



Appeal Decision

Site visit made on 3 October 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2023

Appeal Ref: APP/D0840/W/23/3318435

**Pendragon, Road Along Trye Valley To Newmill, Newmill, Cornwall
TR20 8UU**

- 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 and Mrs G Hughes against the decision of Cornwall Council.
 - The application Ref PA22/06369, dated 11 July 2022, was refused by notice dated 23 September 2022.
 - The development proposed is conversion of existing ancillary building to form a holiday unit.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing ancillary building to form a holiday unit at Pendragon, Road Along Trye Valley To Newmill, Newmill, Cornwall TR20 8UU in accordance with the terms of the application, Ref PA22/06369, dated 11 July 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 049/22/1 – Site & Location Plans; 049/22/2 – Existing Plans and Elevations; 049/22/3 – Proposed Plans and Elevations.
 - 3) The unit 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/operators shall maintain an up-to-date register of the names of all owners/occupiers, and of their main home addresses, and shall submit this information to the local planning authority within 21 days of any request by the local planning authority to view it.

Applications for costs

2. An application for costs was made by Mr and Mrs G Hughes against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Madron Parish Neighbourhood Development Plan 2022 to 2030 (the Neighbourhood Plan) was made in November 2022, after the determination of the application by the Council. The Council's Climate Emergency Development Plan Document (the CEDPD) was adopted in February 2023, so also post-dates determination of the application. The Neighbourhood Plan and the CEDPD are now part of the Development Plan for the area. Both parties have had the opportunity to comment on their change in status in their appeal submissions.

Main Issue

4. The main issue is whether the building is suitable for the proposal, bearing in mind the policies of the development plan and the accessibility of services.

Reasons

5. The appeal relates to a single storey block and render building which, from the evidence, is of relatively recent origin. It is in the curtilage of Pendragon, which is a substantial two-storey house within the limits of the road signs that denote the settlement of Newmill. However, there is a large gap before the next house on the same side of the road to the east. Whilst there is another dwelling on the opposite side of the road midway between the two, this is a somewhat isolated cluster of buildings. The main core of the settlement lies some distance to the south. The appeal building is, therefore, within an essentially rural location.
6. Policy 5 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) is supportive of new, or upgraded, high quality sustainable tourism facilities where they would be of an appropriate scale to their location and to their accessibility by a range of transport modes. There is no requirement for new tourism facilities to be within or adjacent to a settlement, so whether Newmill constitutes a settlement, and, if so, whether the building falls within it, are not determinative of the proposal's compliance with the Policy. The site is some 3½ kilometres from the nearest settlement that contains a school and convenience store. However, the Policy does not require developments to be near settlements containing everyday services and facilities. The requirement is that the scale of the proposal is commensurate with the accessibility of the site.
7. In this regard, the distances, and the nature of the routes to the nearest settlements means that walking and cycling to obtain goods and facilities would not be an attractive option. However, there is a bus service that runs past the site, with a stop about 300 metres away. Whilst there are no footways or lighting on the road, it is reasonably wide, level and straight, and carries little traffic, so is a relatively safe pedestrian route during daylight hours. Furthermore, the evidence indicates that buses can be hailed at the site access. The service links Newmill to Penzance and St Ives, both of which have railway stations and a wide range of services and attractions. Whilst I acknowledge that the bus service is limited, it would, nevertheless, provide an alternative to the private car for some journeys by occupants of the holiday unit.
8. The proposed accommodation would be very restricted in scale, comprising a single kitchen/living/sleeping space and a shower room. It would, therefore, not be suitable for more than two people travelling together, so would not give rise to significant levels of trip generation. Its small scale would, therefore, be commensurate with the limited accessibility of its location, so it would comply with Policy 5 of the Local Plan. I also note that a number of other small-scale proposals for holiday accommodation in the immediate locality have been approved, both by the Council and on appeal, under the same policy regime, with similar levels of accessibility. I am mindful that no evidence of the need for such accommodation has been provided, but that is not a requirement of the Policy, so it does not weigh against the proposal.
9. The Council contends that the proposed accommodation would provide all the necessary facilities for day-to-day living, so would constitute a dwelling in the

countryside. Policy 7 of the Local Plan only permits new homes in the open countryside where there are special circumstances, one of which is the reuse of suitably constructed redundant, disused, or historic buildings that are appropriate for retention, and would lead to an enhancement to the immediate setting. The supporting text to Policy 7 clarifies that the appropriateness of buildings for conversion will depend on their scale and method of construction, structural soundness, and the ability to convert the building without the necessity of substantial demolition or substantial rebuilding operations. No evidence has been provided to demonstrate that the building would be unsuitable in these regards.

10. It is contended that the building has no architectural or historic merit and has a utilitarian form, so there is little merit in its retention. Whilst I saw that the building is not of historic interest, the Policy does not require it to be so, as it refers to redundant, disused, or historic (my emphasis). The recent origin of the building, and its mundane appearance, would not, therefore, make it inappropriate for conversion. However, as the proposal would not involve any external changes to the building or surrounding land, the development could not be said to lead to an enhancement to the immediate setting, as required by the Policy. Consequently, whilst the building would be suitable for conversion, the proposal would not fully comply with Policy 7.
11. Policy BJ1 of the Neighbourhood Plan says the sustainable growth of businesses, including the conversion or reuse of redundant buildings for business or commercial activity, will be supported where it does not cause any unacceptable nuisance or harm to its setting or nearby land users, and does not have a significant negative impact on the amenity and character of the surrounding area. The proposal would not result in any such harm, and the Policy does not require any enhancement of its immediate setting. The proposal would, therefore, comply with Policy BJ1. The Neighbourhood Plan has become part of the development plan more recently than the Local Plan. Therefore, in accordance with Section 38(5) of the Planning and Compulsory Purchase Act 2004 (as amended), I conclude that the approach to the conversion of rural buildings under Policy BJ1, should take precedence over the approach in Policy 7 of the Local Plan.
12. Overall, therefore, the building would be suitable for conversion, and the small scale of the accommodation would be commensurate with its limited accessibility. Consequently, I conclude that the development would comply with Policy 5 of the Local Plan and Policy BJ1 of the Neighbourhood Plan.

Conditions

13. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. A holiday occupancy condition is also reasonable and necessary, to ensure that the unit is not used as a permanent dwelling.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies
INSPECTOR