



Appeal Decision

Site Visit made on 1 December 2020

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

an Inspector appointed by the Secretary of State

Decision date: 31 December 2020

Appeal Ref: APP/D0840/W/20/3256203

Trevodic cottage, Access to Hendra Lodge from Coombe Road, Coombe, St Austell, PL26 7LG

- 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 M Kostuch against the decision of Cornwall Council.
 - The application Ref PA20/03109, dated 3 April 2020, was refused by notice dated 26 June 2020.
 - The development proposed is the use as unfettered dwellinghouse (without holiday condition).
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Decision

1. The appeal is dismissed.

Applications for costs

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

Background and Preliminary Matters

3. In December 2014 planning permission¹ was granted by the Council for the erection of a long house holiday dwelling, conversion and extension of a piggery to a holiday annexe, conversion and extension to garage to form holiday dwelling and associated works. That planning permission was subject to a condition, condition 3, preventing the appeal building from being used other than for holiday accommodation.
4. The Appellant did not apply to allow development in non-compliance with the abovementioned condition 3, because it would have been contrary to the Finney² Judgement. However, it has been put to me that as there is no change of use, no "development" within the context of the Town and Country Planning Act 1990³ (the Act) is being carried out, and the Appellant contends that Policies of the Development Plan which refer to "development" do not have direct application to the appeal proposal.
5. However, the Appellant accepts his proposal requires planning permission and it is therefore not for me to decide, in the context of an appeal under section 78 of the Act, whether what is proposed is in fact development. Notwithstanding that, in my view the references to "development" within the Development Plan must refer to development which is the subject of a planning

¹ Local Planning Authority Reference: PA14/05537

² Finney v Welsh Ministers & Others [2019] EWCA Civ 1868

³ Section 55 Town and Country Planning Act 1990

application and, accordingly, are applicable in relation to this appeal. I have determined the appeal on that basis.

Main Issue

6. The main issue is whether the proposed development would be in a suitable location having regard to National and Local Planning Policy and to accessibility of services and facilities by means other than the private motor vehicle.

Reasons

7. The appeal building is a two storey cottage situated within a small group of buildings located approximately 1km northeast of the village at Coombe and approximately 2km southeast of the settlement at St Stephen.
8. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies (2010-2030)⁴ (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.
9. Policy 3 of the Local Plan sets out the strategy for the delivery of housing across Cornwall and growth is centred on the named, larger settlements within the county. The supporting text to this policy provides that settlements that are not named within Policy 3 of the Local Plan can help meet housing requirement by: identification of sites where required through Neighbourhood Plans, rounding off of settlements and development of previously developed land (PDL) within or immediately adjoining the settlement of a scale appropriate to its size and role; infill schemes that fill a small gap in an otherwise built frontage; and rural exceptions sites for affordable housing.
10. There is dispute between the main parties as to whether Hendra would constitute a settlement in planning policy terms. The main parties have referred me to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (the CPOAN) which provides some guidance on what would constitute a settlement, as well as providing further guidance in relation to matters of rounding off, infill and previously developed land. Whilst being informal guidance, the CPOAN provides clarity on the approach to be adopted in relation to such matters, and as such I have had regard to this advice.
11. In my view, the very small group of buildings at Hendra do not display the attributes, role or function of a settlement that is suitable for housing growth. Its character resembles that of a small farm group of buildings located within a rural agricultural setting. When travelling along Coombe Road, the narrow trackway which provides access to the farm group is passed almost 'in the blink of an eye', with the visible group of buildings being perceived as forming part of a farmstead rather than being recognisable as a distinct settlement. Whilst it is acknowledged that there are other dwellings within the wider surrounding area, these are separated from Hendra by agricultural land and dispersed such that they form isolated groups of dwellings that have no form and shape.
12. In support of the contention that Hendra represents a settlement within the context of the Local Plan, the Appellant has referred me to development at Rejerrah. In this regard, it would appear from the information and plans before

⁴ Adopted November 2016

me that Rejerrah comprises a linear mixture of residential buildings which predominately have frontages onto the adjacent public highway. For the above reasons, these circumstances are not comparable to the compact small group of buildings at Hendra. Furthermore, whilst I note the Appellant's reference to the Heritage Gateway website description for Hendra, in my view and for the above reasons, the small cluster of buildings at Hendra has the character and appearance of a farmstead rather than representing a distinct hamlet or other smaller settlement.

13. In light of the above, I conclude that Hendra is not a settlement within the context of the Development Plan. The proposal would not represent infill within a settlement and, by reason of the separation distance between the site and the nearest settlement, would not comprise rounding off or use of PDL within or immediately adjoining a settlement, within the context of Policy 3 of the Local Plan.
14. 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. For the reasons given above, the appeal site is located outside of any settlement within the context and definitions of the Local Plan and, accordingly, the provisions of Policy 7 of the Local Plan apply to the appeal proposal.
15. Policy 7 of the Local Plan supports development proposals outside of settlements, where it is shown that special circumstances exist. A number of criteria are listed against which proposals may be assessed. The appeal proposal does not concern the subdivision of an existing dwelling, would not be a replacement dwelling, nor has the proposal been advanced as being essential for rural workers.
16. Nonetheless, criterion 3 of Policy 7 of the Local Plan provides that reuse of suitably constructed redundant, disused or historic buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting could be permitted. Criterion 3 of this policy further confirms that the building to be converted should have an existing lawful residential or non-residential use and be ten years old or greater.
17. In these regards, while I acknowledge the main parties' submissions concerning whether the policy requirement that the building to be converted should have an existing lawful residential or non-residential use and be ten years old or greater should be applicable in this instance, it is apparent that proposals would only gain support from criterion 3 of Policy 7 if the appeal building itself was firstly considered to be a suitably constructed redundant, disused or historic, building.
18. For the reasons above and in light of the planning history of the site, the appeal building is not a historic building. Furthermore, the evidence before me indicates that the appeal building is not currently vacant with the building continuing to be marketed for holiday accommodation. Accordingly, the building is not redundant or disused and, for the reasons described above, would not comply with any of the criteria which provide support for proposals within the open countryside as defined by the Local Plan.
19. It has been put to me by the Appellant that the appeal scheme would accord with the definition of "other development within a settlement" as provided for within the CPOAN and, in this regard, would also comply with the provisions of

Policy 21 of the Local Plan which concerns best use of land. However, as noted above the appeal building is not located within a settlement as defined by the Local Plan and, consequently, the proposal gains no support from the CPOAN in this regard.

20. Notwithstanding the above, criterion c. of Policy 21 of the Local Plan provides that encouragement would be given to proposals which increase building density taking into account the character and appearance of the area and the accessibility of services and facilities. Given that there would be no alterations made to the existing building, the appeal proposal would not result in harm to the character or appearance of the surrounding area. However, by reason of the distance to any meaningful services and facilities that may reasonably be required on a daily basis and due to the narrow, unlit lanes which do not benefit from pedestrian footpaths, future occupants of the proposal would be likely to be heavily reliant on private motor vehicles in order to access even basic services.
21. Whilst dependence on private vehicles may be expected in rural locations, the proposal would be likely to exacerbate this level of reliance. Vehicle movements arising from tourists' day trips are, in my experience, generally likely to be less intensive than the number of daily traffic movements associated with permanent households, with residents travelling to and from work, shops, schools and, sometimes, in separate vehicles. As such, it is likely that there would be an increase in the number of trips taken by private vehicles than currently occur with the holiday accommodation condition in force.
22. The availability of online food shopping deliveries would be unlikely to provide sufficient mitigation for the poor level of accessibility to a wider range of services which are likely to be required on a day to day basis and, in any event, there is no certainty that future residents would shop online in favour of shopping in-store. Furthermore, while it is acknowledged that modern technology provides greater opportunity to work from home, there is no certainty that future occupants would be able to make use of such opportunities in relation to their particular employment.
23. In support of the contention that the appeal building is sustainably located with regards to access to services and facilities, the Appellant has referred me to a recent planning permission for the conversion of a disused pump house at Hendra Springs which is located approximately 200m southeast of the appeal site. In that regard, the evidence indicates that Council Officers took the view that whilst residents of the converted pump house would need to use vehicles to access schools, leisure facilities and shops, the development would be sustainable and economical to the community.
24. While I have noted the conclusions from the Officer's report for the development at Hendra Springs, it was acknowledged within the report that future residents would need to use private vehicles for access to services and facilities. The reasons given above in relation to this appeal are consistent with that finding. From the limited information before me, it appears that the Council considered that whilst there would be reliance and dependence on private vehicles which weighed against that development, the development at Hendra Springs would utilise a suitably constructed redundant building which was worthy of retention and that, on balance, the overall benefits of that development outweighed the harm in relation to access to services and

facilities. For these reasons and in light of the above, the circumstances of the present appeal do not appear comparable to the development at Hendra Springs and, in any event, I have determined this appeal on its own merits.

25. In summary of the above, the proposal would not be suitably located with regards to the development plan and would be likely to cause environmental harm by increased vehicle journeys. Consequently, the proposal would conflict with Policies 1, 2, 3, 7 and 21 of the Local Plan. For the same reasons, the proposal would not accord with paragraphs 103 and 110 of the National Planning Policy Framework (the Framework).
26. The appeal building is not located far away from other places, buildings or people, and, consequently, the proposal would not be considered to be isolated in terms of the Framework. Accordingly, the provisions of paragraph 79 of the Framework do not apply in this instance.
27. In the determination of this appeal I am mindful of the existing permitted use of the cottage for holiday accommodation. As described above, I have found that the proposal would not result in any harm to the character and appearance of the surrounding area. However, the adverse impacts to the environment arising from an unrestricted dwelling remote from services and facilities and the consequent reliance upon non-sustainable transport modes, would be likely to be significantly greater than the impacts associated with a dwelling that is restricted to holiday accommodation. In my view, the level of this impact would significantly outweigh the very limited benefit of the proposal to local open market housing supply.
28. In light of the above, even if the development plan policies were silent because the proposal was not "development" as maintained by the Appellant, I conclude that the adverse impacts of the proposal resulting from its unsustainable location would significantly and demonstrably outweigh any benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

29. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR