



Appeal Decision

Site visit made on 21 September 2021

by Colin Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 October 2021

Appeal Ref: APP/D0840/W/21/3277598

Sennen Rise, Mayon Farm, Sennen TR19 7AD

- 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 J Robertson against the decision of Cornwall Council.
 - The application Ref PA21/01365, dated 10 February 2021, was refused by notice dated 4 June 2021.
 - The development proposed is construction of two holiday units.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of two holiday units at Sennen Rise, Mayon Farm, Sennen TR19 7AD, in accordance with the terms of the application, Ref PA21/01365, dated 10 February 2021, subject to the conditions set out in the Schedule at the end of this Decision.

Application for costs

2. An application for costs was made by Mr J Robertson against Cornwall Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - whether the site provides a suitable location for the proposed holiday units.

Reasons

Character and appearance

4. Sennen Rise is a detached property which is used as a bed and breakfast. Although adjacent to agricultural fields, it is within of a small cluster of development known as Mayon Farm.
5. The proposed holiday units would be constructed on what is currently part of the rear garden of Sennen Rise. This garden is physically separated from the neighbouring agricultural fields by fencing and boundary vegetation and, being mainly mowed lawn, is visually distinct from them. Viewed alongside the other development in Mayon Farm, the site maintains a domestic appearance rather than being seen as part of the agricultural landscape that it adjoins.

6. The plans indicate that the holiday units would be single storey buildings of a generally similar appearance to the units on the neighbouring site to the north. Although they would be seen from some parts of the A30, the units would be well distanced from the road and not particularly prominent due to their low profile and modest size. Similarly, while the units would be seen from parts of the surrounding public footpath network, they would be set against the backdrop of other development at Mayon Farm and so would be relatively inconspicuous features in the context of the wider landscape.
7. The proposed units would be most visually exposed from where the public footpath crosses Mayon Farm to the immediate north east of the site. However, while the units would occupy higher ground than this part of the footpath, they would be well set back behind Sennen Rise and so a sense of openness would be maintained. Due to the low roof height, the units would not appear especially dominant. Nor would they substantially change the characteristics of the area, considering that the garden of Sennen Rise already has a domestic appearance and the units would be viewed alongside the other buildings that comprise Mayon Farm. Hence, the development would not appear as an intrusion of built form into the countryside.
8. I am aware of a previous Appeal Decision¹ for housing on the site which found the development would harm the character and appearance of the area. However, the evidence indicates that the holiday units before me in the current appeal are smaller in scale and have lower roof heights than the dwellings which the Inspector assessed in the previous appeal.
9. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. There would be no conflict with Policies 12 and 23 of the Cornwall Local Plan². Together, these policies seek to protect the character of Cornish landscapes.

Location

10. The previous Appeal Decision determined that the buildings which comprise Mayon Farm, including Sennen Rise, do not represent a settlement in the context of the Local Plan. Therefore, in planning terms, the site can be described as being within the countryside.
11. While the site is not suitable for general housing development under Policy 3 of the Local Plan (which enables general housing development within or on the edge of settlements) the current proposal is for holiday units. Although these would have the characteristics of permanent dwellings, including generating a similar pattern of vehicle movements, they would also serve an economic role. Paragraph 2.8 of the Local Plan says that the tourism sector generates significant revenues, provides jobs and supports local communities.
12. My attention has been drawn to Policy 5 of the plan which concerns business and tourism. Part 1(c) of this policy says that to ensure a continued supply of appropriate business space, proposals for new employment land and uses should be: *in the countryside and smaller rural settlements, be of a scale appropriate to its location or demonstrate an overriding locational and business need to be in that location such as farm diversification.*

¹ Appeal Decision: APP/D0849/W/20/3250653

² Cornwall Local Plan Strategic Policies 2010-2030

13. Even though the proposed holiday units would be in the countryside, they would be part of an established cluster of development and, given their modest size, it seems to be that they would be of a scale appropriate to this location. The proposal would therefore comply with Part 1(c) of Policy 5. While the Council argues that an overriding business need has not been demonstrated, the 'or' in the policy wording indicates that this would only be of relevance if the proposal was not of a scale appropriate to its location.
14. Part 3 of Policy 5 says that new tourist accommodation and facilities will only be supported where they would be *of an appropriate scale to their location and to their accessibility by a range of transport modes. Proposals should provide a well balanced mix of economic, social and environmental benefits.*
15. The nearest town is some distance away and most local tourist facilities are focused around Sennen Cove to the north west, although this village is very small with little in the way of shops and services. However, there is a small convenience store (which includes a Post Office) within a short walk of the site, as well as nearby bus-stop with links to the surrounding area. There is also a fish and chip shop here and a public house further along the A30 which can be reached by following the pavement. It is also possible to access the coastal footpath from near the site, including a steep route down to Sennen Cove and the beach. Hence, while this is not an optimal location to minimise private car use, future occupiers of the proposed holiday units would not be entirely reliant on their vehicle to access some basic facilities.
16. This leads me to determine that the economic and social benefits arising from the proposed holiday units would outweigh the environmental harm arising from use of private vehicles. The proposal would therefore comply with the terms of Policy 5 of the Local Plan. It follows that the proposal would be compatible with the settlement strategy and approach to sustainable development as adopted by Policies 1 and 2 of the Local Plan.
17. I have been provided with an Appeal Decision³ where it was determined that a holiday unit at Tregadwith would not comply with Policy 7 of the Local Plan. However, in the current appeal I have found that the proposal would comply with Policy 5 of the plan and so Policy 7 is of limited relevance.
18. For similar reasons, Policy 3 and Policy 21, which are both listed in the Council's reasons for refusal, also have limited relevance to the current appeal. While the proposal would not be directly supported by Policy 3 (which permits rural housing) or Policy 21 (which promotes use of previously developed land) there would be no conflict with the objectives of these policies.
19. I therefore conclude on this issue that the site would provide a suitable location for the proposed holiday units.

Conclusion

20. For the above reasons, the appeal should be allowed.
21. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. To protect highway safety a condition has also been imposed to ensure parking and turning areas are in place before the units are occupied.

³ Appeal Decision: APP/D0840/W/21/3269807.

Finally, in order to ensure that the units are used for holiday accommodation purposes, there is a condition which requires a register to be maintained and made available to the local authority.

Colin Cresswell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plans 1452/001B, Proposed Plans and Elevations 1452/002A.
- 3) Prior to the first occupation of each dwelling hereby permitted, the parking and turning areas shall be laid out and constructed in accordance with approved drawing no 1452/001B, and the said areas shall not thereafter be obstructed or used for any other purpose.
- 4) 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.