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## Appeal Decision

Site visit made on 15 February 2022

**by M Bale BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 May 2022**

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**Appeal Ref: APP/D0840/W/21/3283040**

**Land East of Ellen Close, Mount Hawke**

- 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 Mrs Diane Goss, Flowers by Diane against the decision of Cornwall Council.
  - The application Ref PA21/02320, dated 3 March 2021, was refused by notice dated 16 July 2021.
  - The development proposed is to replace an existing building used for business operations with a work/live unit within the site of the growing gardens.
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### Decision

1. The appeal is allowed and planning permission is granted to replace an existing building used for business operations with a work/live unit within the site of the growing gardens at Land East of Ellen Close, Mount Hawke, in accordance with the terms of the application, Ref PA21/02320, dated 3 March 2021, subject to the conditions in the attached schedule.

### Main Issues

2. The main issues are whether the proposal is in an acceptable location with regard to development plan policies controlling the distribution of development, and the effect on the character and appearance of the area.

### Reasons

3. Close to the appeal site, the settlement of Mount Hawke has an abrupt edge to the surrounding countryside, with development fronting one side of a relatively straight road. With the exception of the appellant's small scale, low-key buildings, there is no notable development on the appeal site side of the road. Therefore, new residential development at the site could not be considered infill or rounding off. Being in horticultural use, it is not previously developed land within the meaning of the National Planning Policy Framework. This means it is not supported by Policy 3 of the Cornwall Local Plan 2010-2030 (LP) that sets out a broad residential development strategy based upon the role and function of places.
4. The site has a close affinity with the countryside and should be considered as such for planning policy purposes. LP Policy 7 controls development in the countryside. It does not support general housing unless specific criteria are met. As there is no demonstrable functional need for a dwelling to supervise the appellant's enterprise and no other criteria are met, there is no support from Policy 7.

5. However, the proposal is for a live-work unit where part of the appellant's business is already located. Such is specifically supported by LP Policy 2 in pursuit of its aims to improve conditions for businesses. Under LP Policy 5, new business development should be sited where it is well related to existing settlements. This site adjoins Mount Hawke and the Council note in their officer report that the proposal accords with LP Policy 5 and Policy 15 of the St Agnes Neighbourhood Development Plan 2018-2030 that also supports new employment workspace where the scale is appropriate in size and character to the immediate surroundings.
6. The design of the proposal combines business and residential uses into one building. The residential use on the upper floor would allow business activities to operate below. Even if the overall size of the site has been incorrectly stated in the application, there is no substantive evidence that there is inadequate space on the site to allow the business to continue to thrive.
7. While, in policy terms, it would not be appropriately located for stand-alone residential development, the site adjoins the edge of Mount Hawke, so it is easily accessible by foot to the services and facilities that the settlement has to offer. Considering all of the above, given the explicit support for live-work units in LP Policy 2, I, therefore, give less weight to those policies that seek to resist open market dwellings here, than those seeking to control the location of business development.
8. Given the small scale and low height of the existing buildings, the proposal would visibly extend development into the rolling countryside landscape. However, the site has well-defined boundaries and, when seen in the more exposed longer views across the rolling landscape, the development would be viewed against the built backdrop of Mount Hawke. In closer views, those boundaries do not allow appreciation of the wider landscape, the affinity with the countryside is harder to appreciate, and the site already has a developed character.
9. The two-storey building and enlarged access would be clearly visible, and more prominent than the existing buildings. However, beyond the general presence of additional development, no clear harm to the character and appearance of the area, including the intrinsic beauty of the countryside, has been demonstrated. Therefore, there would be no conflict with those aims of LP Policies 12 or 23 that seek to protect Cornwall's distinctiveness and the characteristics of the surrounding area.
10. With regard to the above, I find that the development plan allows new business development where it is well related to settlements and makes specific provision for live-work units. The site is accessible to Mount Hawke and would not harm the character and appearance of the area. These circumstances could not necessarily be replicated at other sites across the County.
11. I, therefore, find that in terms of the location of development and effect on the character and appearance of the area, the proposal complies with the development plan, read as a whole.

### **Other Matters**

12. The access is from a fairly busy highway and the site arrangement would leave limited space for visitors to park and turn. However, a small area is shown to

the front of the proposed building, separate from other provision at the rear. As Highway Authority, the Council has suggested that if it were to support the proposal in principle, additional information would have been required about likely vehicle movements. However, the appellant's broad intentions around future activities at the site were set out in the application and, ultimately, no objection was made.

13. If insufficient parking proves to be available, parking on the highway appears to take place in the locality and there is no substantive evidence that this has presented a safety problem. The road is straight past the appeal site with generally good forward visibility for drivers on the road. A condition has been suggested that would finalise parking and turning arrangements and, with regard to the foregoing, I find that there would be no demonstrable harm to highway safety.
14. The site allows access to adjoining land and it may become periodically obstructed. This appears to be a private matter for the landowners involved, but access is shown to be retained in any case. Therefore, the concerns raised in this regard do not alter my decision.

### **Appropriate assessment**

15. The site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC) and the Penhale Dunes SAC (the Habitats sites). The Penhale Dunes SAC is designated for its shifting dunes, salicornia arenariae, humid dune stacks, fixed dunes, shore dock, early gentian and petalwort. The Fal and Helford SAC is designated for its saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs.
16. The Cornwall European Sites Mitigation Supplementary Planning Document (the SPD) 2021 sets out that increases in population are placing greater pressure from recreational activity on the features of interest for which the Habitats sites are designated. It sets out mitigation strategies through strategic access management and monitoring (SAMM). SAMM is to be funded by contributions from new residential development and such would allow adverse impacts on the integrity of the sites to be avoided.
17. The appellant has made payment to the Council for the mitigation and completed an undertaking under Section 111 of the Local Government Act 1972 to clarify the details. The payment provides sufficient funds for SAMM in relation to this development, as detailed in the SPD. On this basis, I am satisfied that adverse effects on the integrity of the Habitats sites will be avoided.

### **Conditions**

18. A plans condition is needed in the interests of certainty. To protect the character and appearance of the area, details of external facing materials, hard and soft landscaping are required. A final parking and turning layout must be provided to ensure that adequate facilities exist for traffic likely to be attracted to the site. Due to the location of development and justification for it, a condition is required to control occupation and ensure delivery of the employment floorspace.

19. I have made some revisions to the Council's suggested conditions, including the timings for submission of information, in the interests of clarity and to ensure compliance with Planning Practice Guidance.

**Conclusion**

20. For the reasons given, the appeal is allowed.

*M Bale*

INSPECTOR

## **Schedule**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19/0084 SS-01 Rev A; 19/0084 PL-01 Rev D.
- 3) Prior to their installation, details of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be maintained as such.
- 4) Before the development hereby permitted is brought into use, parking and turning areas shall be provided in accordance with a detailed scheme which shall previously have been submitted to and approved in writing by the local planning authority. The parking and turning areas shall thereafter be maintained as such, shall not be obstructed or used for any other purpose.
- 5) Before the development hereby permitted is brought into use, full details of hard landscaping works, including proposed finished ground levels or contours, means of enclosure, car parking layout, other vehicle and pedestrian access, and hard surfacing materials, shall be submitted to and approved in writing by the local planning authority. The approved works shall be carried out prior to the commencement of the use of the building hereby permitted and shall thereafter be maintained as such.
- 6) Before the development hereby permitted is brought into use, full details of soft landscape works shall be submitted to and approved in writing by the local planning authority. The details shall include planting plans, written specifications, schedules of plants noting species, plant sizes, and proposed numbers/densities.

The approved works shall be carried out in the first planting season following the occupation of the building, or the completion of the development hereby approved, whichever is the sooner.

Any trees or plants which within a period of five years from the occupation of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

- 7) The business floor space of the live-work unit shall be finished and capable of occupation before the residential floor space is occupied and the residential use shall not precede commencement of the business use.
- 8) The residential floorspace of the live-work unit shall not be occupied other than by a person solely or mainly employed or last employed in the business occupying the business floorspace of the unit, a widow or widower of such a person, or any resident dependants.

## **End of conditions**