



Appeal Decision

Site Visit made on 21 June 2021

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2021

Appeal Ref: APP/D0840/W/21/3271368

Gwel Teg, Lower Polgrain, Rosenannon, Bodmin, Cornwall PL30 5PJ

- 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 Neil Elverson against the decision of Cornwall Council.
 - The application Ref PA20/09536, dated 21 October 2020, was refused by notice dated 5 February 2021.
 - The development proposed is the siting of static caravan for living and office space with regards to running horticultural business and bee keeping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The mobile home has been positioned on site. This was confirmed in the Council's statement and I saw this at my site visit. I will deal with the appeal accordingly.
3. As part of the appeal submissions a proposed site layout plan, which includes areas for storage, camping, bee area, and landscaping has been submitted. I have considered this plan as indicative of what the appellant has in mind for the site to help to justify the appeal proposal.
4. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been given the opportunity to make any comments on the implications of the revised Framework to this appeal and I have taken the comments into account in my considerations.

Main Issues

5. The main issues are:
 - whether the development plan would support the stationing of the static caravan for residential occupation on this site, and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Residential occupation

6. The site consists of about 2 acres of agricultural land located in open countryside beyond any settlement. In such a location, Policy 7 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) explains that the provision of new housing, in this case in the form of a static caravan, will only be permitted where there are special circumstances. These special

circumstances are identified by the policy criteria. The relevant criterion of Policy 7 in this case, is when the accommodation would be restricted to a full time agricultural and forestry and other rural occupation workers where there is up to date evidence of an essential need of the business for the occupier to live in that specific location.

7. This accords with the approach in paragraph 80a of the Framework where, in summary, an isolated home in the countryside may be permitted if there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. The Planning Practice Guidance (the Guidance) provides further advice on the considerations which may be relevant to the assessment of such applications.
8. In this case, the enterprise was established in 2020. A barn has been granted planning permission in February 2020 and I saw at my site visit that footings had been dug. Two polytunnels, a shipping container for secure storage and a small toilet/shower structure were in place on the site. However, the Council has indicated that these do not benefit from planning permission. This reduces the weight that I can attribute to this investment and the future contribution it may make to support and expand the business.
9. The appellant has explained in the appeal submissions the need for the on-site presence. I have carefully considered all these arguments. However, based on the evidence before me it seems that most of the operations listed, such as protection of crops/seeds, frost protection, dealing with weather emergencies and being on site to assist with visitors and collection of orders, can be addressed by a person on site during the day and/or by good management of processes, especially given the reasonably small scale nature of the enterprises.
10. There is information that trespass and vandalism has taken place on the site. However, I do not consider that this leads to a clear operational and permanent requirement for an on-site presence given the scale of the enterprises and that it has been explained that CCTV and other security measures have been and could be installed to assist in this regard. Other works such as maintenance of fencing, running training courses, and production of fire wood again would not require a permanent residential presence on site.
11. In terms of other activities, I am not persuaded that the bee keeping would require an overnight presence or that the camping undertaken on a temporary and seasonal basis under permitted development rights would justify residential accommodation across the whole year.
12. The ability for a worker to be present over-night would be convenient and would assist with the running of the various enterprises. Travel to and from the site would be reduced. However, for the reasons explained, I am not satisfied that the scale and type of the enterprises, even when all the elements are considered together, would lead to an essential need for the operator to live on site and be readily available at most times, day and night.
13. The Guidance also indicates that it may be relevant to consider, as part of the paragraph 80a of the Framework requirements, the degree to which there is confidence that the enterprise on the holding will remain viable for the foreseeable future. In this case, the appellant has submitted a Business Plan setting out the intended progress and extent of commercial activities and a

financial spreadsheet showing the in and out-goings. I accept that these are calculated estimates of the business over the first three years and that the Business Plan also explains the experience of the appellant in operating commercial enterprises in the past. However, there are no submitted audited accounts of the business operation so far which help to provide confidence that the financial figures in the Business Plan are sufficiently realistic. It does seem to me that the business activities cover quite a wide range of various enterprises and that the expectation is that many are required to perform fairly well from the outset.

14. I share the Council's concerns with some of the estimated income and profit figures that it has raised in its appeal statement. This includes with the camping, which is a weather dependent recreational activity and which would make up a reasonable proportion of the intended revenue. Also I understand the niche market which the horticultural enterprise would seek to occupy. Nevertheless, it seems likely that parts of this element of the business would still compete to some extent against larger enterprises which would be likely to benefit from economies of scale. I am therefore not confident that the financial evidence on this part of the business has been demonstrated to be sufficiently robust and verified. Consequently, the financial submissions can be attributed only limited weight.
15. I fully acknowledge the efforts undertaken to set up the business and the investment that has been made, especially as much of this period has been subject to Covid-19 restrictions. I saw at my site visit the production of plants and other enterprises on the site which are taking place. However, even if low returns and subsistence living was accepted as part of the approach, the evidence, including in the Business Plan, does not provide the necessary and detailed level of confidence that is required to adequately demonstrate that the enterprise would be viable, and therefore sustainable on the site, for the foreseeable future.
16. It is not entirely clear whether the application seeks a permanent or temporary permission for the static caravan. Even if a temporary consent was considered, I am not satisfied that a functional need has been adequately demonstrated for the essential presence of a worker to live permanently on the holding, now or in the future. For the reasons explained, despite the information set out, it has also not been adequately demonstrated that the business has been planned on a sound financial basis, even taking into account the recent impacts from the pandemic. I, therefore, conclude that a temporary permission would not be justified in this case, even taking into account the evidence of the lack of alternative local accommodation. This conclusion is supported by the County Land Agent in her comments when she examined the proposal on the basis that it would be for temporary accommodation.
17. In the light of the above analysis, I conclude that it has not been adequately demonstrated there is an essential need for a rural worker to live on site and therefore the proposal would not comply with Policy 7 of the Local Plan and the Framework. On this basis, as the special circumstances for the provision of an on-site residential unit in the countryside have not been shown, the proposal would be sited in a location that would not be supported by the spatial strategy for the delivery of housing across Cornwall as set out in Policies 1 and 2 of the Local Plan. In this sense, the location is not a sustainable one in terms of the planning approach to the location of new development.

18. My attention has also been drawn to the emerging St Wenn Parish Neighbourhood Development Plan 2021-2030 (NDP). The emerging NDP is at a fairly advanced stage and I attribute it moderate weight. Emerging Policy 18 of the NDP requires compliance with Government policy and guidance on agricultural workers dwellings and mobile homes which, as I have found, would not be met in this case. The proposal would, therefore, be contrary to emerging Policy 18 of the NDP.

Character and appearance

19. The site is located within the Landscape Character Area 14 (CA14) of the Cornwall and Isles of Scilly Landscape Character Study (the LCS). The appeal site is small, almost triangular shaped field set within a gently rolling landscape of other fields bounded by hedges and trees, and with sections of woodland often along the valley floors. This is broadly typical of the landscape characteristics for this character area.
20. The hedge planting that has taken place along the southern boundary will mature in time. I saw additional planting at my site visit, noted that the land now appears to be well drained and that the grassland is in good heart. The boundaries to the broadly west, east and north, with the mature trees, provide fairly good screening to the site.
21. However, there are views into parts of the site from the access, from elevated sections of the road to the broad south and from some adjoining fields. In these views the caravan is apparent in its rural surroundings, albeit partially screened by intervening vegetation in places and the storage container. The caravan appears to be visually set away from the established and mature planting of the existing boundaries of the site and is separated from the approved barn. In this largely undeveloped and rural landscape the siting of the caravan, in association with its form and appearance, appears as a sporadic addition at odds with the rural character of the area. The screening provided by the storage container and the existing and proposed planting would not sufficiently mitigate the adverse impact of this sporadic addition.
22. Furthermore, the caravan adds clutter to the site in a location which has a generally intrinsic, quiet rural character contrary to the visions and objectives for CA14 as set out in the LCA. This results in conflict with the Framework policy approach that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
23. I appreciate the intentions of the appellant to create an attractive environment sympathetic to this rural area such that it would be a haven for the visitors to the site, including those camping. However, for the reasons explained the addition of the caravan in this location detracts from its intrinsic qualities and adds clutter to a field that forms part of the generally undeveloped rural surroundings.
24. Accordingly, I conclude that the static caravan harms the character and appearance of the area contrary to Policies 1, 2, 12, 21 and 23 of the Local Plan and the Framework which seek, amongst other things, that development proposals will need to sustain local distinctiveness and character.

Other Matters

25. The appellant has drawn attention to planning permissions at two sites locally where a dwelling in one case and a static caravan in the other have been permitted. However, each site will have its particular planning circumstances and agricultural and rural business justifications. Every proposal needs to provide evidence to demonstrate compliance with relevant planning policies and Government guidance. Such proposals need to be considered on a case by case basis and, therefore, these other examples afford limited weight in justification of the present appeal which I have considered on its merits.
26. The appellant has explained how they have engaged with and sought advice from the Council throughout the process. This has included discussions regarding a temporary three year period to seek to demonstrate the viability of the business and their understanding that the caravan was allowed under permitted development rights during the period of the construction of the barn. While I have noted this background, it does not materially affect the main issue in this appeal and whether permission should or should not be granted.
27. I have noted the issue raised by the Council in its appeal statement regarding the advice from Natural England about the levels of phosphate in the River Camel, a designated Special Area of Conservation, and the implications for the appeal scheme. However, in the light of my overall conclusion, I have not needed to consider this matter further.

Conclusion

28. I appreciate that the appellant is committed to the rural businesses on the appeal site and to undertaking them in a sustainable, environmentally and ecologically beneficial way. The positive aspects of the activities include the educational benefits from the talks and demonstrations and the camping would provide a local facility for tourists to stay in the area, adding to the mix of available accommodation. The accommodation in the form of the static caravan would help facilitate those ends but, for the reasons explained, it is not an essential requirement when judged against the relevant policy criteria. Because of the scale of the activities, the benefits that would accrue from having an on-site presence, including to the local economy, would be worthwhile and supported by the Framework but would be reasonably small. Consequently, I attribute the cumulative benefits that would be facilitated by the on-site presence, including all the positive matters set out in the appellant's submissions, limited weight in favour of approval.
29. On the other hand, the site lies in the open countryside where policies of restraint apply and where the provision of new residential accommodation is strictly controlled. The requirement is to look at the needs of the business on this holding and, when doing so in a dispassionate way, the evidence leads to the clear conclusion that there is not an essential need for a residential presence on the site, which has not been justified in either a temporary or permanent form. Furthermore, I have found that the static caravan harms the character and appearance of the area. These are matters that I attribute substantial weight and they do not outweigh the limited benefits that would accrue from the proposal. In these circumstances, dismissing the appeal would be a proportionate response even though the static caravan is on site and provides residential accommodation.

30. In conclusion, the appeal proposal does not accord with the development plan when considered as a whole and the evidence does not indicate a departure from the development plan would be justified. Accordingly, taking all other matters into account, I conclude the appeal should be dismissed.

David Wyborn

INSPECTOR