



Appeal Decision

Site visit made on 24 July 2023

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 07 August 2023

Appeal Ref: APP/D0840/W/22/3308728

Little Barn, Bluebell Lane, Golberdon, Callington, Cornwall, PL17 7NQ

- 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 Bonnie Tromans against the decision of Cornwall Council.
 - The application Ref PA21/08781, dated 9 November 2021, was refused by notice dated 17 May 2022.
 - The development proposed is described as a change of use from ancillary accommodation to holiday let.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the description of development to reflect that as provided within the Council's decision notice, in the interests of accuracy and consistency.

Main Issues

3. Although the Council has given one reason for refusal, having reviewed the evidence I have considered it appropriate to identify two main issues.
4. Accordingly, the main issues in this appeal are:
 - Whether the appeal scheme would be in a suitable location with regards to Local and National Planning Policy.
 - The effect of the proposed development on the living conditions of residents at Midwood View with regards to overlooking, loss of privacy and noise and disturbance.

Reasons

Location of Development

5. The appeal site comprises land and a two storey building of modest proportions, located adjacent to the dwelling at Midwood Barn and within a very small cluster of buildings. The evidence before me indicates that the appeal building is a converted barn, and which forms an approved annexe to Midwood Barn.
6. The appeal site is in a remote location and outside of the nearest settlements at Pensilva and Golberdon. In terms of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan), the site is located within the countryside for planning purposes.

7. Whilst the appeal building would be for holiday accommodation, it is noted that the Appellant confirms that it is 'fully contained' and, as such, it appears that the building would provide to those who used it, the facilities required for day-to-day private domestic existence. The appeal building would not lose that characteristic if it was occupied for only part of the year, or at infrequent intervals, or by a series of different persons. Consequently, the proposed accommodation unit exhibits the characteristics of a dwellinghouse.
8. Policy 7 of the Local Plan concerns housing in the countryside and provides that such development will only be permitted where there are special circumstances. Those special circumstances refer to forms of exception to restricting development in the countryside and, amongst other matters, includes where the proposal is for rural workers accommodation. However, the appeal scheme would not accord with any of those special circumstances or exceptions as provided for under Policy 7 of the Local Plan.
9. Notwithstanding the above, it is well established that the appeal scheme must be assessed against the policies of the development plan when taken as a whole. In this instance, the appeal scheme concerns holiday accommodation and therefore requires that the proposal be considered in relation to other sections and policies of the development plan.
10. Policy 5 of the Local Plan is supportive of appropriate tourism development and provides that proposals within the countryside must be of a scale appropriate to its location and to their accessibility by a range of transport modes, and that proposals should provide a well balanced mix of economic, social and environmental benefits. This Policy broadly conforms with the advice in paragraph 84 of the National Planning Policy Framework (the Framework), which says planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. There is, therefore, no objection in principle to a countryside location for new tourist accommodation providing the criteria of Policy 5 of the Local Plan are met.
11. The appeal building is located approximately 2.5km from the nearest settlement which is at Pensilva. It is noted that that settlement provides bus stops with links to larger settlements within the area, in addition to other basic services. However, access to Pensilva from the site is initially via a steep track which is single width and then via narrow, unlit highways which do not benefit from pedestrian footways and which are steeply inclined in places. Consequently, access to the nearest services and facilities would not be particularly safe or convenient for all pedestrians and cyclists, especially during inclement weather and during hours of darkness.
12. Whilst noting that the proposal is for a single unit of holiday accommodation, the appeal scheme would not provide any other suitable, accessible forms of transport which would provide alternatives to the use of a private vehicle. Visitors to the appeal proposal would be therefore likely to be heavily reliant on private motor vehicles in order to access services and facilities that could reasonably be required. In light of the above, the proposal would not be accessible by a range of transport modes.
13. Paragraph 105 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between rural and urban areas. However, given that the number of vehicle movements to and from the site are

likely to be greater in respect of tourist accommodation than that for a residential annexe, the proposal would contribute to a pattern of development that could cause environmental harm as a result of increased car journeys and hence carbon emissions.

14. Furthermore, as described above, access from the highway network to the appeal building is via a steep trackway. That trackway is unlit and single width, and as such, there would likely be increased opportunities for conflict between vehicles and pedestrians or cyclists using that access track. As such, it could be said that the proposal does not provide safe and suitable access for all to the site.
15. For the above reasons, I find that the site would not be suitably located for the appeal proposal, having regard to the Local Plan's approach to the supply of tourism accommodation, with reference to the accessibility of services and facilities and to providing safe and suitable access. The appeal scheme would conflict with the aims of Policies 1, 2, 5 and 27 of the Local Plan and would fail to accord with the provisions of the Framework which, together and amongst other matters, seek to ensure tourism development is sustainably located and that safe and suitable access to the site can be achieved for all users. Furthermore, the proposal would not gain support from Policy 21 of the Local Plan which concerns best use of land.

Living Conditions

16. Policy 12 of the Local Plan confirms that proposals should protect individuals and property from overlooking and unreasonable loss of privacy, as well as from unreasonable noise and disturbance.
17. The appeal building is set on higher ground to that of its immediate neighbour at Midwood View, which is located in close proximity and to the east of the appeal building. It has been put to me that by reason of the likely increase in the intensive use of the building as holiday accommodation, there would be an increased perception of overlooking from an upper floor window at the appeal building, resulting in unacceptable loss of privacy.
18. However, whilst the concerns raised are acknowledged, it was noted on my visit that the relevant upper floor window opening is very small in scale, and is set high up on the eastern elevation of the appeal building. From inside the building, it was not possible to see out of that window by reason of its height above floor level. As such and given the extremely limited scale of that opening and the separation distance between that window and any habitable rooms on the neighbouring dwelling, I do not find that the appeal scheme would result in unacceptable levels of overlooking or loss of privacy.
19. With regards to disturbance from vehicles coming and going from the site, as noted above use of the appeal building as holiday accommodation is likely to result in an increase in vehicle movements to and from the site when compared to the current permitted use of the building as an annexe. However, whilst it is acknowledged that the access driveway passes adjacent to the neighbouring property, the width and character of the access route past the neighbouring dwelling dictates that these movements are at slow speed, so the noise generated by passing vehicles is limited. Furthermore, the vehicle movements to and from the site would be likely to have no more than a momentary impact. I therefore find no harm in that regard.

20. In terms of noise and disturbance arising from the occupation of the appeal building by a series of different people, given the size and level of accommodation on offer at the appeal building, it is unlikely to be occupied by more than two people or perhaps no more than two adults with children. Given that the permitted use of the building allows for a series of family members and non-paying guests to occupy the appeal building, any use of the building for holiday accommodation could be broadly similar.
21. Furthermore, whilst I accept that there may be slightly more use of the external amenity space provided at the site than might be the case in respect of the permitted use, given the small scale of the building and limited amount of external amenity space at the site, the numbers of persons able to socialise outside would be limited.
22. For the above reasons, I am not persuaded that the proposed use of the appeal building for holiday accommodation would result in the contended adverse impacts on the living conditions of residents at the neighbouring property. I do not, therefore, find any conflict with the provisions or aims of Policy 12 of the Local Plan.

Other Matters

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
24. For the reasons given above, whilst I have found no harm in terms of the effect of the proposal on the living conditions of neighbouring residents, I find that the appeal scheme would not be suitably located, having regard to the Local Plan's approach to the supply of tourism accommodation, with reference to the accessibility of services and facilities and to providing safe and suitable access for all users. In that regard, the proposal would conflict with the development plan when taken as a whole. That conflict weighs significantly against the proposal.
25. Against that conflict, I recognise that the scheme would make use of an existing building which would not require any alterations. Furthermore, the proposal would provide economic benefits in terms of the future spend of visitors within businesses located within the wider surrounding area. However, I only attach moderate weight to those benefits, given the scale of accommodation that would be on offer for holidaymakers. I, therefore, conclude that the moderate benefits of the scheme would not outweigh the above identified harm and resulting conflict with the development plan when taken as whole.
26. It is noted that, on the planning application, the Appellant has indicated that the annexe building is redundant. However, it is apparent that the current permitted use of the building allows for the building to be used for purposes ancillary to residential occupation of the host dwelling. If the building was not used for family members or non-paying guests for periods of time, then it would not necessarily have a redundant use.
27. The Appellant has referred me to a number of other planning applications and developments close to the site and within the wider surrounding area. However, I have not been provided with substantive details regarding those

other approved applications or permitted developments. I have therefore determined this appeal based on its merits and on the evidence before me.

28. Interested parties have raised additional concerns on the grounds of security and in respect of rights of access to the site. However, it has not been necessary for me to consider those matters in respect of this decision given my findings in relation to the main issues described above.

Conclusion

29. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR