



Appeal Decision

Site visit made on 15 December 2022

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2023

Appeal Ref: APP/D0840/W/22/3300862

**Land at Brynn Mill, Road from Demelza Road to Brynn Mill, Roche
PL26 8NL**

- 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 M D'Agostino & Mrs M Chasey against the decision of Cornwall Council.
 - The application Ref PA21/07110, dated 9 July 2021, was refused by notice dated 15 December 2021.
 - The development proposed is change of use of land for the siting of one caravan (shepherd hut) for use as holiday accommodation and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The shepherd hut was in situ at the time of my site visit. The appeal scheme has therefore been assessed on the basis that it is largely retrospective.

Main Issues

3. The main issues are:
 - whether the location of the development accords with local policies that seek to promote tourism development in locations that minimise a dependency on private vehicle;
 - the effects on the character and appearance of the area; and
 - the effects on the River Camel Special Area of Conservation.

Reasons

Location of development

4. The development plan for the area includes the Cornwall Local Plan (CLP) (adopted 2016), of which, Policy 5 refers to business and tourism. The Policy sets out in part (3) that the "... *development of new or upgrading of existing tourism facilities through the enhancement of existing or provision of new, high quality sustainable tourism facilities, attractions and accommodation will 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*".
5. In this case, the proposal would involve the development of a new unit of tourist accommodation. The site is located in the open countryside, far outside

of the physical boundary of any existing settlement with a distance of around 4.5km from the site to Roche and 3.5km to the settlement of St Wenn where the nearest bus stops are located for the very infrequently available services. Though the main A30 trunk road is a relatively short journey away by car, the site is accessed via country lanes which are narrow, without footways or street lighting and variable in terms of gradient.

6. Whilst Policy 5 appears to be permissively worded, should any forms of new tourism accommodation be of an inappropriate scale for their location and accessibility by a range of transport modes, they would run counter to the aims of the Policy. Though the Policy does not specifically preclude a countryside location, a judgement needs to be made taking into account the combination of these factors. It should not be assumed that a small scale proposal of 1 – 2 units will be the minimum permissible in the most remote of locations, just because of its small scale. There is still the need to consider the location in the context of the range of travel modes or need to travel specifically by car.
7. The appeal site in this case is accessible by private car but its distance from any settlements or public transport stops would largely preclude any other transport modes being used for practical reasons. The instances of walking or cycling from the site would be limited to recreational purposes only. Therefore, owing to its relative isolation and lack of attractions or facilities in the immediate locale, visitors to the unit are likely to be reliant on cars for the duration of their stays in order to make numerous journeys of a not insubstantial distance. This would be an environmental disbenefit of the scheme.
8. Despite the modest scale of the proposal, i.e. a single unit appropriate for only an individual or couple, I do not consider that the proposal would be appropriate given the unsustainable pattern of travel that would be created.
9. The evidence, including a Business Plan, suggests that the proposal would involve the diversification of the holding. However, the holding appears to be in its infancy and despite its countryside location and evidence of low intensity livestock farming, there is little to suggest that the accommodation is part of a coherent farm business strategy. This aspect therefore attracts little weight. I do accept that there would be an economic benefit to the appellants from the rental income, and visitor spending in the area would inevitably follow, to which I return in the planning balance below.
10. I have been referred to an appeal decision for a scheme in Rosudgeon¹ involving two holiday pods. Whilst I note the view of that Inspector in relation to the scale of that development, its accessibility and likelihood of reliance on private transport by guests, it is less clear how the closer relationship of the site to that particular settlement and range of available facilities influenced the judgement reached. In this case, despite a few scattered dwellings, there is very little that could be accessed without a reasonable drive from the site. I am therefore not bound to reach the same view and consider that the site-specific factors in this case pull in the other direction.
11. The appellant accepts that the proposal is not in accordance with the spatial strategy for the location of housing as largely set out in CLP Policies 2 and 3. These Policies seek to direct most housing growth towards the main towns with

¹ APP/D0840/W/21/3274403

smaller amounts of growth anticipated for the smaller settlements. The appellant indicates that the unit is not intended as an unrestricted dwelling in any event, though it would inevitably have all of the facilities required for day-to-day living. On a similar vein, no exception to the criteria laid down in '*Policy 7: Housing in the Countryside*', such as where a dwelling is required for an agricultural or rural worker to meet an essential business need, is being sought and consequently, I do not seek to consider this aspect further.

12. For the reasons outlined, the location of the development conflicts with, in particular, CLP Policy 5, which seeks to promote sustainable tourism development.

Character and appearance

13. The appeal site is situated within an intrinsically rural area, with a patchwork of farmland stretching across the landscape in views from the site. Despite the presence of scattered farms and evidence of working agriculture and associated buildings, the landscape has an unspoilt and tranquil quality to it. Its key attributes are typical of those described for the wider landscape character area (LCA) in which it sits, known as '*Landscape Character Area LCA33 - Camel and Allen Valleys*²'. This LCA comprises an undulating plateau with well-wooded valleys, exposed higher land with medium scale fields and straight Cornish hedge boundaries with few trees on the plateau and smaller-scale fields in the valleys. The overall settlement pattern in this LCA is dispersed with scattered farms and some nucleated settlements focused on medieval church towns.
14. The shepherds hut is a relatively long, narrow structure, mounted on a wheeled axis and situated on a rough gravelled base. It has orange-brown coloured timber cladding and curved, low roof. The shepherds hut has been positioned at the highest point in the landscape of the land owned by the appellants and thus, enjoys commanding views of the attractive agricultural landscape. It sits just in front of an established hedgerow which separates the field from the adjoining rural road to the west. On passing the site on the rural road, views are available through the hedgerow to the shepherds hut and in areas from the driveway entrance to the holding.
15. Largely owing to its elevated position and absence of any screening from topography or landscape features to the front or sides, the domesticated form and striking colour of the shepherds hut results in it appearing as an incongruous feature in the landscape. Whilst the chosen design and location are said to ensure it is kept low, being of a single story form and with the benefit of shelter from views and the prevailing winds, these assertions bely the reality that there are far more sheltered locations on the holding, in both visual and climatic regards, that could have been chosen for the structure. There is also some suggestion that such features are or were commonplace in the landscape, but this is not strictly so in the context of the relatively recent past. Farm buildings in the wider area take a variety of largely traditional forms and are not usually so domesticated in appearance as a shepherds hut, which, in my view is more akin to a traditional horse-drawn wagon or domestic shed.
16. The submitted Landscape and Visual Appeal Statement (LVAS) rates the receiving landscape as having a moderate sensitivity to change, with which I do not disagree. However, I regard that the effects of the indiscrete proposal are

² Cornwall and Isles of Scilly Landscape Character Study 2008

greater than of a negligible magnitude and do not find that it assimilates smoothly into the landscape as stated.

17. For these reasons, the proposal is harmful to the character and appearance of the area, thus conflicting with Policy G1 of the Roche Neighbourhood Plan (2018) and CLP Policy 23. Together these Policies seek to protect against insensitive development/alterations that impact on rural character, seeking to ensure that buildings reflect traditional materials and styles and sustain local distinctiveness.

River Camel Special Area of Conservation

18. The appeal site is within the hydrological catchment of the River Camel which is a Special Area of Conservation as designated under the Habitats Regulations³ for its range of important habitats and species. In April 2021, Natural England highlighted to the relevant authorities the extent of the designated site which is in an 'unfavourable' condition due to various reasons, including poor water quality relating to elevated phosphate concentrations.
19. Significant effects from residential development and other forms of overnight accommodation in this location, both individually and cumulatively with other schemes, cannot be ruled out owing to the likelihood of additional phosphates within the catchment area of the River. The appellants have submitted a scheme to mitigate the additional phosphorous load from the development taking into account the phosphorus budget of the existing land use. This is based on the 'River Camel Phosphate Budget Calculator v.1.1.1'. The means of mitigation is to cease the agricultural use of a further 0.131 hectares of land adjoining the site and to preserve it as an area of semi-natural grassland.
20. However, as the circumstances that could have led to the granting of planning permission are not present for other reasons, it is not necessary for me to ascertain the suitability of the offered mitigation within an Appropriate Assessment. Consequently, I have not taken this matter further.

Planning Balance and Conclusion

21. Insofar as the proposal would not be sustainably located or respect the character or appearance of the area, it conflicts with policy G1 of the NDP and Policies 2, 3, 5 and 23 of the CLP, and thus, with the development plan when taken as a whole.
22. The economic benefits of the development to the area from the rental income and visitor spending would be relatively modest in view of the scale of the development. Though these benefits attract a limited degree of weight, they do not outweigh the identified harms. Consequently, there are no other considerations, including the provisions of the National Planning Policy Framework, that indicate that a decision should be taken other than in accordance with the development plan.
23. The appeal is therefore dismissed.

Hollie Nicholls

INSPECTOR

³ The Conservation of Habitats and Species Regulations 2017, as amended