



Appeal Decision

Site visit made on 8 November 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2022

Appeal Ref: APP/D0840/W/22/3292995

Lamburn Cottage, Penhallow, Truro, Cornwall TR4 9LS

- 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 Ms Ashleigh Molton against the decision of Cornwall Council.
 - The application Ref PA21/09918, dated 19 October 2021, was refused by notice dated 16 December 2021.
 - The development proposed is described as *'Change of use of first floor studio apartment from a workshop to residential and holiday use. No physical alterations proposed and there will be no additional floor space created. The reason for the change of use is to allow elderly family members to reside in the apartment so they can be cared for by the family members in the main dwelling house due to old age and poor health. Until the family members reside in the apartment on a permanent basis, holiday letting of the apartment will allow for the additional income to the upkeep of the listed building'*.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Ms Ashleigh Molton against Cornwall Council. This application is the subject of a separate decision.

Procedural Matter

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, in the interest of clarity and natural justice I have used the description of development given on the original application.

Main Issues

4. Having considered the principal areas of disagreement between the main parties, I consider that the main issues are:
 - whether or not the proposal represents ancillary accommodation or a new separate planning unit; and, if it represents the latter,
 - whether or not the site would be suitable for the proposal, having regard to the development plan's approach to the supply of housing and tourism accommodation, with reference to the accessibility of services and facilities.

Reasons

Whether or not a separate planning unit

5. The appeal relates to a modern garage with above workshop to the south east of Lamburn Cottage and within its grounds. The workshop must only be used as such and incidental to Lamburn Cottage pursuant to condition 3 of Ref PA15/09605. The scheme now seeks the change of use of the workshop to residential and holiday use. The appellant considers that the residential element or 'apartment' would act as ancillary accommodation to Lamburn Cottage, but the Council considers that a new planning unit would be created.
6. In the first instance, the description of development explicitly refers to the change of use to residential use. The apartment would be a clear distance of about 37m away from the cottage and with its own vehicular access. No physical changes are proposed, but internally the space appears of sufficient size so as to be capable of providing self-containment without the need for future occupants to interact with Lamburn Cottage itself. Whilst the appellant has suggested that occupants would rely on the washing facilities in the main house, I cannot be certain that that situation will not change, and nor does it seem a satisfactory arrangement for tourist accommodation. Externally, individual parking, hardstanding and open bin storage could also be provided.
7. Given such, the accommodation could and would likely in my view come to enjoy all the facilities required for independent living. Whilst I am cognisant of the appellant's intention to house family members, it seems to me as a matter of fact and degree that the Council are correct that the long-term occupation of the building as an annexe would be unrealistic; the inevitable effect of granting planning permission would be the creation of a new residential planning unit.
8. In my view, limiting use of the apartment by means of condition(s) would not be reasonable nor enforceable in these circumstances and so would not meet the tests set out by the National Planning Policy Framework (the Framework) and the Planning Practice Guidance. I note that a condition was applied in relation to an appeal in Mullion. I do not know the substantive details of that case, namely its relative level of independence from the main house, so it has had limited relevance to my own findings in relation to the appeal proposal.
9. For these reasons, the proposal represents a new separate planning unit and falls to be considered against the housing policies of the development plan.

Suitability of location

10. Policy 3 of the Cornwall Local Plan: Strategic Policies Document 2010–2030 (adopted 2016) (CLP) supports limited growth adjacent to or within appropriate settlements, subject to schemes meeting one of a set of criteria. Paragraph 1.68 of its supporting text informs us (albeit with specific regard to infill) that to be a settlement a place should have a form and shape and clearly definable boundaries, not just be formed of a low-density straggle of dwellings. The settlement should be part of a network of settlements and/or in reasonable proximity to a larger village or town with more significant community facilities.
11. Lambourne is identifiable on historic mapping, but it appears to have principally developed as a farmstead on the site of a former manor house. A small number of dwellings have been constructed around the farmstead, but without obvious cohesion, with each property reading as somewhat standalone. The lanes that

connect the dwellings are overtly basic and rural and shrouded in trees and vegetation. For these reasons, the housing here reads as more akin to a low-density straggle of disparate dwellings than as a definable settlement.

12. Whilst Perranzabuloe is around 500m along the A3075 to the north east, the A3075 is devoid of pedestrian refuge and is not a safe space for those on foot. Perranzabuloe can be reached alternatively via a parallel public footpath. The path is, however, mainly unmade and unlit and its route includes a section of large, rising stepping stones. It would therefore be an unattractive or even impassable route for some users such as the elderly or those with pushchairs. The houses at Lambourne are not therefore part of a network of settlements. They are also not in reasonable proximity to the nearest larger settlements with more significant facilities. Perranporth and Goonhavern are kilometres away.
13. Perranzabuloe has very limited facilities to offer occupants of the apartment anyway. Its former public house appears to now be an Italian restaurant and the bus services that stop do not have a particularly regular timetable. Whilst one can travel directly by bus to places like Newquay, access to other larger settlements, such as Truro, requires a connection. Given such, and as I am not persuaded that people would actually seek to or be able to walk to Perranzabuloe, I do not find its bus services a likely choice for future residents. Instead, I expect that they would be almost dependent on travel by the way of private motor vehicle in order to access day to day services and facilities.
14. It logically flows from these findings that the site is for planning purposes within the designated open countryside. Policy 7 of the CLP states that new homes in the open countryside will only be permitted in special circumstances. The proposal would not fulfil any of these given circumstances.
15. Both main parties have referred to the Chief Planning Officer's Advice Note: Infill/rounding off (2017). However, as this is not a policy document and has not therefore borne comparative public scrutiny to the CLP, it has had little influence on my assessment. The appellant has drawn my attention to two permissions for unfettered residential development near to the site¹. However, whilst the Council concluded Lambourne to be a small hamlet in at least one of those cases, the detailed reasons why that stance was adopted are not before me. I must assess this proposal on its own merits, and the Council's previous decisions do not offer a level of insight that influences my own reasoning.
16. Turning to the use of the apartment for tourism purposes, that is addressed directly by Policy 5 of the CLP. It states, amongst other things, that high quality sustainable tourism accommodation will be supported where it would be of an appropriate scale to its location and to its accessibility by a range of transport modes. Proposals should provide a well-balanced mix of economic, social and environmental benefits. Given the site's clear inaccessibility, it would not accord with the policy. Furthermore, it has not been demonstrated what actual environmental benefits the scheme would directly provide. This is unlike the circumstances in relation to the appeal decision at Balwest².
17. Paragraph 85 of the Framework points out that decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well

¹ Refs PA16/09635 and PA19/06723

² Appeal Ref: APP/D0840/W/20/3262901

served by public transport. However, it is evident that this part of Cornwall already has a burgeoning tourism offer³ so I am not convinced that it is needed for new tourism accommodation to be provided in locations that are this inaccessible. With regard to Policy 21 of the CLP and Paragraph 152 of the Framework, the site would not be sustainably located and given the likely dependence on travel by private vehicles, the proposal would not contribute to meeting the challenges of climate change despite reusing an existing building.

18. Accordingly, I conclude on this issue that the site would not be suitable for the proposal, having regard to the development plan's approach to the supply of housing and tourism accommodation, with reference to the accessibility of services and facilities. The proposal would conflict with the relevant aims of Policies 1, 2, 3, 5, 7, 21 and 27 of the CLP and the Framework.

Other Matters

19. Lamburn Cottage is a Grade II listed building and I have a statutory duty to have special regard to the desirability of preserving its setting. The cottage draws a degree of significance from its remaining rural setting. Given the absence of operational development, the proposal would not harm that setting. The appellant has suggested that the scheme would provide additional funds for the conservation of the property, but there is no clear evidence of how this is necessary and how the significance of the building would be enhanced or maintained. Overall, the effect on the listed building would be neutral.
20. The site is within the zone of influence of the Penhale Dunes Special Area of Conservation (the SAC). Given the probability that the occupants of the proposal, be they tourists or permanent residents, would make use of the SAC for recreation, likely significant effects on the integrity of the SAC cannot be ruled out in the first instance. As such, had I been minded to allow this appeal, it would have been necessary for me to go on and consider this matter within the framework of an Appropriate Assessment. As I am not, I have not done so.
21. I gather that the emerging Perranzabuloe Neighbourhood Development Plan has now progressed to the Regulation 14 stage. Given this stage of preparation and as its policy content remains potentially subject to change, it has not been determinative in my assessment of this proposal.

Planning Balance and Conclusion

22. The scheme would conflict with the development plan read as a whole. The other considerations, including the personal circumstances of the appellant, the modest benefits of the housing provision and the social and economic benefits to Cornwall's tourism industry, do not serve to outweigh the conflict.
23. For the reasons given above, and taking all other matters raised into account, I shall dismiss the appeal.

Matthew Jones

INSPECTOR

³ The Value of Tourism – Cornwall (2011)