conditions.
8. The nearest meaningful services and facilities to the appeal site which may be reasonably required on a day to day basis, are to be found within Newlyn which is located approximately 2km to the north of the site, or within Mousehole which is located approximately 2km east of the site.
9. Due to the distances between the site and the nearest services and facilities, and given that access from the site to the nearest bus stop would not represent a particularly safe or attractive option for pedestrians or cyclists, it is likely that future occupiers of the appeal scheme would be heavily reliant on private motor vehicles in order to access even basic services, such as a village shop. Whilst dependence on private vehicles may be expected in a rural countryside location such as this, the proposed change of use to form a new dwelling would only exacerbate this level of reliance. Therefore, in my view, the proposal would contribute to a pattern of development that would cause environmental harm as a result of increased car journeys and hence carbon emissions.
10. The Council's spatial strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030¹ (the Local Plan). It sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing jobs in a proportional manner based on the role and function of each place.
11. Policy 3 of the Local Plan seeks to control the distribution of new dwellings across Cornwall and includes provisions setting out circumstances in which development at locations such as the appeal site, which are outside a number of identified settlements, may occur. As such Policy 3 of the Local Plan limits rural housing to particular types of windfall development, including infill sites, dwellings built on previously developed land and rounding off within or immediately adjoining small settlements.
12. In this regard, as noted above, the appeal site is not located within or immediately adjoining a settlement. Consequently, it cannot be said that the proposal would accord with the types of windfall development that Policy 3 of the Local Plan provides exceptions for and, therefore, the appeal scheme would not accord with the provisions of Policy 3 of the Local Plan.
13. The supporting text to Policy 7 of the Local Plan defines open countryside as being the area outside of the physical boundaries of an existing settlement where it has a clear form and shape. For the reasons given above, the appeal site is located outside of any settlement and, accordingly, the provisions of

¹ Adopted November 2016

Policy 7 apply to the appeal scheme. The policy supports development proposals within the open countryside where it is shown that special circumstances exist. A number of criteria are listed against which proposals may be assessed.

14. Whilst it is apparent from my site observations and from the main parties submissions that the proposal would not concern the replacement or subdivision of an existing dwelling, or relate to a rural worker's dwelling, I would infer from copies of correspondence between the Council and the Appellant during the planning application, that the Appellant's application was made on the basis that the proposal would reuse a suitably constructed redundant or disused building.
15. The appeal building appeared to be of sound construction and, at the time of my site visit, appeared to be used for the storage of items and equipment. In my view, given its scale, form and close physical and visual relationship to Penaluna, the appeal building has the character and appearance of a subservient ancillary building which forms part of the property at Penaluna.
16. Nonetheless, it is noted that there is no information before me which confirms that the appeal building is redundant or disused, nor any substantive information regarding the use of the building or the site or any Certificate of Lawful Development that would help me clarify the use of the site. On the contrary, the evidence indicates that the Appellant maintained during planning application discussions with the Council, that the building is and has been used for ancillary accommodation and, therefore it cannot be said that the appeal building is either redundant or disused.
17. Notwithstanding the above, Policy 7 of the Local Plan also requires that the reuse of a redundant or disused building leads to an enhancement to the immediate setting of the proposal. In this regard, whilst it is acknowledged that the proposal would not result in any external alterations to the existing building, the proposal would nonetheless intensify the domestic residential use of the site and, given that no external amenity area appears to be provided in relation to the new proposed dwelling, would likely give rise to pressure to extend the building or its curtilage further into the countryside.
18. For these reasons, in my view the proposal would be harmful to local distinctiveness and would be harmful to the character and appearance of the surrounding rural area. Consequently, it cannot be said that the conversion of this building would result in an enhancement to the immediate setting and, therefore in combination with the above, the appeal scheme cannot be said to accord with criterion 3 of Policy 7 of the Local Plan.
19. In summary of the above, I conclude that the appeal scheme would not be in a suitable location with regards to local and national planning policy. The proposal would result in a new dwelling within the countryside which is significantly detached from services and facilities that may be reasonably required on a day to day basis and would result in harm to the intrinsic character and beauty of the countryside.
20. Accordingly, the proposed development would conflict with Policies 2, 3, 7, 21 and 23 of the Local Plan which, together and amongst other things, seek to protect the countryside and areas of environmental value from inappropriate development. Furthermore, given the likely reliance on motor vehicles, the

proposal would be contrary to Policy 1 of the Local Plan which seeks to improve environmental conditions within the area. For the same reasons, the appeal scheme would also fail to accord with paragraphs 108 and 170 of the Framework.

Other Matters

21. Weighing in favour of the appeal scheme, I acknowledge that the proposal would provide some very limited benefits in terms of an additional unit towards housing supply. Notwithstanding the above findings with regards to accessibility of services and facilities, the Framework recognises that new housing can contribute to the vitality of rural communities by helping to support local services and, as such, I accept that an additional household at the appeal site could play a small part in supporting the viability of those businesses located within Newlyn, Mousehole and within the wider surrounding area.
22. However, in my view and by reason of the limited scale of the proposed development, the benefits which the appeal scheme would bring are very limited in scope, and would be outweighed by the conflict with the development plan with regards to the location of the proposed development and the resulting harm to the character and appearance of the surrounding rural area, to which I attach significant weight.

Conclusions

23. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan and the Framework when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR