



Appeal Decision

Site visit made on 28 July 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2023

Appeal Ref: APP/D0840/W/22/3291313

Land west of Piggy Whidden, Chapel Amble, Wadebridge PL27 6EW

- 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 A Mably-Jones of Andreas Construction against the decision of Cornwall Council.
 - The application Ref PA21/05528, dated 12 May 2021, was refused by notice dated 8 September 2021.
 - The development proposed is described as 'Proposed Live/Work unit'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 21 February 2023 and during the determination of this appeal, the Council adopted its Climate Emergency Development Plan Document. This document, together with the Cornwall Local Plan Strategic Policies 2010- 2030 comprise the development plan and I have had regard to it as such. Both parties were invited to comment on its relevance to the appeal proposal.

Main Issues

3. The main issues in respect of this appeal are:
 - Whether the appeal site is a suitable location for the proposed development with reference to the spatial strategy in the development plan;
 - Whether the appeal site offers a suitable location in terms of access to services and facilities;
 - The effect of the proposed development on the character and appearance of the area; and
 - If harm arises, whether this is outweighed by other material considerations.

Reasons

Spatial Strategy

4. Together, Policies 1, 2 and 3 of the Cornwall Local Plan Strategic Policies 2010- 2030 (the LP) set out the Council's spatial strategy for development. In particular, Policy 2 seeks a sustainable approach to accommodating growth with the provision of homes and jobs based on the role and function of each

place, underpinned by the need to protect the quality and natural beauty of the environment.

5. As part of its economic strategy, Policy 2 supports the provision of live/work units. Whilst this support is unqualified in Policy 2 it should be read together with the other policies which make up the LP. In particular, Policy 3 seeks to provide housing and employment growth outside the identified towns through allocation in a Neighbourhood Plan, rounding off of settlements, the reuse of previously developed land, infill and rural exception sites. The appellant does not dispute that the site lies in the open countryside and that none of these apply to the appeal proposal before me. As such, a conflict would occur with this policy.
6. Policy 5 of the LP relates to the provision of new employment land and Policy 7 of the LP relates to housing in the countryside. The appeal proposal, in that it comprises both residential and business elements, does not neatly fall to be considered by either policy but there are elements of both policies which are relevant to the proposal before me.
7. The appellant also accepts that the appeal proposal does not fall within any of the exceptions listed in Policy 7 of the LP which relates to the provision of new homes in the countryside and I agree. As such, conflict would occur with this policy.
8. Policy 5 seeks to ensure a continued supply of business space by permitting proposals for new employment land in the countryside where they are of a scale appropriate to its location or demonstrate an overriding locational and business need to be in that location. The appellant has not made the case that the latter is applicable to the appeal proposal. I will therefore turn to the issue of 'scale'.
9. The proposal includes the provision of a workshop, storage and office area. These would be housed to the front of the residential accommodation in a single storey part of the property. It would have the appearance of a domestic double garage and study. The scale of the built form therefore would be limited to one which would be commonly found associated with residential accommodation. However, for reasons which I address later in this Decision, the operation of the business is not of a scale which is suitable for the proposed location and as such the appeal proposal conflicts with Policy 5.
10. In conclusion, it is clear that the policies in the LP pull in different directions. On the one hand, Policy 2 provides support for the provision of live/work units and Policy 5 provides support for new employment land in the countryside where it is an appropriate scale. However, on the other hand Policy 3 only permits employment growth outside identified towns in the limited number of circumstances set out in paragraph 5 above which I have already found do not relate to the appeal proposal and the appeal scheme would introduce residential accommodation into the countryside in a way which would not adhere to the countryside policies of the development plan, namely Policies 3 and 7.
11. Given that I have identified a conflict with Policy 5, and that there is clear conflict with Policies 3 and 7 of the LP, I conclude that the appeal proposal when assessed against the development plan as a whole would harmfully

undermine the spatial strategy for the location of housing and employment development.

Location

12. The site is approximately 800 metres away from the facilities on offer in Chapel Amble, being a shop with a Post Office facility and a pub. The route to those facilities is along a narrow rural lane which is unlit and does not have a footway. For these reasons, I find it unlikely that occupiers of the appeal proposal would choose to walk or cycle to those facilities, particularly in the dark or inclement weather. I understand that there is a bus stop in Chapel Amble with a service to Wadebridge but I have nothing before me regarding the frequency of the service or that it represents a viable alternative to the car. In any event, use of the bus services would also entail walking along the same narrow lane to access the bus stop, which I reasoned above would not be appealing to pedestrians. This is consistent with the findings of the previous Inspector¹ albeit that appeal was in relation to a dwelling only.
13. My attention has also been drawn to the Climate Emergency Development Plan Document adopted 21 February 2023 (DPD) and in particular Policy C1 which seeks to maximise the ability to make trips by public transport and support walking and cycling rather than the use of the car. The appeal proposal would not achieve this.
14. The appellant does not dispute that the occupiers of the appeal proposal would be highly reliant on the use of the private car nor that they would need to travel further afield to reach the facilities and services required for day to day living. However, the appellant's case is that the appeal proposal would reduce the number and length of journeys undertaken in relation to the operation of the business.
15. The appellant says that they typically travel from their current home in Trelill to the yard in Wadebridge to collect materials and carry out administrative work before travelling to a client's site. Having a workshop and residential accommodation alongside each other would enable them to travel directly to a client's site. In addition, the appellant says that it would enable them to work on manufacturing items in the workshop over several days and carry out their administrative work without travelling from the site.
16. The appellant has provided information which shows the location of clients over an 18-month period, large jobs they have undertaken over the last 10 years and the work they have planned for the next 5 years. The appeal site would be roughly central to those sites indicated by the appellant, whilst the current premises at Wadebridge would be located towards the south of the area and the current rental property towards the north east edge of the area. In this respect, the appellant has provided a compelling argument to demonstrate that the provision of the appeal proposal could reduce the number of journeys undertaken by the appellant in relation to the operation of the business. I also accept that the appellant has built up the business over the preceding 10 years, has an employee base in the area and a good reputation in the locality such that there is no reason why work would not continue to be located in a similar area and that the reduction in travel would not be realised.

¹ Appeal ref: APP/D0840/W/17/3185553

17. However, commuting for work is only one form of travel. The future occupants of the appeal scheme would be predisposed to travel by car for education, leisure, shopping, and healthcare. In addition, the business currently employs between twelve and fourteen people. I accept that not all of these would travel to the appeal site on a daily basis but the appellant has indicated that the appeal proposal would provide space for client meetings, office space for an additional administrator, a need for 1-2 people working three days a week on the joinery component of the business and it would enable apprenticeships to be offered. These journeys would be taken by car and together, this could amount to a not insubstantial amount of car journeys being undertaken to the appeal site. These additional journeys would offset the benefits arising from the appellant living and working at the appeal site. It is for this reason that I consider the scale of development is not appropriate to its location resulting in conflict with Policy 5 of the LP.
18. In addition to the conflict with Policy 5, I find that the proposal would also be contrary to Policy 21 of the LP which seeks the efficient use of land by increasing building density in areas with access to services and facilities and Policy C1 of the recently adopted DPD as it would not maximise the ability to make trips by public transport or support walking and cycling rather than the use of the car.

Character and appearance

19. The DPD also seeks to conserve and enhance the natural environment according to its significance. The site is not located within a designated landscape but the Council advise that the appeal site is located within landscape character area 34 (Camel Estuary) where the landscape in inland areas away from the coast is much more intimate and this is consistent with what I observed.
20. I note that a previous application² at the site was not refused by the Council in respect of its impact on the character and appearance of the area. However, that proposal was for a dwelling and therefore materially different to the current proposal. As such, the Council were entitled to come to a different view when assessing the appeal proposal.
21. The appeal site is a rectangular area of rough grassland enclosed by established planting along all four of its boundaries. Fields border the appeal site to the south and west. To the north east and immediately adjacent to the site is a new dwelling known as 'Piggy Whidden'. Access from the highway is on the north west boundary. In the north west corner of the site is a small dilapidated metal building referred to as a 'former piggery'.
22. Notwithstanding its overgrown and unkempt appearance, the site is clearly rural in character and erecting a building on it would result in the loss of countryside and urbanise the site. The domestic paraphernalia that occupation would generate would add to this urbanising effect. That said, the appeal site is enclosed by established planting along all its boundaries with the exception of the point of access. As such, it is well screened from the surrounding area and public views into the site are limited. Whilst the appeal proposal would be visible, this would mainly be from the point of access, with the impact being very localised. In addition, it would be seen in the context of the new dwelling

² LPA ref: PA20/07176

located on the adjacent site. As such, whilst I find that there would be harm to the character and appearance of the area, the harm in this instance would be minor.

23. The appellant refers to the consultation response from Natural England and in particular, their lack of objection. However, my reading of that response is that they considered that the appeal proposal would not have significant adverse impacts on statutory protected landscapes and given that I have found that the impact would be very localised, this is consistent with my findings.
24. As such I find that there would be some conflict, albeit it limited, with Policies 2, 12 and 23 of the LP which seek to ensure that new development is of a design and scale which respects and maintains the distinctive landscape character of Cornwall. I also find some limited conflict with Policy C1 of the DPD which seeks to conserve the natural environment.

Other material considerations

25. I have found that the proposal would conflict with the development plan when read as a whole. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the National Planning Policy Framework (the Framework) and the benefits of the proposal have been referred to by the appellant as other considerations.
26. The appellant runs an existing business carrying out general building and roofing work employing a number of local people. The Framework seeks to build a strong, responsive and competitive economy with Paragraph 81 of the Framework requiring that significant weight is given to supporting economic growth and productivity and Paragraph 82 encouraging flexible working practices such as live/work accommodation. In addition, Paragraph 84 of the Framework provides for the growth and expansion of all types of business in rural areas through well-designed new buildings and Paragraph 85 acknowledges that this may also be in locations not well served by public transport. The Council has reflected these broad policy objectives in their LP and as such, there is no inconsistency between the LP and the Framework.
27. The appellant has built the business up over a number of years and the appeal proposal, they say, would enable them to expand the business further and take on more staff. This would provide a workshop where they could offer a complete joinery service to clients by manufacturing bespoke products on site for installation in their build projects.
28. I am told that the current premises in Wadebridge are rented and as such there is no security of tenure and that recent rent increases means that the premises would not be sustainable in the long term. I am also told that there is no dedicated office space there and that alternative premises would be costly to rent.
29. However, the evidence before me in this respect is limited. For example, I have not been provided with details of the current premises and what they comprise or evidence of the availability of other premises in that area and how the rent compares.
30. The appellant says that the current premises in Wadebridge are primarily used for storage and that there is limited workshop space and no office. Further

expansion is hampered by the limited space available there. The appeal proposal would provide an office area but I am not persuaded that the proposed floorspace for the workshop and storage would be large enough to accommodate the range of activities set out in the appellant's Appeal Statement³ together with an expansion of the joinery business as proposed. The proposed workshop and storage area shown on the submitted floor plans are akin to a domestic double garage and as such, I cannot be certain that the existing business could be successfully relocated to the proposed building, let alone expanded as suggested.

31. The appellant refers to Policy 6 of the LP and in particular its recognition that there should be provision for households with specific needs and the ability for people to build their own homes. Whilst Policy 6 is not directly relevant to the appeal proposal as it refers to new housing developments of ten houses or more, Paragraphs 60 and 62 of the Framework recognise the need to significantly boost the supply of homes and provide for those with specific housing requirements or people wishing to commission and build their own homes.
32. The appellant proposes that the appeal proposal is a self-build and has provided information regarding the supply and demand for self-build in the local area. However I have nothing before me, such as a legal agreement, to ensure that the site would be developed in this manner. Therefore, I attribute limited weight to the argument.
33. The proposed residential accommodation has been designed with a ground floor bedroom to cater for the specific health needs of one of the proposed occupants. In addition, the provision of the associated workspace would mean that the appellant would be more regularly on hand to provide the necessary care and support. I have not seen specific medical evidence of the need or that the need would be best served from this location. However, many of the representations received in support of the proposal refer to the health needs of one of the proposed occupiers and I have no reason to doubt that this is the case. The appeal proposal would result in the provision of residential accommodation for someone with specific housing needs and I give this modest weight.
34. The Council refer to Policy 9 of the LP which relates to rural exception sites and the provision of affordable housing. The appellant has provided evidence of the level of second home and holiday let ownership across Cornwall. The high level of provision in the Parish of St Kew they say, compounds the problem of affordability. However, whilst the appellant refers to the affordability of houses generally in the area, the appellant has not advanced the argument that what is being proposed amounts to a rural exception scheme and nor is the appeal accompanied by a legal agreement with a local connection clause. For these reasons I give this limited weight.

Planning Balance and Public Sector Equality Duty

35. There is clear support in the LP for live/work units and for economic development although this is qualified when the spatial strategy is read as a whole. This is consistent with Paragraph 82 of the Framework for live/work proposals whilst Paragraph 81 requires that significant weight is given to

³ Page 11 of the Appeal Statement by Keystone dated 24 January 2022

supporting economic growth and productivity. There is also a recognition in Paragraphs 84 and 85 of the Framework that the sustainable growth and expansion of all types of businesses in rural areas should be enabled recognising that sites required to meet local business needs in rural areas may be beyond existing settlements and in locations not well served by public transport.

36. The appellant's business is established and employs up to fourteen people on a full time basis. This, the appellant says, is in an area with limited non-seasonal employment opportunities and it would enable them to sustain, further develop and expand the business. Having regard to Paragraph 81 of the Framework I give this significant weight although this is tempered given my findings in terms of the relatively limited space afforded by the appeal proposal and the ability therefore for the business to expand as suggested.
37. There would be personal benefits to the appellant from living and working from the appeal site and I have also given modest weight to the provision of housing for those with specific housing requirements.
38. That said, the proposal would result in the provision of residential accommodation in the countryside contrary to the Council's spatial strategy. I have also found that the proposal would be poorly located in terms of access to services and facilities nor to alternative forms of travel. As such there would be a heavy reliance on the use of the car contrary to Policy 21 of the LP, Policy C1 of the DPD and Paragraphs 92, 104 and 112 of the Framework which seek to provide opportunities for walking, cycling and the use of public transport. These findings are consistent with those of the Inspector in an earlier appeal for a dwelling on the site⁴.
39. There would also be a number of journeys associated with the operation of the business from the site and as such there would be conflict with Policy 5 of the LP.
40. A core planning principle of the Framework is that the intrinsic character and beauty of the countryside should be recognised in decision taking. In this respect, I have found some harm in terms of the impact on the character and appearance of the area resulting in a conflict, albeit limited, with Policies 2, 12 and 23 of the LP and Policy C1 of the DPD.
41. Taken together, I conclude that the appeal proposal would be contrary to the spatial strategy, the Framework and the recently adopted DPD. This weighs against the appeal proposal and the benefits I have identified do not outweigh the harm I have found in terms of the conflict with the development plan and the public interest in having a planning system which is genuinely plan led.
42. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. These characteristics include disability and I acknowledge that a member of the

⁴ Appeal Ref: APP/D0840/W/17/3185553

appellants family shares this protected characteristic for the purposes of the PSED⁵.

43. I have not been provided with full and detailed medical evidence as part of this appeal. However, on the evidence that is before me, I have no doubt that the proposal would benefit the appellant and their family by providing a suitably adapted living space and enabling the appellant to be on hand to provide the necessary care. These are personal circumstances which weigh in favour of the proposal.
44. However, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that development is appropriately located and the countryside is protected. The harm I have identified could not be overcome by, for example, suitably worded conditions. Therefore, whilst I acknowledge the personal circumstances of the appellant and his family, I conclude that these are not matters which outweigh the harm that would be caused by the proposal in respect of my aforementioned conclusions on the other main issues.

Other Matters

45. Whilst the appeal proposal has been described as a live/work proposal, I am not wholly persuaded that this accurately describes the proposal before me. To my mind, a live/work proposal should be a mixed use where no one use dominates the other. The submitted plans indicate that the floorspace of residential element of the building comprises four bedrooms, living room, kitchen/diner, storage room, utility and boot room. On the other hand, the business element comprises a workshop and storage area in a space akin to a residential double garage, with an office area. The work element is subservient to the live element by some way.
46. The appellant refers to the manner in which the Council determined the planning application. However, this is not relevant to my findings in respect of the substance of the appeal. The appellant also says Council did not ask for further evidence/information during the determination of the appeal but the onus is principally on an applicant to substantiate their case.
47. The appellant refers to a number of appeal decisions and planning permissions granted by the Council which they say, are comparable to the appeal before me. I accept that there are some similarities but the circumstances surrounding each of those cases differ from that before me. Specifically, the appeal at Homer Park⁶ and the planning application on 'Land North West of Park Villa'⁷ were both found to be within walking distance of a reasonable range of facilities including a primary school. In the appeal at 'Polstraal'⁸ the Inspector found that the appeal site formed part of the settlement. In considering the application on 'Land North East of Little Mesmear'⁹, the Council pointed to the support for economic proposals and development outside development boundaries in exceptional circumstances in the adopted St Minver Parishes Neighbourhood Development Plan 2017-2030. The appellant also

⁵ S6(1) of the Equality Act 2010 provides that a person has a disability if (a) they have a physical or mental impairment and (b) the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

⁶ Appeal Ref: APP/D0840/W/18/3207407

⁷ Council Ref: PA20/05111

⁸ Appeal Ref: APP/D0840/W/19/3242533

⁹ Council Ref: PA20/11239

refers to a number of other decisions by the Council but from the limited information before me, I am unable to draw relevant comparisons.

48. I have considered other matters raised by interested parties including, but not limited to, highway safety, living conditions and design but given that I have identified harm in respect of the main issues, these are not matters on which my decision turns.
49. I note that the appeal proposal had the support of the Parish Council and Divisional Member and some local residents but this does not override the harm I have found in respect of the main issues.

Conclusion

50. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Alison Fish

INSPECTOR