



Appeal Decision

Site Visit made on 20 September 2021

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

an Inspector appointed by the Secretary of State

Decision date: 14 October 2021

Appeal Ref: APP/D0840/W/21/3274403

Rosudgeon Farm, Prussia Cove Road, Rosudgeon TR20 9AX

- 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 Cathite House Ltd against the decision of Cornwall Council.
 - The application Ref PA20/11440, dated 15 December 2020, was refused by notice dated 16 February 2021.
 - The development proposed is the provision of two holiday pods.
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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 location of the site within the Cornwall Area of Outstanding Natural Beauty (the AONB).

Reasons

3. The appeal site is located within the AONB and situated outside of the nearest settlement at Rosudgeon and forms part of a larger agricultural field. The site predominately comprises grassed land with some play equipment and sheds of modest size and proportions being located within the northern section of the site. The site is accessed by a trackway which passes through the group of buildings at Rosudgeon Farm, and which enters the site where there is a gravelled turning area. Given its location outside of Rosudgeon and by reason of the scatter of dwellings and agricultural holdings and given the surrounding predominately open agricultural fields, this area has an intrinsically rural feel such that the appeal site is located within the countryside for planning purposes.
4. The appeal proposal relates to the siting of two structures, which are described as 'holiday pods', within the northern section of the site adjacent to the existing modestly sized play area described above. The details provided indicate that the accommodation pods would provide to those who used them, the facilities required for day-to-day private domestic existence and, consequently, the appeal scheme should be assessed against policies of the development plan which concern housing in the countryside.
5. Policy 3 of the Local Plan defines how housing will be accommodated, based on a hierarchy of role and function. In this respect, the appeal scheme would not conform with any of the exceptions for development outside of settlements.

Policy 7 of the Local Plan concerns development in the countryside. The proposed scheme is to be used as tourist accommodation and there is no evidence before me which indicates that the proposal would accord with any of the special circumstances provided under Policy 7 of the Local Plan.

6. Even in the event that the appeal proposal constituted dwellings, it is well established that development proposals must be assessed against the policies of the development plan when taken as a whole. In this instance, whilst the proposal may conflict with the provisions of Policies 3 and 7 of the Local Plan as described 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.
7. Criterion 3 of 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 84 of the National Planning Policy Framework (July 2021) (the Framework), which says planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. 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.
8. The first element in respect of tourism development to be considered under criterion 3 of Policy 5 of the Local Plan, requires that such schemes are of a scale appropriate to its location and to their accessibility by a range of transport modes. In this regard, the site is located outside of the nearest settlement at Rosudgeon and access to the services and facilities contained therein is via an unlit highway which does not benefit from pedestrian footways and which is steeply inclined and narrow in parts. Consequently, it could be said that access to and from the nearest services and facilities on foot or by bicycle would not be particularly safe for all and, in my view, it is likely that a majority of journeys to and from the site would be by private motor vehicle.
9. Whilst I acknowledge that each case should be determined on its own merits, the Appellant has referred me to a tourism development at Balwest which was approved at appeal¹ and which considered the accessibility of the site in terms of Policy 5 of the Local Plan. Access to services and facilities such as the bus stops and local convenience store located on the nearby A394 highway, similarly required travelling along unlit lanes and distances to nearby services appear to have been comparable. Consistent with the Inspector in the abovementioned recent appeal, given that the target market for the pods, it is logical that a proportion of users would be reliant on private transport in any event.
10. In light of the above and by reason of the distances involved to alternative transport links and due to the modest scale of the proposal, it could be said that the scheme would be of a scale appropriate to its location and to their accessibility by a range of transport modes in accordance with the initial requirements of criterion 3 of Policy 5 of the Local Plan.

¹ Appeal Reference: APP/D0840/W/20/3262901

11. Nonetheless, even in the event that the site could properly be described as being of a scale appropriate to its location and to their accessibility by a range of transport modes, criterion 3 of 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 proposal would provide social benefits in terms of the provision of holiday accommodation and undoubted economic benefits in respect of farm diversification and future spend of visitors within local businesses, albeit such benefits would be modest given the scale of the appeal proposal.
12. The evidence before me indicates that the site is located within the South Coast Western section of the AONB and specifically within Landscape Character Area CA06 Mount's Bay East. The Cornwall and Isles of Scilly Landscape Character Study describes the pressures on the landscape character area to include change from farmland to amenity and further describes this area as exhibiting, amongst other things, very strong topography of high cliffs on coast, backed by gently undulating plateau intersected by distinctive flat-bottomed valleys and mix of improved and semi-improved grassland and occasional arable on plateau, with neutral grassland in valleys.
13. The appeal site and its immediate surroundings reflects these characteristics and, in my view, whilst only being a small component of the AONB as a whole, the site makes a positive contribution to the character and beauty of the countryside at this location and, thereby, contributes positively towards the landscape and scenic beauty of the AONB.
14. Along with National Parks, AONBs are afforded the highest status of protection with paragraph 176 of the Framework confirming that great weight should be given to conserving and enhancing the landscape and scenic beauty of Areas of Outstanding Natural Beauty. Policies 12 and 23 of the Local Plan require, amongst other things, that development respects the character of its setting, sustains local distinctiveness, and protects Cornwall's natural environment and assets.
15. Based on the details and evidence before me, I find that the proposed pods would not reflect the character or appearance of the nearby agricultural buildings and their use as holiday accommodation would result in the site exhibiting a more domestic character and appearance which would be at odds with the surrounding countryside. By reason of their design, the proposed pods with large glazed openings to the front, would sit awkwardly in this location and would draw the eye. Despite the potential for tourist's vehicles to be parked within the established gravelled area described above, the proposed use would be likely to result in the introduction of paraphernalia associated with the visitors' occupation, thereby, and overall in combination with the above, being harmful to the character and appearance of the surrounding area and which fails to conserve the landscape and scenic beauty of the AONB.
16. Whilst I note the Appellant's submissions that the topography of the surrounding landscape would limit views of the site, as I observed on my visit, while views of the site from the nearby public footpaths located nearby to the east are restricted by the rising land levels, the proposed pods, by reason of their position towards the top of a hillside with expansive views across the surrounding countryside towards Prussia Cove, would be visible from within the surrounding area. Nonetheless, paragraph 176 of the Framework requires that

great weight is given to conserving and enhancing the landscape and scenic beauty within the AONB in all instances, irrespective of the prominence of the appeal site.

17. In terms of harm to the character and appearance of the surrounding area and to the AONB, I find that the proposal would alter the character and appearance of the site which, for the reasons given above, makes a limited but positive contribution to the landscape qualities of the AONB. Whilst it is noted that the proposed pods would be seen somewhat in the context of nearby agricultural buildings, the appeal scheme would result in the domestication of the site with all the paraphernalia that would entail. For these reasons the proposal would diminish the quality of the highly protected AONB landscape and thereby would fail to conserve or enhance the landscape and scenic beauty of the AONB. I, therefore, find that there would be harm to the landscape and scenic qualities of the AONB, albeit that harm would be limited and localised given the site's location and its position near to other buildings.
18. For the above reasons, the appeal scheme would conflict with Policies 2, 12 and 23 of the Local Plan and would be contrary to paragraphs 130, 174 and 176 of the Framework, which, amongst other things, seek to ensure that local distinctiveness and the character and appearance of the area, including the scenic beauty of the AONB, is protected. The development would also conflict with Policies MD5, MD6 and MD9 of the Cornwall AONB Management Plan (the AONBMP) which, among other things, seek to protect the distinctive characteristics of localities by ensuring that development, and specifically proposals concerning tourist accommodation, responds appropriately to its landscape setting. While the AONBMP does not form part of the development plan, the identified conflict also weighs against the appeal scheme.
19. Furthermore, by reason of the harm to the character and appearance of the surrounding countryside and given the adverse environmental impacts of the proposal as identified above in relation to the AONB, the proposed development would fail to accord with the requirements of criterion 3 of Policy 5 of the Local Plan with regards to providing a "well balanced mix of economic, social and environmental benefits". I accept that the proposal would provide some limited economic and social benefits. However, in my view, those benefits would be outweighed by the conflict with the policies of the development plan when taken as whole and by the harm to the landscape and scenic beauty of the AONB to which I attach great weight in accordance with paragraph 176 of the Framework.

Other Matters

20. Interested parties raise additional concerns with regards to highway safety, living conditions of nearby residents and to precedent. 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.

Conclusion

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

Mr A Spencer-Peet INSPECTOR