



Appeal Decisions

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: 14 August 2023

Appeal A Ref: APP/D0840/W/22/3302494

Swallows Reach, St. Veep, Lostwithiel, PL22 0PA

- 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 Ms Monica Watson against the decision of Cornwall Council.
- The application Ref PA21/08646, dated 24 August 2021, was refused by notice dated 24 May 2022.
- The development proposed is the retention of change of use of land to allow siting of shepherds hut for use as holiday accommodation.

Appeal B Ref: APP/D0840/W/22/3302496

Swallows Reach, St. Veep, Lostwithiel, PL22 0PA

- 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 Ms Monica Watson against the decision of Cornwall Council.
- The application Ref PA21/08645, dated 24 August 2021, was refused by notice dated 24 May 2022.
- The development proposed is the construction of extension to existing building to create holiday accommodation.

Appeal C Ref: APP/D0840/W/22/3302498

Swallows Reach, St. Veep, Lostwithiel, PL22 0PA

- 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 Ms Monica Watson against the decision of Cornwall Council.
- The application Ref PA21/08643, dated 24 August 2021, was refused by notice dated 24 May 2022.
- The development proposed is the change of use of existing annex to allow use as self contained holiday accommodation.

Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Appeal C

3. The appeal is dismissed.

Applications for costs

4. An application for costs was made by the Appellant against Cornwall Council in respect of all three appeals. That application is the subject of a separate Decision.

Preliminary Matters

5. As set out in the banner headings above, there are three separate appeals which concern holiday accommodation at this location. The proposed schemes are located in very close proximity to each other, and the matters at dispute are very similar in respect of all three appeals. Therefore, whilst I have determined each of the three separate appeals based on their own individual merits, in the interests of conciseness, I have dealt with all three appeals in the same decision.

Appeal A Background and Main Issue

6. The appeal proposal is for the siting of a shepherd's hut. At my site visit, I was able to see the shepherd's hut at the site. The application has been submitted retrospectively, and consequently I have dealt with the appeal on that basis.
7. The main issue in this appeal is whether the location of the development accords with policies that seek to promote tourism development in locations that minimise a dependency on private vehicle.

Appeal B Background and Main Issue

8. The appeal scheme is for an extension to an existing outbuilding to form holiday accommodation. At the date of my visit, I was able to view a partially constructed extension to an outbuilding that had suffered extensive fire damage. That adjoining outbuilding was granted permission for use as commercial storage space in May 2022.
9. The main issue in this appeal is whether the location of the development accords with policies that seek to promote tourism development in locations that minimise a dependency on private vehicle.

Appeal C Background and Main Issue

10. The proposed development is for the change of use of an existing building to form holiday accommodation. The appeal building is positioned at the eastern end of an outbuilding. That adjoining outbuilding was granted permission for use as commercial storage space in May 2022.
11. Planning history for the site confirms that, in March 2020, permission was granted for the change of use of the appeal building to a studio, subject to a planning condition that restricted occupation of the accommodation to family members or non-paying guests associated with Wyvell Cottage. At the date of my visit, I was able to see that the appeal building had previously suffered from fire damage.
12. The main issue in this appeal is whether the location of the development accords with policies that seek to promote tourism development in locations that minimise a dependency on private vehicle.

Reasons

Appeal A and Appeal B and Appeal C

13. All three of the proposed schemes are located outside of St Veep and within the countryside in terms of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan). Policy 2 of the Local Plan sets out a sustainable approach to

accommodating growth and maintaining the dispersed development pattern of Cornwall and providing jobs in a proportional manner based on the role and function of each place.

14. As noted above, all three appeal proposals are positioned in close proximity to each other. The shepherd's hut, which is the subject of Appeal A, is located to the southwest of the host dwelling. The proposed extension and the existing ancillary accommodation are situated at either end of an existing outbuilding that currently has permitted use as commercial storage. All three of the proposed schemes are situated within the Cornwall Area of Outstanding Natural Beauty.
15. The appeal schemes would all be for holiday accommodation. Nonetheless, it appears from the evidence before me that each of the appeal proposals would, individually and separately, provide to those who used them, the facilities required for day-to-day private domestic existence. They would not lose that characteristic if they were occupied for only part of the year, or at infrequent intervals, or by a series of different persons. Consequently, the proposed accommodation units exhibit the characteristics of dwellinghouses.
16. Policy 3 of the Local Plan defines how housing will be accommodated, based on a hierarchy of role and function. 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. However, none of the three separate appeal schemes would accord with any of those special circumstances or exceptions as provided for under Policy 7 of the Local Plan.
17. Notwithstanding the above, it is well established that planning proposals must be assessed against the policies of the development plan when taken as a whole. In this instance, each of the appeal schemes concern holiday accommodation and therefore requires that the proposals be considered in relation to other sections and policies of the development plan.
18. 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.
19. The appeal sites are located more than a mile outside of Lerryn, being the nearest settlement that provides access to a basic level of services or facilities with a shop, a public house and bus stops with connections to larger settlements within the wider surrounding area.
20. The appeal sites are separated from Lerryn by a generally open landscape. Access to the sites from Lerryn or from other more distant settlements is along

narrow country lanes, steeply inclined in places, and which in common with other rural lanes that cross the area, are unlit and without pedestrian footways.

21. Consequently, access to the nearest services and facilities via the connecting narrow unlit lanes, would not be particularly safe or convenient for all pedestrians and cyclists, especially during inclement weather and during hours of darkness. Furthermore, in my view I find that walking or cycling between Lerryn and the appeal sites would likely be an unattractive option for a significant portion of visitors by reason of the distances involved and the steep nature of the road network.
22. Additionally, I am conscious that Lerryn contains only basic services and facilities such that future visitors of the appeal proposals would be likely to need to travel further afield to access a greater range of services that could reasonably be required. The evidence before me includes details of bus services connections to larger settlements, which confirms that such services are extremely infrequent, being limited to a single service on one day of the week. Nonetheless, as described above, access to the nearest bus services would be via unlit narrow country lanes and, in my view, it is unlikely that most visitors would walk or cycle to the nearest bus stops. I accept that visitors could use vehicles to get to Lerryn before making onward journeys by bus. However, in light of the extremely limited level of bus services, I find it more likely that visitors would remain heavily reliant on use of private motor vehicles for a majority of trips to and from the site.
23. Whilst it is acknowledged that there are public footpaths away from the narrow unlit lanes described above, these paths would be similarly unlit and would not provide suitable alternative access especially for those with reduced mobility.
24. Consequently, while I accept that some private vehicle usage is required for tourists in rural areas, I find that walking or cycling is unlikely to be preferential to the use of private vehicles for most individuals, particularly outside of daylight or during inclement weather. Whilst I acknowledge that the appeal schemes may attract those seeking to explore the public footpaths within the surrounding area, there would be nothing to prevent individuals from driving to and from the appeal site and opportunities to access the site by a range of transport modes would be extremely limited.
25. Whilst noting that each of the proposals are for a single unit of holiday accommodation, the appeal schemes would not provide any other suitable, accessible forms of transport which would provide alternatives to the use of a private vehicle. In light of the above, the proposals would not be accessible by a range of transport modes. For these reasons it is likely that the majority of trips taken by users of the proposed accommodation at the appeal sites, would be made via private vehicle to access services and facilities.
26. The relevant schemes with regards to Appeal A and Appeal B, would result in the creation of new tourism accommodation at their respective sites. Consequently, there would be a greater number of trips taken to and from the sites when compared to the existing position.
27. In respect of the proposal considered under Appeal C, I note the Appellant's contention that use of the building for holiday accommodation would result in less trips to and from the site when compared to the existing permitted use. However, in that regard I have no substantive evidence from the Appellant in

respect of differences in traffic movements associated with the use of the building for holiday accommodation when compared to its current permitted use as ancillary accommodation.

28. With regards to Appeal C, I acknowledge that, on account of the scale of the appeal building, the potential differences in vehicle movements between the respective types of use would unlikely be significant. However, in the absence of evidence to the contrary and given its ancillary use associated with the host dwelling, in my view the potential for private vehicle use associated with holiday accommodation would likely be greater than that associated with ancillary accommodation. In any event, irrespective of whether the appeal proposal would result in additional movement to and from the site when compared to the existing permitted use, for the reasons given above the scheme would not be of a scale appropriate to its accessibility by a range of transport modes and would, therefore, conflict with the provisions of Policy 5 of the Local Plan.
29. In light of the above and in respect of all three appeal schemes, the proposals would be likely to contribute to a pattern of development that could cause environmental harm as a result of increased car journeys and hence carbon emissions. Consequently, individually or cumulatively, all three of the appeal proposals would fail to accord with the environmental dimension of sustainable development.
30. For the above reasons, I conclude that in respect of Appeal A, Appeal B and Appeal C, all three of the appeal proposals would conflict with Policies 2 and 5 of the Local Plan which, amongst other matters, requires that proposals are suitably located with regards to its accessibility by a range of transport modes. Additionally, in respect of Appeal C, whilst the proposal would make use of an existing building, it would fail to accord with Policy 21 of the Local Plan which provides that encouragement will be given to sustainably located schemes. The identified conflict with these policies of the development plan weighs significantly against the proposals.
31. Furthermore, the proposed schemes under Appeal A, Appeal B and Appeal C, would not gain support from the provisions of Policies 3 or 7 of the Local Plan. I acknowledge that paragraph 85 of the Framework recognises that sites to meet local business needs in rural areas may have to be found outside of existing settlements and in areas not well served by public transport. However, whilst acknowledging that in respect of Appeal C there is unlikely to be a significant increase in trips to and from the site when compared to the permitted use, in the absence of demonstration that the proposals would either reduce private vehicle usage on the sites or exploit other opportunities to make the appeal sites' location more sustainable, I find all three of the appeal proposals would fail to accord with the provisions and aims of the Framework with regards supporting a prosperous rural economy.

Other Matters

32. 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.
33. During the appeal, the Appellant submitted information concerning the Town and Country Planning (General Permitted Development)(England)

(Amendment) Order 2023 in respect of permitted development for Class BC – temporary recreational campsites. It has been put to me that the siting of a temporary campsite to replace the proposed shepherd’s hut under Appeal A represents a realistic fallback position. However, it is noted that the abovementioned provision of the Order concerns temporary siting of campsites whereas the proposal would be a permanent structure with potential for use all year round. As such, I attach only limited weight in the determination of this appeal to the potential fallback as described to me by the Appellant.

34. The Appellant has referred me to a number of schemes across the county, for holiday accommodation that has previously been approved by the Council. However, it appears from the evidence before me that the scheme at Trevelyan House was part of an existing tourism business where there were already existing holiday properties at that site. From the brief details provided, it is not possible to discern how many other holiday properties were at that site and therefore whether the holiday accommodation, with or without the proposed expansion to include further accommodation, would be of an appropriate scale to its location and to its accessibility by a range of transport modes. Furthermore, it appears that the proposal in the cited case was supported by other policies of the development plan regarding the reuse of a historic building in the countryside. Such circumstances do not appear to apply in respect of the three proposals that are the subject of these appeals.
35. Furthermore, with regards to the development located close to Stithians as referred to me by the Appellant, I note the distance to the nearest settlement is less when compared to the appeal schemes that are the subject of these appeals, but that officers found that visitors to that scheme would be similarly reliant on private motor vehicles.
36. Notwithstanding that finding, it appears that the nearest settlement to the scheme located close to Stithians provided a greater range of services and facilities when compared to Lerryn described above, and there appears to have been evidence submitted by local residents that the route was attractive and regularly used to access services within the nearby settlement. I have noted the reviews provided by those who have previously used the accommodation that is the subject of these appeals. However, it appears that none of those reviews provides substantive supporting evidence that they made use of the routes into the nearest settlements on foot or by bicycle in order to access local facilities and services.
37. I also acknowledge the details provided with regards to a scheme located outside of Saltash, where the distance to local services appears to be greater than that in respect of the appeal schemes that are the subject of these appeals. It appeared from the initial details provided that the Council’s finding that visitors of the scheme would be reliant on private motor vehicles, did not result in conflict with Policy 5 of Cornwall Local Plan Strategic Policies 2010-2030 by reason of the scale of the development.
38. Nonetheless, whilst being light on reasoning, the Officer’s report in respect of the scheme located outside of Saltash does make reference to policies of an emerging neighbourhood plan that included a policy which concerned ‘Sustainable Tourism’, with the Council’s statement of case advising that the scheme was considered to be part of a farm diversification. The details provided in respect of that cited development located outside of Saltash is

relatively brief with none of the supporting information that accompanied the planning application. As such I cannot be certain that the cited development would be comparable to the proposals that are the subject of these three appeals. In any event I have determined these appeals based on their own merits.

39. Furthermore, whilst it is noted above that permission was recently granted for use of an outbuilding for commercial storage, the appeal proposals before me are for a different use where the same considerations may not apply, and that whilst I note the submissions regarding likely vehicle movements associated with such storage use, I have no substantive evidence before me as to how that would compare to use of the buildings for holiday accommodation. In light of the above, I have determined Appeal A, Appeal B and Appeal C on their own merits.
40. The appeal proposals would provide some economic benefits in terms of support for business and attractions across the area, as well as social benefits in terms of the provision of holiday accommodation. It is also acknowledged that there would be reuse of the building that is the subject of Appeal C. However, having regard to all of the above matters, and given the scale and scope of the proposed development relating to three units of holiday accommodation, I find that the benefits of the appeal schemes would be modest. Such benefits either individually or in combination do not outweigh the above identified harm from the proposal in this location, and the associated development plan conflict to which I attach significant weight. Furthermore, the adverse environmental impacts of the proposals as identified above, would significantly outweigh the individual and cumulative benefits of the schemes when assessed against the policies in the Framework taken as a whole.

Conclusion

Appeal A

41. I have found that the proposal would be contrary to the policies within the Development Plan, and other material considerations are not sufficient to outweigh that conflict. I therefore conclude that Appeal A should be dismissed.

Appeal B

42. I have found that the proposal would be contrary to the policies within the Development Plan, and other material considerations are not sufficient to outweigh that conflict. I therefore conclude that Appeal B should be dismissed.

Appeal C

43. I have found that the proposal would be contrary to the policies within the Development Plan, and other material considerations are not sufficient to outweigh that conflict. I therefore conclude that Appeal C should be dismissed.

Mr A Spencer-Peet

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/D0840/W/22/3302494	Ms Monica Watson
Appeal B	APP/D0840/W/22/3302496	Ms Monica Watson
Appeal C	APP/D0840/W/22/3302498	Ms Monica Watson