



Appeal Decision

Site Visit made on 21 June 2021

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

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/D0840/W/21/3269390

Trebarvah Woon Farm, Trebarvah Woon, Constantine, Falmouth, TR11 5QJ

- 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 & Mrs J Brittain-Long against the decision of Cornwall Council.
 - The application Ref PA20/05260, dated 26 June 2020, was refused by notice dated 24 August 2020.
 - The development proposed is the change of use of land for the retention of a mobile home used for short term holiday lets and ancillary accommodation to Trebarvah Woon Farm and construction of associated raised timber decked area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Within the appeal documentation and correspondence, the Appellants have referred to a costs application to be submitted at a later date. However, no application for costs has been received from the Appellants. Consequently, no separate decision has been made in relation to costs.

Main Issue

3. The main issue is whether the proposal would constitute an appropriate form of development with particular regard to the provisions of local and national policy in respect of the location of the development and its effect on the character and appearance of the surrounding area.

Reasons

4. 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.
5. The appeal site is situated in a rural location outside of any settlement and comprises land at Trebarvah Woon Farm. The site concerns a mobile home and associated timber decking positioned on land away from the group of buildings which comprise Trebarvah Woon Farm. To the east of the mobile home the site is enclosed by land which, at the date of my visit, predominately comprised grassed land. To the south of the mobile home is a small area of woodland, with the appeal site being bordered to the west by predominately open land which is agricultural in appearance. For planning purposes, the site is located within the countryside.

6. The description of development provided by the Appellants relates to the retention of the mobile home described above, for the purposes of holiday and ancillary accommodation. The evidence before me indicates that the mobile home would provide to those who used it, 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.
7. Policy 3 of the Local Plan defines how housing will be accommodated, based on a 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 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.
8. 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, such as where there is re-use of a redundant building or where accommodation is required for rural workers, apply. In this regard, the proposed scheme is to be used as tourist accommodation and there is no evidence before me which indicates that the proposal would provide ancillary accommodation for a rural worker. Consequently, none of the special circumstances of the Policy apply.
9. Notwithstanding the above, in accordance with the details provided concerning the judgement in Corbett¹, the appeal scheme must be assessed against the policies of the development plan when taken as a whole. In this instance, whilst the proposal would conflict with Policies 3 and 7 of the Local Plan for the reasons given above, the appeal scheme also concerns holiday accommodation and therefore requires that the proposal be considered in relation to other sections and policies of the development plan.
10. 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 National Planning Policy Framework (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.
11. As described above, the appeal site is located outside of the nearest settlements. Access to these nearest settlements from the site is via narrow, unlit highways which do not benefit from pedestrian footways. Consequently, it could be said that access to the nearest services and facilities would not be particularly safe for all pedestrians, especially during inclement weather and during hours of darkness.

¹ Corbett, R (On the Application Of) v Cornwall Council & Anor [2020] EWCA Civ 508

12. Nonetheless, the proposal is for a single unit of accommodation and it is noted that forms of transport other than by private motor vehicle would be made available for tourism guests. Whilst it is acknowledged that there is no legal mechanism provided with the planning application which would secure the provision of an electric car or bicycles, such matters could be adequately controlled and would provide alternative modes of transport for guests. Given the very small scale nature of the proposal, I find that, in terms of Policy 5 of the Local Plan, the appeal scheme would be of a scale appropriate to its accessibility by a range of transport modes.
13. Notwithstanding the above conclusion regarding the accessibility of the site, Policy 5 of the Local Plan also requires that tourist accommodation should provide a well balanced mix of economic, social and environmental benefits. In these respects, the provision of holiday accommodation would provide undoubted economic and social benefits in terms of the future spend of visitors within local businesses, and whilst the details of economic benefits supplied by the Appellants is noted, these benefits would be relatively limited given the scale of the proposal.
14. In terms of environmental benefits, the proposed provision of an electric car and bicycles would weigh in favour of the scheme. However, the Council have also raised concerns regarding the impact of the proposal on the character and appearance of the surrounding area.
15. As described above, the appeal site is situated in a rural location. Immediately to the west of the site is an area of predominately open land, across which a public right of way passes in very close proximity to the site and which then continues past the site through the small patch of woodland located south of the site. The proposal seeks to retain the mobile home and associated decking and it has been proposed that the mobile home is clad in larch.
16. As I observed on my site visit, there are glimpsed views of the mobile home when travelling along that part of the abovementioned public right of way which passes through the small patch of woodland south of the site. However, the mobile home was highly visible to those travelling along that part of the public right of way which crossed the predominately open field west of the site. In this respect and by reason of its design, scale and appearance, the mobile home appeared as an incongruous feature, somewhat isolated from the nearest buildings, and which significantly contrasted with the rural character and appearance of the surrounding area.
17. Whilst the mobile home would be clad in larch which would soften its appearance, the proposal would nonetheless be still highly visible to those travelling on the adjacent public right of way, and given its position isolated from the buildings which comprise Trebarvah Woon Farm, would represent a visual intrusion which would be harmful to the rural character and appearance of the area.
18. The evidence before me indicates that no landscaping scheme was submitted in support of the appeal and which could help screen the appeal site from the above described views. However, the Appellants have referred me to the Forest for Cornwall initiative and their intention to provide a substantial number of trees to be located within the field west of the site and which, it is maintained, would provide sufficient screening for the proposal.

19. In this regard, whilst the environmental benefits of such planting are acknowledged, there is very limited information before me as to when such planting would occur nor how such planting would be located as to ensure there would be sufficient screening for the proposed scheme. In any event, such additional planting will take time to establish itself and consequently would not provide sufficient mitigation to the existing harm to the character and appearance of the surrounding area.
20. For the above reasons, in the absence of measures to sufficiently screen the site from views for those travelling along the nearby public right of way, and given its somewhat isolated position away from the group of buildings which comprise Trebarvah Woon Farm, the appeal scheme would not be of an appropriate scale and design which recognises and respects the undesignated landscape character of the surrounding area nor would promote local distinctiveness. Accordingly, the proposal would conflict with the provisions of Policies 12 and 23 of the Local Plan which concern design and the natural environment.
21. In summary of the above, I find that whilst the accessibility of the site and proposal would not conflict with the provisions of Policy 27 of the Local Plan and would accord with that part of Policy 5 which concerns proposals being of a scale appropriate to its accessibility by a range of transport modes, the appeal scheme would be harmful to the character and appearance of the surrounding area. In this respect the proposal would conflict with Policies 2, 12 and 23 of the Local Plan which together and amongst other things, seek to ensure that development respects the character of its setting, promotes local distinctiveness and maintains and enhances Cornwall's distinctive natural and historic character.
22. Furthermore, whilst acknowledging that the proposal would provide the benefits described above, the scheme would have a significant adverse effect on the character and appearance of the surrounding area. In this respect, despite the acknowledged limited benefits of providing access to an electric car, the proposal would not provide a well balanced mix of economic, social and environmental benefits as required by Policy 5 of the Local Plan. Accordingly, the proposal in its current location would conflict with Policy 5 of the Local Plan when considered as a whole.
23. In support of the appeal, the Appellants have cited a number of planning applications for tourist accommodation within the area, that were either permitted by the Council or were allowed at appeal. Whilst I have only been provided with limited information concerning those permitted developments, there do appear to be differences between those matters and the present appeal scheme.
24. In respect of the developments at Wrinklers Wood², at Penhallym³, at Chacewater⁴ and at Reddivallen⁵, the information before me indicates that those proposals would, by reason of their location or due to prominence of those sites, would not have a harmful effect on the character and appearance of designated or undesignated landscapes. For the reasons given above, due to

² Local Planning Authority Reference: PA20/02306

³ Local Planning Authority Reference: PA19/07412

⁴ Local Planning Authority Reference: PA20/05586

⁵ Local Planning Authority Reference: PA19/00445

the nature of the proposal and its location in a prominent position adjacent to a public right of way, the appeal scheme would result in harm to the character and appearance of the area and, consequently, the appeal scheme is not comparable to those cited developments that have been permitted by the Council.

25. Further to the above, I have also been referred to an appeal which concerned tourism accommodation at Trye Valley⁶. Consistent with the findings of the Inspector in that appeal, for the reasons given above I have found that the appeal scheme would be of a scale appropriate to its accessibility by a range of transport modes. However, the circumstances of that appeal can be distinguished from the present appeal scheme in that the Inspector also found that the development would not have a harmful effect on the character and appearance of the area.
26. I acknowledge the support provided by the Appellants to visitors and have noted the Appellants' commitment to the Forest for Cornwall initiative. I have carefully read and considered all of the Appellants' submissions and acknowledge the support for the proposal as provided by a substantial number of visitors to the existing mobile home.
27. However, given its isolated location away from the buildings which comprise Trebarvah Woon Farm and in the absence of evidence that the proposal would be sufficiently screened for views from the adjacent public right of way, the proposal would result in harm to the rural character and appearance of the surrounding area. The proposal would, therefore, detract from the high landscape quality of the area which, in part, is why substantial numbers of visitors are attracted to visiting this part of Cornwall each year.

Conclusion

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

Mr A Spencer-Peet

INSPECTOR

⁶ Appeal Reference: APP/D0840/W/17/3189025