



Appeal Decision

Site visit made on 26 May 2023

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/D0840/W/22/3310556

Recreational Building at Roskorwell, Roskorwell, St Keverne TR12 6PR

- 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 John Slade against the decision of Cornwall Council.
 - The application Ref PA22/05269, dated 6 June 2022, was refused by notice dated 7 October 2022.
 - The development proposed is change of use of recreational building into a holiday let.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of recreational building into a holiday let at Recreational Building at Roskorwell, Roskorwell, St Keverne TR12 6PR in accordance with the terms of the application, Ref PA22/05269, dated 6 June 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 09.2022/01A
 - 3) The development hereby permitted shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The owners and operators shall maintain an up-to-date register of the names of all of the occupiers of the building, and of their main home addresses, and shall make this information available at all times to the local planning authority.

Application for costs

2. An application for costs was made by John Slade against Cornwall Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Council confirms it has withdrawn the second reason for refusal listed on the Decision Notice relating to the Special Area of Conservation.

Main Issue

4. The main issue is whether the building would provide a suitable location for the proposed holiday use.

Reasons

5. The appeal concerns a detached, single storey building which is situated in the Cornwall Area of Outstanding Natural Beauty (AONB). It is part of a small cluster of development in otherwise rural surroundings.
6. According to paragraph 2.33 of the Local Plan¹ 'open countryside' is the area outside of the physical boundaries of existing settlements (where they have a clear form and shape). On that basis, it seems to me that the site is located within the open countryside rather than a settlement. Although there are other properties here, they are few in number and low density. As such, the pattern of built development near the site does not have a clear form and shape typical of a small village or hamlet. Indeed, there is more open space and undeveloped land in the surroundings than there are buildings.
7. As the site is within the open countryside, the proposal cannot be justified on the basis of Policy 3 of the Local Plan. This only allows employment and housing development within, or on the edge, of settlements. Although Policy 7 allows new housing in the countryside under special circumstances, none of the circumstances listed in the policy are applicable to the current proposal. Besides, while the proposed holiday let would assume the characteristics of a dwelling, its primary purpose would be to provide tourist accommodation as part of a business venture. It seems to me that the focus of Policy 7 is residential housing for permanent occupation.
8. Policy 5 of the Local Plan is of somewhat more relevance to the current appeal as it concerns business and tourism. Part 3 of the policy says *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.*
9. In terms of accessibility, it would be possible for future occupiers of the proposed holiday let to walk or cycle from the site to the village of Porthallow and its beach. However, this would not be an attractive route for everyone as the hill to the village is steep and involves navigating narrow rural lanes with no pavements or lighting. Moreover, facilities in the Porthallow are mainly limited to the public house. While there is more at the village of St Keverne, including some convenience shopping, this is some distance away and well beyond reasonable walking distance.
10. A local bus passes the site and I understand that it stops on request. This links to various villages and the town of Helston, where there is a greater range of shops of facilities. However, this bus service from the site is infrequent and does not operate at all during the weekend. Hence, while future occupiers of the proposed accommodation would have the ability to use public transport for some journeys, options are very limited.
11. Realistically, people would be likely to travel to the accommodation in their own vehicles and then drive to most places whilst staying there. However, given the relative proximity of the site to nearby tourist attractions such as villages,

¹ Cornwall Local Plan Strategic Policies 2010-2030

- beaches and coastal footpaths, there is potential for these vehicle journeys to be relatively short. I am also mindful that the proposal is only for one unit of accommodation and so the total volume of journeys that would be generated as a result of the development would be modest in scale.
12. This, together with the existence of some, albeit limited, options for walking and public transport, leads me to conclude that the proposal would be broadly compatible with the Policy 5 requirement for tourist accommodation of an appropriate scale to its location and to its accessibility by a range of transport modes. My view is further reinforced by the latest version of the Framework² which, in paragraph 85, advises that *local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.*
 13. Part 3 of Policy 5 also requires a well balanced mix of economic, social, and environmental benefits. From an environmental perspective, the proposed accommodation would not be in an optimal location to maximise opportunities for walking, cycling and public transport. However, it would make use of an existing building and I am mindful that paragraph 85 of the Framework says that the use of previously developed land should be encouraged where opportunities exist. Because it would reuse an existing building, the proposal would have no material impact on the visual quality of the AONB.
 14. The social and economic benefits of the proposal are associated with its support for the tourism sector. Although the appellant does not provide any figures to show the specific contribution that the proposal would make to the local economy, this is a small scale scheme which requires a proportionate amount of evidence. In this case, there are other holiday lets in the vicinity of the site which appear to have been operating for some time. This is an indication of demand for visitor accommodation in this location and that the businesses which provide this accommodation are viable. I am also mindful that the supporting text to Policy 5 places strong emphasis on the importance of tourism to the Cornish economy. This is also reflected in the supporting text to Policy 2 which sets out the spatial strategy. Hence, overall, it seems to me that the proposal would provide a sufficient mix of economic, social, and environmental benefits within the context of Policy 5.
 15. My attention has been drawn to part 1 of Policy 5, which says that new employment land and uses should *c) in the countryside and smaller rural settlements, be of a scale appropriate to its location or demonstrate an overriding locational and business need to be in that location such as farm diversification.* In this case, I find that that the small scale of the proposed development is appropriate for this countryside location and so, in accordance with the terms of the policy, there is no requirement to demonstrate an overriding locational and business need.
 16. I therefore conclude on this issue that the building would provide a suitable location for the proposed holiday use. For reasons given above, the proposal would comply with Policy 5 of the Local Plan. It would also comply with the aims of Policies 1, 2 and 27, which seek sustainable patterns of growth.

² National Planning Policy Framework, Ministry of Housing, Communities and Local Government, July 2021

Other matters

17. The Council indicate that the building was permitted on the basis that it would be used as recreation space for the existing holiday lets. It is alleged that the building has never been used for this purpose and the appellant always intended it to be a separate dwelling. I have also considered the comments of the Parish Council and other individuals who have expressed concern at the potential for further expansion of development in this location.
18. While these concerns are noted, the building benefits from planning permission and I am not aware that the Council intends to take enforcement action that could lead to its removal. My decision is based on the individual merits of the appeal proposal and does not establish a precedent for similar developments elsewhere in the vicinity. The cumulative effects on the AONB and on travel patterns would be important considerations were other similar proposals to be advanced in this location in the future.

Conclusion

19. For the above reasons, the appeal is allowed. I have imposed the standard requirement for further details to be approved before development takes place, together with standard time limit conditions. To ensure that the development complies with Policy 5 of the Local Plan, a condition is also imposed to ensure that the building can only be used for holiday accommodation.

C Cresswell

INSPECTOR