
Appeal Decision

Site visit made on 25 August 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/D0840/W/20/3252221

Tremoan Cottage, Road From Dunstan Lane To The Crossroads At Horsepool, St Mellion, Saltash PL12 6RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ben Mills against the decision of Cornwall Council.
 - The application Ref PA19/08133, dated 16 September 2019, was refused by notice dated 11 November 2019.
 - The development proposed is construction of additional holiday unit (together with demolition of two existing stable blocks).
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Decision

1. The appeal is allowed and planning permission is granted for construction of additional holiday unit (together with demolition of two existing stable blocks) at Tremoan Cottage, Road From Dunstan Lane To The Crossroads At Horsepool, St Mellion, Saltash PL12 6RH in accordance with the terms of the application, Ref PA19/08133, dated 16 September 2019, and the plans submitted with it, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale Site Location Plan.
 - 5) 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, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Procedural Matter

2. The application was in outline, with all matters reserved, and I have dealt with the appeal on that basis.

Main Issue

3. The main issue is whether the site is suitable for new holiday accommodation, bearing in mind the settlement policies of the development plan, and the accessibility of the location.

Reasons

4. The appeal site lies approximately 500 metres to the southeast of the small village of St Mellion. Although it is within a group of buildings comprising of three dwellings and a holiday cottage, this cluster is separated from the settlement by undeveloped agricultural fields. The site is, therefore, in open countryside. The proposal has been submitted in outline, so no drawings have been provided to show the accommodation that would be provided. However, the appellant's statement of case refers to a self-catering holiday unit, and it is not disputed that it would constitute a dwellinghouse.
5. The settlement policies of the development plan are Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan). The strategy set out in Policy 2 seeks to maintain the dispersed development pattern of Cornwall, and provide homes and jobs based on the role and function of each place. Policy 3 defines how housing and employment will be accommodated, based on this hierarchy of role and function. Outside specific main towns, development is to be delivered through the identification of sites through Neighbourhood Plans; rounding off of settlements; development of previously developed land (PDL) within or immediately adjoining settlements; infill schemes; and rural exception sites. The proposal for a new dwellinghouse in the open countryside, away from a settlement, would not conform with this strategy.
6. Policy 7 of the Local Plan only permits new homes in the open countryside where there are special circumstances, and restricts new dwellings to specific categories of development, none of which are applicable to the appeal proposal. This Policy broadly conforms with the advice at paragraph 79 of the National Planning Policy Framework (the Framework), that planning policies and decisions should avoid the development of isolated homes in the countryside. The provision of a dwellinghouse on the appeal site would, therefore, conflict with local and national policy in respect of development in the open countryside.
7. The appellant argues that, although the holiday unit would comprise a dwellinghouse, it could be prevented from becoming a home, by the imposition of a holiday occupancy condition. Furthermore, I am referred to an appeal decision¹ from 2014, where the Inspector took this approach. By contrast, however, the Council refers to two more recent appeal decisions², where holiday units were treated as dwellinghouses, and considered under Policies 2, 3 and 7 of the Local Plan.

¹ Appeal Ref: APP/D0840/A/14/2214949

² Appeal Refs: APP/D0840/W/18/3208990 and APP/D0840/W/19/3240028

8. No distinction is made between dwellings, houses and homes in the Framework or the Local Plan, and the words are used interchangeably. For example, Policy 7 of the Local Plan is headed "Housing in the countryside", but the first two sentences of the policy refer firstly to new homes, and then to new dwellings. I therefore conclude that development plan policies relating to the location of housing development are relevant to the proposal. However, the clear intention to occupy the dwellinghouse for holiday accommodation, as part of the appellant's existing business, means that other parts of the development plan and Framework must also be considered.
9. Policy 5 of the Local Plan supports the development of new tourism facilities through the enhancement of existing, or provision of new, high quality sustainable tourism accommodation, where it would be of an appropriate scale and accessible by a range of transport modes. This Policy broadly conforms with the advice in paragraph 83 of the Framework, which says planning policies and decisions should enable sustainable rural tourism and leisure developments.
10. The appeal site is, however, located in a relatively remote rural location. The centre of St Mellion, and the nearest bus stop, are some 850 metres away by foot, and would, initially, involve walking a narrow country lane with no lighting or footways, and little room for a car to pass a pedestrian or cyclist. The second part of the walk would be along a wider, busier road, with faster moving traffic, but still without lighting or footways. The route would not, therefore, provide an attractive option for pedestrians or cyclists to reach the services and bus stops in the village.
11. In any event, St Mellion has limited facilities, so self-catering holidaymakers residing at the site would have to travel further afield to obtain convenience shopping and most services. The higher order settlements of Callington and Saltash lie approximately 5 kilometres away to the northwest and southeast respectively. The lack of suitable pedestrian access to the bus stops in the village means that these journeys would most likely be undertaken by private vehicular transport. A new holiday unit on the site would not, therefore, be accessible by a range of transport modes, so would not be compliant with Policy 5 of the Local Plan.
12. The site currently accommodates two stable blocks and a former sand school. It is not disputed by the Council that the site constitutes PDL. Policy 21 of the Local Plan seeks to ensure the best use of land, by encouraging sustainably located proposals that use PDL and buildings. However, I have already concluded that the site lies in the open countryside, and is not accessible by a range of transport modes. It therefore follows that the proposal would not be sustainably located, so would not be supported by Policy 21.
13. A new holiday unit on the site would, therefore, be contrary to the settlement strategy of the Local Plan as set out in Policies 2, 3 and 7. Furthermore, occupants would be reliant on the use of private vehicles to obtain goods and services, so a new holiday unit would not be supported by Policies 5 and 21 of the Local Plan. Planning law³ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

14. Since the appeal was lodged, planning permission has been granted⁴ for the stationing of a new self-catering holiday unit on the site. The permitted scheme was not in place at the time that the Council determined the application. Nevertheless, it is a permission that is capable of implementation at the time that I am determining the appeal. If I were to dismiss the appeal, it is more than a theoretical possibility that the permitted scheme would be implemented. It therefore represents an established fallback position, and is a material consideration, to which I ascribe considerable weight in my decision.
15. The permitted scheme allows for the stationing of a one-bedroomed mobile home which is compliant with the legal definition of a caravan. Although it would be of limited size, as a self-catering holiday unit it would have all the facilities required for day-to-day private domestic existence. It could, therefore, be occupied as a dwelling in the absence of an occupancy condition. The Council contends that, as it would not be a permanent building, it could easily be removed from the site in the future. However, the permission is not temporary, and there is no requirement to remove the unit if it ceases to be used for holiday purposes. It is, therefore, likely to be a long-term fixture on the site.
16. The permitted unit would be restricted to holiday use by a planning condition, but it could be occupied all year round. For the reasons given above, occupants of the accommodation would be reliant on private transport to access facilities and services, in the same way that occupants of the proposed unit would be. As scale is not being determined at this stage, it would be possible, through approval of the reserved matters, to ensure that the proposed unit did not allow for a substantially greater number of occupants than that already permitted. As a result, the development would not lead to any significant increase in the number of private vehicle journeys to and from the site.
17. To conclude on the main issue, the site lies in a countryside location where residential development would not comply with the settlement policies of the Local Plan. Furthermore, the site is not accessible by a range of transport modes. The development would, therefore, conflict with Policies 2, 3, 5 and 7 of the Local Plan. However, planning permission has already been granted for new holiday accommodation on the site. Provided the scale of the proposed unit is suitably controlled through the reserved matters process, it would not result in a greater level of non-sustainable transport movements than would be the case if the permitted scheme were implemented. The existing permission is, therefore, a material consideration which indicates that, despite the conflict with development plan policy, permission should be granted.

Conditions

18. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. I have also imposed a condition requiring compliance with the approved plans. However, as all matters are reserved, I have only required compliance with the plan that identifies the extent of the site.
19. In view of the lack of easy access to schools and employment opportunities, a holiday occupancy condition is reasonable and necessary, to ensure that the unit is not used as a permanent dwelling.

⁴ LPA reference: PA20/03996

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR