



Appeal Decision

Site visit made on 20 February 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2023

Appeal Ref: APP/D0840/W/22/3299075

Treglossick Farm, Treglossick, St Keverne TR12 6PS

- 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 Fleur Massam (Treglossick Farm) against the decision of Cornwall Council.
 - The application Ref PA21/05333, dated 10 March 2021, was refused by notice dated 17 February 2022.
 - The development proposed is change of use of land and erection of two glamping pitches and two compost loos and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The descriptions given on the application and appeal forms vary and contain superfluous information. I have therefore used the description given on the decision notice, which accurately and succinctly describes the proposal.
3. Whilst not forming part of the Council's reason for refusal, the effects of increased recreational activity upon the Fal and Helford Special Area of Conservation (the SAC) has been referred to within the Council's statement of case. It is incumbent upon me as the competent authority to consider the impact of the appeal scheme on the SAC, so it is necessary to consider that matter as a main issue in this appeal.

Main Issues

4. The main issues are:
 - a) Whether the site is suitable for the proposal, bearing in mind the policies of the development plan and the accessibility of services;
 - b) The effect of the development on the character and appearance of the area, including the scenic beauty of the Area of Outstanding Natural Beauty (the AONB); and,
 - c) The impact of the development on the integrity of the SAC.

Reasons

Development plan policies and accessibility of services

5. The Council's spatial strategy is set out in Policy 2 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan). It provides for

a sustainable approach to accommodating growth, whilst maintaining the dispersed development pattern of Cornwall, and providing homes and jobs based on the role and function of each place. The appeal site lies adjacent to a small cluster of buildings comprising the farmhouse and converted barns, and a commercial vehicle garage. However, these buildings lie well outside the nearest recognised settlements at Porthallow to the southeast and Gillan to the north. It therefore lies in the open countryside as defined by paragraph 2.33 of the Local Plan.

6. The proposal is for the provision of two units of tourist accommodation, comprising a tipi and a yurt. The tipi would be sited on an area of decking. Each would be provided with a separate compost toilet and a shower. Although the facilities provided within each of the structures would be limited, the overall site would provide sleeping, cooking, and washing facilities for the occupants of each of the units. The site would, therefore, afford the occupants the facilities required for day-to-day private domestic existence, which would result in it having a residential use. The site would not lose that characteristic if the yurt and tipi were occupied for only part of the year, or at infrequent intervals, or by a series of different persons. Accordingly, the appeal scheme should be assessed against policies of the development plan which concern residential development in the countryside.
7. Policy 3 of the Local Plan defines how development will be accommodated, based on the spatial strategy, with growth focussed on identified named towns. Outside the named towns, housing is to be delivered on sites identified by Neighbourhood Plans; rounding off of settlements; development of previously developed land within or immediately adjoining settlements; infill schemes; or rural exception sites. As the proposal would not be located in or adjoining a settlement, it would not accord with any of these criteria.
8. Policy 7 of the Local Plan says new dwellings in the countryside will only be permitted in special circumstances. The proposal would not fall within any of the five specified categories that are identified within the policy. Consequently, the proposal for residential accommodation on the site would be contrary to the Local Plan policies that govern the location of residential development.
9. Nevertheless, the proposal is for holiday accommodation, and this form of occupation could be secured by appropriate planning conditions. As a result, the proposal must also be considered in relation to Policy 5 of the Local Plan. This Policy supports the provision of new, high quality sustainable tourism accommodation, where it would be of an appropriate scale to its location, and to its accessibility by a range of transport modes.
10. In this case, the site is remote from Porthallow and Gillan, and access to the limited services available in those settlements is via roads with no lighting or footways. They are also steep in places, so are not conducive to walking and cycling. Whilst there is an off-road footpath to Porthallow adjacent to the site, the route is unmade and unlit, so is unlikely to be an attractive option outside daylight hours, or in inclement weather. The nearest settlement with a range of services is St Keverne, which is some 2.3km to the south. In view of the distance by foot, it is unlikely that occupants would regularly walk there and back to obtain everyday goods. There is a bus service that passes the site twice daily. However, the evidence indicates that the nearest bus stop is in

Porthallow. As previously stated, this would involve a journey on roads or a footpath that are unlikely to be an attractive option for walking or cycling.

11. I am mindful that there are some opportunities to buy local goods at farm gates in the surrounding area, and that it would be possible to walk to cafes and pubs. However, the distances involved, and the nature of the routes is such that journeys to obtain day-to-day goods and services are unlikely to be regularly made on foot or by bicycle. As occupants would not have access to a range of transport modes, they would be heavily reliant on private motor vehicles for the duration of their stay. This would conflict with the aims of Policy 5.
12. To conclude on this issue, the provision of holiday accommodation in this open countryside location, with limited access to sustainable modes of transport, would be contrary to Policies 1, 2, 3, 5 and 7 of the Local Plan. Taken together these policies set out the spatial strategy for the area and seek to limit residential development in the countryside, whilst allowing for tourism accommodation that is accessible by a range of transport modes.

Character and appearance and AONB

13. The appeal site lies within the AONB, which is an extensive area covering the Lizard Peninsula. Paragraph 176 of the National Planning Policy Framework (the Framework) says great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. Policy 23 of the Local Plan is consistent with this guidance. The site is within landscape character area CA08 North East Lizard Peninsula as defined by the Cornwall and Isles of Scilly Landscape Character Study. The area is described in this document as a high plateau incised by several small valleys, influenced by its proximity to the coast.
14. The site lies on the opposite side of the road to the farmhouse, and is of limited size. Apart from a field gate at both ends of the site, it is entirely enclosed by high boundary hedges. It has a semi-domestic character, with ornamental planting and a pond. As well as the farmhouse, associated barns and the commercial garage to the north, there is also a yard containing vehicles to the south, with a substantial agricultural building close to the boundary. Commercial vehicles were also parked on an area of land close to the north-eastern corner of the site at the time of my visit. As a result of the enclosure of the site, it is visually separated from the wider plateau landscape of the AONB. As it is also semi-domesticated, and is heavily influenced by its close association with buildings and commercial vehicle parking, it is not a key contributor to the scenic beauty of the AONB.
15. At the time of my visit, the surrounding hedgerows were not in leaf, and views of the interior of the site could easily be obtained, albeit screened to some extent by the defoliated vegetation. The tipi, in particular, would be readily seen from the footpath to the east during the winter. However, it would be seen in close association with buildings and commercial vehicles on both sides, and through the framework of the hedge. Consequently, even at this time of year, it would only have a very limited impact on the appearance of the area.
16. Glimpses of the yurt would be possible from the road through the gates at either end of the site, but these would be fleeting, and during the summer would be largely screened by trees and shrubs within the site. Even when

views would be more easily obtained, during the winter, the structure would be seen in close association with the farmhouse and barns, so would not be seen as an isolated feature in an unspoilt landscape. The smaller toilet and shower buildings, the low-level decking, and any domestic paraphernalia such as barbecues would be well-concealed by the boundary banks all year round.

17. In summary, the structures would only be visible from close viewpoints around the site, where they would be seen in association with existing buildings and vehicles. The enclosed nature of the site means that, even in these close views, there would be no material harm to the intrinsic character of the area. In more distant views, the proposal would have no perceptible impact on the appearance of the wider countryside or the scenic beauty of the AONB. Consequently, I find no conflict with Policies 12 and 23 of the Local Plan, which seek to ensure high quality design that recognises and respects the Cornish landscape.

Impact on SAC

18. The evidence indicates that the appeal site lies within the zone of influence of the SAC, which is designated for its saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries, and reefs. The Cornwall European Sites Mitigation Supplementary Planning Document (July 2021) (the SPD) identifies that increases in population are placing greater pressure from recreational activity on the features of interest for which the SAC is designated. It sets out mitigation strategies through strategic access management and monitoring, which are to be funded by contributions from new residential development. The SPD clarifies that mitigation is required for all tourist accommodation, as the evidence shows that holidaymakers visit the SAC for recreational purposes.
19. The SPD indicates that mitigation can be secured through a financial contribution, which may be submitted with the planning application, or via a legal agreement linked to a planning permission. Alternatively, the SPD indicates that a negatively worded condition could be imposed to prevent development from commencing until a scheme to secure mitigation of the impact has been submitted to, and approved by, the Council.
20. In this case, no contribution has been made and no legal agreement has been completed. In these circumstances, the Council has suggested that a planning condition is used to secure the necessary mitigation. The Planning Practice Guidance advises that negatively worded conditions to require a planning obligation should only be used in exceptional circumstances. Had I been minded to allow the appeal, I would have had to consider whether such exceptional circumstances applied in this case. However, as I am dismissing the appeal for other reasons, harm to the SAC will not ensue. Therefore, it is not necessary for me to consider this issue any further.

Planning Balance

21. Whilst I have found that the development would not harm the character and appearance of the area or the scenic beauty of the AONB, it would be in conflict with Policies 1, 2, 3, 5 and 7 of the Local Plan with regards to the spatial strategy for development, and the accessibility of tourism accommodation by a range of transport modes. This harm must be balanced against the benefits of the proposal.

22. The proposal would generate self-employment for the appellant and seasonal employment for others. Furthermore, it would augment the existing holiday retreat business in the farmhouse. These benefits would accord with the aims of the Framework to support a prosperous rural economy, and therefore carry weight in my decision. However, the small scale of the proposal means that the weight is limited.
23. I am also mindful of the appellant's intention to create a native microhaven for wildlife in the field. Whilst this is a laudable aim, it does not appear to be necessarily linked to the development, or a direct consequence of it. I have not, therefore, attached any significant weight to this benefit.
24. The Framework makes it clear at paragraph 12, that the presumption in favour of sustainable development does not change the statutory status of the development plan, and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. The relatively small scale of the benefits does not outweigh the conflict I have found with policies of the development plan.

Conclusion

25. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR