
Appeal Decision

Site visit made on 23 June 2021

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

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/D0840/W/21/3269807

Velansaga Barton Farm, Tregadwith, St Buryan TR19 6BS

- 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 Shaun Moulton against the decision of Cornwall Council.
 - The application Ref PA20/09211, dated 7 October 2020, was refused by notice dated 3 February 2021.
 - The development proposed is the construction of additional holiday unit.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether or not the proposed development would be in a suitable location, having regard to Local and National Planning Policy and to the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises an irregular shaped parcel of land situated north of the dwellings at Velansaga Farmhouse, Sanctuary Cottage and Dawnsman. A more densely arranged small group of buildings is located west of the site, with the eastern boundary of the site being formed by a narrow, unmade trackway which provides access to the abovementioned dwellings located south of the site.
4. The appeal scheme proposes a new holiday unit at the site. Whilst noting that the description of development indicates that the proposal is for holiday use only, the proposed development would provide all the facilities required for day-to-day private domestic existence. It would not lose that characteristic if it was occupied for only part of the year, or at infrequent intervals, or by a series of different persons. Consequently, the proposed accommodation exhibits the characteristics of a dwellinghouse and should be assessed against the policies of the development plan which concern housing. However, it is also acknowledged that the proposal is for tourism accommodation and as such I shall return to consider the proposal in terms of tourism and business policies of the development plan in the below paragraphs.
5. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) which sets out a sustainable approach to accommodating growth and maintaining the dispersed

- development pattern of Cornwall, providing jobs in a proportional manner based on the role and function of each place.
6. Policy 3 of the Local Plan seeks to control the distribution of new dwellings across Cornwall and provides that other than at the named larger settlements, housing growth will be delivered through; the identification of sites within neighbourhood plans, infill schemes, rural exceptions sites or rounding off of settlements and development of previously developed land (PDL) within or immediately adjoining that settlement of a scale appropriate to its size and role.
 7. There is dispute between the main parties as to whether Tregadwith would constitute a settlement in planning policy terms. In this regard, the main parties have referred me to the Chief Planning Officer's Advice Note – Infill/Rounding Off (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, previously developed land and affordable housing exception sites. 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.
 8. The CPOAN provides that a settlement is a place where people collectively live in permanent buildings and that local residents are well placed to assist in determining whether a particular group of buildings is considered to be a settlement. The advice note goes on to confirm that smaller villages and hamlets should have a form and shape with clearly definable boundaries, with further confirmation that there are no expectations of services and facilities.
 9. Based on observations made on my site visit, in my view, the small, but relatively concentrated, group of buildings at Tregadwith 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 the narrow highway which provides access through Tregadwith, the group of buildings near to the site are passed almost 'in the blink of an eye'. There did not appear to be any post-box, community notice boards nor any street lighting which gives further weight to my assessment that Tregadwith relates to an evolved farmstead, rather than being a distinct settlement.
 10. In light of the above, I conclude that Tregadwith is not a settlement within the context of the Development Plan. 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. This policy 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 scheme would not comply with the requirements of those criteria and, consequently, the proposal would be contrary to Policy 7 of the Local Plan, which seeks to protect the open countryside from inappropriate development.
 11. Notwithstanding the above, the guidance provided within the CPOAN confirms that local residents are well placed to assist in helping determine if a particular group of buildings would constitute a settlement. I have carefully read and considered all of the submissions before me and note that objections to the appeal scheme refer to Tregadwith as a small hamlet.

12. However, the CPOAN provides guidance – it is not policy and does not form part of the development plan. Whilst acknowledging the references to Tregadwith being a small hamlet, for the reasons given above I find that Tregadwith is not a settlement in the context of the policies of the development plan.
13. Whilst I acknowledge there are examples of dwellings near to the site which have similar designs and make use of similar materials as that proposed under the appeal scheme, the proposal would result in the incremental spread of development at this location, in a manner that would encroach into the countryside and cause harm to the rural character and appearance of the area. In these regards, the proposal would conflict with Policies 12 and 23 of the Local Plan which concern design and the natural environment.
14. Notwithstanding the above, the appeal scheme concerns holiday accommodation and therefore requires that the proposal be considered in relation to other sections and policies of the development plan.
15. 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, and that proposals should provide a well balanced mix of economic, social and environmental benefits. 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.
16. The nearest settlement which provides access to the services and facilities that may reasonably be required on a day to day basis, is to be found at St Buryan. Access to St Buryan from the site is via a narrow, in part steeply inclined, unlit highway which does not benefit from pedestrian footways. Consequently, it could be said that access to the nearest services and facilities would not be particularly safe or convenient for all pedestrians and cyclists, especially during inclement weather and during hours of darkness.
17. Whilst noting that the proposal is for a single unit of holiday accommodation, neither the appeal scheme nor Tregadwith would provide any other suitable, accessible forms of transport which would provide alternatives to the use of a private vehicle. Visitors to the appeal proposal would be likely to be heavily reliant on private motor vehicles in order to access services and facilities that could reasonably be required. Whilst dependence on private vehicles may be expected in rural locations, the appeal scheme would be likely to exacerbate this level of reliance, and would contribute to a pattern of development that could cause environmental harm as a result of increased car journeys and hence carbon emissions. Accordingly, the proposal would not be of a scale appropriate to its accessibility by a range of transport modes. The proposal would therefore conflict with Policy 5 of the Local Plan.
18. In summary of the above, I have found that Tregadwith would not constitute a settlement in the context of the development plan and would not be a form of development which is supported by Policy 7 of the Local Plan. Even in the event that Tregadwith would represent a settlement and that the proposal satisfied the criteria for windfall development at such locations in accordance with Policy 3 of the Local Plan, the appeal scheme would be harmful to the character

and appearance of the surrounding area, thereby conflicting with Policies 2, 12 and 23 of the Local Plan, and would fail to accord with those parts of the Framework which concern design and the conservation and enhancement of the natural environment.

19. Furthermore, whilst noting the small scale nature of the proposal, the scheme would not be of a scale appropriate to its accessibility by a range of transport modes and, consequently, the proposal would conflict with Policy 5 of the Local Plan. Whilst I note that the Appellant has indicated that, in the event that Tregadwith constitutes a settlement, the scheme should be considered without the application of a planning condition which restricts the use of the proposal to holiday use only, such an action would result in a contradiction between the permitted use and the description of development as applied by the Appellant.
20. The scheme would provide some economic benefits in terms of limited employment opportunities during construction and through the spend of future visitors 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.
21. Weighed against these matters, the proposed development 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 of a scale appropriate to its accessibility by a range of transport modes and visitors 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.

Other Matters

22. Interested parties raise additional objections to the proposal on the grounds of potential adverse effects on the living conditions of nearby residents, drainage, highway safety and ecology. These are important concerns and I have considered all the evidence and submissions before me. However, given my findings in relation to the main issue above, these are not matters which have been critical to my overall decision.

Conclusions

23. For the reasons given above, the scheme conflicts with the development plan when considered as a whole and there are no material considerations to outweigh the identified harm and subsequent development plan conflict in relation to the suitability of the location of the appeal site. I therefore conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR