



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: 22 October 2021

Appeal Ref: APP/D0840/W/21/3274133

Tree Nook Farm St. Ives Road, Lelant, St Ives TR26 3EU

- 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 A Perry against the decision of Cornwall Council.
 - The application Ref PA21/00012, dated 16 December 2020, was refused by notice dated 24 March 2021.
 - The development proposed is the change of use of an agricultural paddock to a mixed use for agriculture and the sighting of four shepherd huts for short term holiday accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of an agricultural paddock to a mixed use for agriculture and the sighting of four shepherd huts for short term holiday accommodation at Tree Nook Farm, St Ives Road, Lelant, St Ives TR26 3EU in accordance with the terms of the application, Ref PA21/00012, dated 16 December 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this, I have sought the views of the main parties in writing, and I have taken any relevant correspondence into consideration.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal site is situated within a rural area located between the settlements at Lelant and Carbis Bay. The site comprises a relatively flat area of grassed land which forms part of a larger sloping agricultural field and which is bordered to the north by a single track narrow highway at Church Lane and to the south by the A3074 highway which connects the abovementioned nearby settlements. By reason of its location outside of any settlement, the agricultural appearance of the site, the surrounding predominately open agricultural fields and scattering of houses and agricultural buildings, the area has an intrinsic rural feel such that the site is located within the countryside for planning purposes.

5. The appeal proposal seeks to provide four units of accommodation in the form of shepherd huts for use by visiting tourists. The details provided indicate that the accommodation would provide to those who used it, the facilities required for day-to-day private domestic existence and, consequently, the Council have put to me that the appeal scheme should be assessed against policies of the development plan which concern housing in the countryside.
6. Policy 3 of the Cornwall Local Plan Strategic Policies (2010-2030) (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.
7. Even in the event that the appeal proposal constituted dwellinghouses, 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 appeal scheme may conflict with the provisions of Policies 3 and 7 of the Local Plan, the proposal concerns holiday accommodation and therefore requires that the proposal be considered in relation to other sections and policies of the development plan.
8. 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 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.
9. From the evidence before me and from observations made on my site visit, whilst the appeal site is located outside of the nearest settlements, distances to the services and facilities contained within Lelant and Carbis Bay are short. Access to alternative modes of transport other than private motor vehicle would be within convenient walking distance and the highway connecting the site to the nearby facilities provides a pedestrian footway with the benefit of street lighting. The appeal scheme proposes the siting of four modestly sized units of tourist accommodation and, given the modest quantum of accommodation proposed in combination with the accessibility of the site, I find that the proposal would accord with the requirements of Policy 5 of the Local Plan in respect of being of an appropriate scale to its location and to its accessibility by a range of transport modes.
10. Notwithstanding the above finding, as noted 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 appeal proposal would provide undoubted economic and social benefits in terms of the holiday accommodation and the future spend of visitors within local businesses, albeit such benefits would be modest given the scale of the appeal proposal.

11. However, the Council have put it to me that the appeal scheme would result in harm to the character and appearance of the surrounding area and would thereby fail to accord with the provision in Policy 5 of the Local Plan which requires that such development provide a well balanced mix of economic, social and environmental benefits.
12. The appeal site reflects the surrounding landscape character of the area. The appeal proposal would likely result in a somewhat more developed appearance, with paraphernalia associated with the use as holiday accommodation. The Cornwall and Isles of Scilly Landscape Character Study confirms that the site falls within Landscape Character Area CA05 St Ives Bay and identifies that that 'there is a general impression of the inexorable spread of built development into the rural landscape, with the loss of rural landscape character as at Lelant Saltings, Carbis Bay and the outskirts of Hayle'.
13. However, the appeal site is bounded by mature hedgerows to the north and west which would effectively screen the site from views within Church Lane and from those travelling along the A3074 highway from Carbis Bay in the direction of Lelant. Whilst I acknowledge the Council's concerns regarding the visibility of the site from the A3074 highway when heading out of Lelant and in the direction of Carbis Bay, as I observed on my visit, whilst there would be long distance views of the site, in my view and by reason of the change in land levels and given nearby natural and built features, the site would not be prominent in such views.
14. The existing boundary hedges would effectively screen much of the appeal site and proposed accommodation. Furthermore, the appeal scheme proposes a new hedge on the southern boundary of the site which would further screen the site from views from within the wider surrounding area including those long distance views from the A3074 highway east of the site.
15. Given that the site is already bordered by hedgerows, there is no substantive evidence that additional planting would necessarily look out of place in the landscape if appropriate species were chosen, and which would be secured through planning conditions. Whilst I acknowledge that this new hedge will take some time to establish itself, as noted above the site would not be prominent in views from the public realm and, given that it is proposed that the units would be finished in a neutral colour palette, would provide accommodation that would blend in with the hedge to the north of the site. For these reasons, whilst there would be some change to the appearance of the site, this would not be visible from the wider surrounding area and I therefore find that the proposal would not have a harmful effect on the character and appearance of the surrounding rural area.
16. In light of the above, I find that the proposal would not be harmful to the character and appearance of the surrounding rural area and would not be harmful to the intrinsic character and beauty of the countryside. The appeal scheme would provide a new hedge and consequently there would be a degree of environmental benefit associated with the scheme, albeit such a benefit would be limited in scale. Consequently, in combination with the above conclusion regarding the scale and accessibility of the proposal, the proposed development would comply with Policy 5 of the Local Plan with regards to providing a well balanced mix of benefits.

17. The appeal proposal would accord with the provisions of the Framework with regards to recognising the intrinsic character and beauty of the countryside and in terms of supporting the rural economy. Policies GD1 and LED9 of the St Ives Area Neighbourhood Development Plan (the NDP) provides, amongst other things, that development, including camping and caravan sites, will be supported where there is no harm to character of the countryside and where the site is capable of being effectively screened by landform, trees or planting. Given the above findings and that the site would be effectively screened by planting, I find no conflict with Policies GD1 or LED9 of the NDP.
18. Furthermore, and for the same reasons given above, I find no conflict with Policies 2, 12 and 23 of the Local Plan which together seek to ensure that the local distinctiveness and character of the area is protected, and that development responds appropriately to its landscape setting. Whilst the appeal proposal may not strictly accord with Policies 3 and 7 of the Local Plan, I attach greater weight to compliance with Policy 5 of the Local Plan given that proposal is for tourist accommodation. In light of these factors and given the proposal accords with the above identified policies of the Local Plan and the NDP, I find that the proposal would comply with the development plan when taken as a whole.

Conditions

19. I have considered the planning conditions suggested by the Council in light of paragraph 56 of the Framework and the advice in the Planning Practice Guidance. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. In this respect I have included details of the submitted plan which shows the position of the proposed additional landscaping and furthermore have included details of the submitted drawing showing floor plan and elevations.
20. In the interests of visual amenity, conditions that require the submission and approval of the Council in respect of hard and soft landscaping at the site are reasonable and necessary. Furthermore, given that the plans do not include details of external materials to be used for the shepherd huts, a condition that such materials be submitted to and approved by the Council is reasonable to ensure that the scheme does not adversely affect the character and appearance of the area. An occupancy restriction condition is necessary to ensure that the development serves its intended purpose.
21. Where necessary, and in the interests of clarity and precision, I have altered the wording of the conditions suggested by the Council in order to better reflect the relevant guidance. The Appellant has been provided with the opportunity to comment on the wording of the Council's suggested pre-commencement conditions and these have been agreed by the Appellant.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall in all respects accord strictly with drawing number: Site Block Plan 664196 produced on 26 January 2021 and Floor Plan and Elevations 5432967 received by the Local Planning Authority on 25 January 2021
3. There shall be no more than four shepherds hut style caravans stationed on the site at any one time.
4. Before the development hereby permitted is commenced, a scheme of landscaping to provide screening for the shepherds hut style caravans shall be submitted to the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following written approval of the scheme by the Local Planning Authority. Any trees or plants which within a period of five years from the approval, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
5. Before the development hereby permitted is commenced, details of the siting, layout and surfacing materials of parking areas and any other hard surfaces shall be submitted to the Local Planning Authority for approval. The works shall be carried out in accordance with the approved details and within any such timescale as specified by the Local Planning Authority.
6. Before the development hereby permitted is commenced, details of the materials to be used in the construction of the external surfaces of the shepherd huts hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
7. The development hereby permitted shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of each individual unit on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.