
Appeal Decision

Site visit made on 7 December 2020

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 December 2020

Appeal Ref: APP/D0840/W/20/3257623

**Toad Hall, (58m from unnamed road), road from junction east of
Gooseham to junction south east of Brownspit, Gooseham, Bude EX23 9PH**

- 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 Colin Phipps against the decision of Cornwall Council.
 - The application Ref PA20/00179, dated 8 January 2020, was refused by notice dated 1 May 2020.
 - The development proposed is the erection of a detached single storey one bedroom holiday let building and associated car parking.
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Decision

1. The appeal is dismissed.

Main Issues

- a) Whether or not the proposed development would represent sustainable development in accordance with the Council's spatial strategy, and
- b) The effect of the proposed development on the character and appearance of the area.

Reasons

2. The appeal site is a portion of an existing tennis court situated to the south west of the property known as Toad Hall, in the very small rural settlement of Brownspit. The settlement does not contain any necessary day to day facilities and is somewhat from a centre that does provide such facilities. Furthermore, there are no alternative modes of transport other than the private car. The appeal site cannot therefore be classed as accessible.
3. The site is relatively self-contained in that it is separated from the garden area of Toad Hall by a stream, access being over a small bridge. The site is within an Area of Great Landscape Value (AGLV) and, in planning terms is within the open countryside.

Spatial strategy

4. Policy 7 of the Cornwall Local Plan (LP) makes clear that new homes in the open countryside will only be permitted where there are special circumstances. There is then a list of five circumstances which are deemed to be special. These are replacement dwellings comparable to the size, scale, and bulk of that being replaced, the subdivision of existing dwellings, the reuse of certain types of

building, temporary accommodation for workers where there is an essential need and accommodation for full time agricultural and forestry workers. The proposed development would not comply with any of these circumstances and therefore conflict with policy 7 would occur.

5. Policy 3 of the Cornwall Local Plan (LP) is entitled *Role and function of places* and identifies that new development will be accommodated in accordance with a hierarchy. The policy identifies main towns for development and indicates that outside of these housing will be delivered through the identification of sites through Neighbourhood Plans, rounding off of settlements, infill schemes or rural exception sites. I have not been made aware of a relevant neighbourhood plan and the proposed development has not been promoted as a rural exception site. It follows that to accord with policy 3 the proposed development must be considered either as rounding off or as an infill site.
6. The criterion for rounding off of settlements indicates that the site should be within or immediately adjoining the settlement. In this case the site is to the south west of the settlement which is of linear form along a minor road. The access to the proposed building would be from the rear of Toad Hall, and there would be the relatively large rear garden area of the latter between the proposed building and Toad Hall itself. There are fields both to the north and south of the appeal site and an agricultural building to the south west. I cannot accept therefore that the proposed building would represent either rounding off or infill, which is identified in policy 3 as schemes that *fill a small gap in another wise continuous built frontage*. Conflict with policy 3 would therefore exist.
7. Policy 5 of the LP is entitled Business and Tourism and includes a number of criteria. The one pertinent to the appeal proposal requires that the proposed scheme is of a scale appropriate to its location or demonstrate an overriding locational and business need to be in that location such as farm diversifications. A one bedroom single storey building would certainly be of an appropriate scale. However, the policy goes on to stipulate that the development of new tourism facilities should be both sustainable and accessible by a range of transport modes. The proposed development would only be accessible by the car and would not therefore accord with this requirement. Conflict with policy 5 would therefore also occur.

Character and appearance

8. The proposed building would be single storey and set within part of the existing tennis court which has hedgebanks on three sides. There is an existing house some way to the north-east from which glimpses of the proposed building may be available. However, generally, due to the hedgebanks and topography of the surrounding area, the proposed building would be largely unnoticeable.
9. Notwithstanding this however, built form would replace an open area of tennis court and policy 23 of the LP makes clear that in AGLVs development should maintain the character and distinctive landscape qualities of such areas. Whilst a tennis court cannot be seen as part of the distinctive landscape qualities of the AGLV, it nevertheless retains a sense of openness which the proposed building would not. For this reason I consider conflict, albeit of a minor nature, would exist with policy 23.

Planning balance

10. I have found that the proposed development would not be in an accessible location and would conflict with various policies relating to the Council's spatial strategy as well as with policy 23 relating to character and appearance. I acknowledge that the proposed development would provide some small advantage in terms of the economic limb of sustainability. However, this does not outweigh the harm that has been identified.
11. In arriving at this conclusion I note the appellant's argument that had the proposed development been a residential dwelling, and had the appeal site been deemed to be rounding off or infill, then compliance with policy 3 would occur, notwithstanding the lack of accessibility. However, the proposed development is not a residential dwelling and I have found that the site cannot be construed to be either infill or rounding off, and it is incumbent upon me to assess the proposal against the development plan, which is a document that has been the subject of significant consultation.

Conclusion

12. For the above reasons, and having taken into account all other matters raised, the proposal conflicts with the development plan taken as a whole. The proposal does not represent sustainable development and I therefore conclude that the appeal should be dismissed.

John Wilde

INSPECTOR