



Appeal Decision

Site Visit made on 6 May 2021

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

an Inspector appointed by the Secretary of State

Decision date: 24 May 2021

Appeal Ref: APP/D0840/W/20/3264713

Chace End House, Truthwall Lane, St Just, TR19 7PS

- 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 Adam Miller against the decision of Cornwall Council.
 - The application Ref PA20/01046, dated 5 February 2020, was refused by notice dated 4 August 2020.
 - The development proposed is a change of use from a workshop into a holiday let single bedroom.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be in a suitable location, having regard to local and national planning policies and to the location of the site within the Cornwall Area of Outstanding Natural Beauty (the AONB) and defined Heritage Coast.

Reasons

3. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies (2010-2030) (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.
4. The appeal site comprises a single storey garage building associated with the host dwelling at Chace End House, positioned adjacent to a narrow single-track lane and located outside of the nearest settlement at Truthwall. Whilst there is residential development close to the appeal site, the site is nonetheless separated from Truthwall by predominately open agricultural fields.
5. The appeal scheme seeks to convert the existing garage building into a holiday let, and I would concur with the submissions of the main parties that policies of the development plan relating to housing are relevant to the appeal scheme.
6. 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. 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 within or immediately adjoining settlements; infill schemes; and rural exception sites. The proposal is

- not located within a settlement and would not conform with the criteria of this strategy.
7. Exceptions in relation to new development in the countryside are provided for under Policy 7 of the Local Plan. This Policy supports development proposals within the open countryside where it is shown that special circumstances apply. As noted above, the appeal scheme seeks to convert an existing garage building and, in this respect, it has been put to me that the proposal would accord with criterion 3 of Policy 7 of the Local Plan.
 8. Criterion 3 of Policy 7 of the Local Plan provides that the building to be converted should be appropriate to retain, has an existing lawful residential or non-residential use and be ten years old or greater, with the relevant development leading to an enhancement to the immediate setting. There does not appear to be any disagreement between the main parties regarding the period of lawful use of the site. However, the Council have put it to me that the appeal building is not suitable to retain and the proposal would not result in an enhancement to the immediate setting.
 9. The supporting text to Policy 7 of the Local Plan clarifies that the appropriateness of buildings for conversion will depend on their scale and method of construction, structural soundness, and the ability to convert the building without the necessity of demolition or substantial rebuilding operations. The appeal building is a simple, single storey building which is utilitarian in appearance. At the date of my visit, the building appeared to be in a good condition and there is no evidence before me which indicates that the structure of the building is unsound.
 10. Nonetheless, as noted above, to accord with the provisions of criterion 3 of Policy 7 of the Local Plan it would be necessary to show that demolition or substantial rebuilding operations would not be necessary. In this respect, the submissions and plans before me indicate that a substantial section of the north eastern elevation of the existing building would be demolished, with further works being required to extend the building and provide a new section of wall. Furthermore, the proposal would replace the existing roof to the building. When considered together, in my view such works would amount to a substantial rebuilding operation and, consequently, the appeal scheme would not accord with criterion 3 of Policy 7 of the Local Plan in this regard.
 11. Notwithstanding the above, consideration of whether the scheme would result in an enhancement to the immediate setting is appropriate. In this respect, it has been put to me that the replacement of the existing roof with a slate pitched roof would represent an enhancement. In my view, whilst such alterations would result in a roof form which more closely resembles the roof forms of other nearby outbuildings and dwellings, the existing building would also be enlarged to a relatively substantial degree. In my view, while the proposed works as a whole would not be harmful to the immediate setting, they would not amount to an enhancement. As a consequence, the appeal scheme would not comply with Policy 7 of the Local Plan in these respects.
 12. As noted above, the appeal site is located within the AONB and within the defined Heritage Coast. The submissions before me also indicate that the site is situated within the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS).

13. Policies 12 and 23 of the Local Plan require, amongst other things, that development respects the character of its setting and, promotes local distinctiveness, and maintains and enhances Cornwall's distinctive natural and historic character.
14. The proposal would alter the appearance of the existing simple form of the appeal building as described above and would be prominent in views from the adjacent narrow lane which connects the site to Truthwall. However, in wider open views towards the site, the appeal building would be seen in the context of the nearby residential dwellings and outbuildings. Whilst the proposal would not lead to an enhancement to the setting as described above, it would not add visual clutter to the surrounding landscape or harm the local distinctiveness of the area. Whilst I acknowledge the Council's submissions regarding additional domestic paraphernalia associated with residential occupation of the proposed holiday let, the area around the site is currently used as domestic garden land and therefore the proposal would not add to any clutter that could be present at the site.
15. Given that the appeal proposal would be seen in the context of the nearby buildings and would not substantially add visual clutter into the landscape, I conclude that the proposal would comply with Policies 12 and 23 of the Local Plan. Furthermore, and for the same reasons, the scheme would not conflict with paragraphs 127, 170, 172 of the National Planning Policy Framework (the Framework) which, amongst other things, requires that great weight is given to conserving the landscape and scenic beauty of AONBs and that development recognises the intrinsic character and beauty of the countryside. It is acknowledged that the site is within the WHS, and in this respect and again for the same reasons given above, I find that the proposal would not have a harmful effect on the significance or setting of the WHS. The proposal would therefore accord with the provisions of paragraph 184 of the Framework.
16. Notwithstanding the above, the proposed development concerns the provision of new tourist accommodation and, in this respect, it has been put to me that the scheme would comply with Policies 5 and 21 of the Local Plan. Policy 21 of the Local Plan relates to the best use of land, and in this respect the proposal would make use of an existing building which is not of high environmental or historic value.
17. Policy 5 of the Local Plan is supportive of appropriate tourism development and provides that proposals within the countryside must be of a scale appropriate to its location and to their accessibility by a range of transport modes, or demonstrate an overriding business need to be in that location. 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. There is, therefore, no objection in principle to a countryside location for new tourist accommodation providing the criteria of Policy 5 of the Local Plan are met.
18. The appeal site is located outside of any settlement and in a relatively remote rural location. The nearest settlement at Truthwall does provide access to bus stops and the evidence before me indicates that there is a shop at a campsite located within the settlement. Whilst the distances between the appeal site and the very basic level of services that are contained within Truthwall would be walkable for many, future occupants of the proposed holiday let would need to

navigate the narrow lane which does not provide lighting or footways and which, as I observed on my site visit, provides little room for a vehicle to pass a pedestrian or cyclist. The route to Truthwall would not, therefore, provide an attractive option for pedestrians or cyclists to reach the services and bus stops especially during hours of darkness and during inclement weather.

19. The services and facilities located within St Just would similarly require travel along narrow lanes which do not benefit from lighting or footways. In light of the above, I therefore conclude that due to the site's location and the lack of suitable pedestrian access to the nearest bus stops and campsite facilities, the proposal would not be accessible by a range of transport modes and would not be compliant with Policy 5 of the Local Plan.
20. In summary of the above, while the proposed holiday unit would not result in harm to the intrinsic character and beauty of the surrounding countryside, would conserve the landscape and scenic beauty of the AONB and would not have a harmful effect on the significance or setting of the WHS, for the reasons given above, the appeal proposal would be contrary to the strategy set out in Policies 2, 3 and 7 of the Local Plan. Furthermore, given that future occupants would be likely to be heavily reliant on private vehicles to access services, the proposal would conflict with Policy 5 of the Local Plan. Consequently, the proposal would conflict with the policies of the development plan when taken as a whole.
21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
22. The scheme would provide some economic benefits in terms of limited employment opportunity during the conversion phase and through the spend of future users within local businesses thereby helping to support the local economy. However, the benefits associated with the proposal would be limited by reason of the scale of development and the limited tourist accommodation that it would provide.
23. Weighed against these matters, the appeal proposal would conflict with the development plan when taken as a whole as identified above. The conflict with the development plan and the identified harm that results from that conflict, weighs significantly against the proposal. The appeal proposal would not be suitably located with regards to services and facilities and, therefore, future users would be likely to be reliant on private motor vehicles for most trips. This would conflict with the environmental dimension of sustainable development. I conclude, therefore, that the significant weight to be attached to the proposal's conflict with the development plan and the resulting identified harm, would outweigh the limited benefits that the scheme would provide.
24. The Appellant has referred me to other tourism developments which have been approved by the Council. In respect of the development at Porthleven¹, I have only been provided with limited information. Nonetheless, from the details provided, whilst that development similarly concerned the conversion of an existing building, it is clear that that scheme concerned the reuse of a building that was considered to be suitable to retain. Furthermore, while I note that the Appellant maintains that the appeal site is located closer to services than the

¹ Local Planning Authority Reference: PA20/05995

proposal at Porthleven, I have not been provided with any details of distances that would support that contention.

25. In addition to the above, I have also been referred to the recently approved conversion of another garage building located at Chace End House, into holiday accommodation². In this respect, I have only been provided with a copy of the Council's decision notice and have little other information regarding any works that were necessary to convert that building and what other matters were considered by the Council that resulted in the development being approved. Based on the limited information before me, I cannot therefore be sure that the matters are comparable. I have therefore, and in any event, determined this appeal based on its own merits.

Conclusion

26. For the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR

² Local Planning Authority Reference: PA18/00057