



Appeal Decision

Site visit made on 24 October 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Appeal Ref: APP/D0840/W/23/3320960

Candle Cottage, Tregeare Road, Tregeare, Egloskerry, Launceston, Cornwall PL15 8RD

- 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 Mrs Zoe Hickman against the decision of Cornwall Council.
 - The application Ref PA22/09886, dated 2 November 2022, was refused by notice dated 2 March 2023.
 - The development proposed is the retention of holiday cabin, shower and toilet facilities, bar and parking for holiday purposes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form confirms that the development commenced before the submission of the application. During my site visit, I observed that, whilst parts of the appeal scheme had been constructed, others had not. Therefore, I have based my assessment of the development as proposed on the submitted plans.
3. Notwithstanding the description of development in the banner head above, which has been taken from the application form, it is clear from the plans and accompanying details that the development also comprises kitchen facilities. The Council has dealt with the scheme on this basis and so shall I.
4. On the decision notice, the Council referred to Policy CL1 of the emerging Climate Emergency Development Plan Document (the DPD). However, the Council's statement confirms that Policy C1 is relevant to the appeal and the appellant has been given the opportunity to comment. Furthermore, the Council have confirmed that the DPD has now been adopted. I have determined the appeal accordingly.

Main Issues

5. The main issues are:
 - whether the site is an appropriate location for the appeal scheme; and
 - the effect of the development on the character and appearance of the area.

Reasons

Location of development

6. Forming part of the property of Candle Cottage, the appeal site is located in open countryside, outside any defined settlement boundary. The site is

accessed via the narrow private drive which serves Candle Cottage. The private drive joins the lane through Tregeare, the nearest settlement¹, which is also narrow, has limited passing points and is devoid of pavements or lighting. The appeal scheme would provide holiday accommodation for up to nine people, including a range of facilities which would provide guests the opportunity to be largely self-sufficient during their stay.

7. Due to its size and lack of facilities, Tregeare forms part of a network of settlements which support a range of community services and facilities. Several public footpaths are located within the surrounding area connecting to these and other settlements. However, whilst these may be attractive routes and regularly used by residents of Tregeare and Badgall, these are unsurfaced and unlit, and combine with narrow rural lanes, limiting their appeal. Furthermore, for a more extensive range of services and facilities required to meet daily needs, visitors would need to travel to Launceston or Camelford, which the appellant indicates are at least a 15-minute drive from the site.
8. A bus stop is located in the centre of Tregeare on a route that links Launceston and Camelford. It is located within walking distance of the site. However, the service on this route is extremely limited, providing a single morning trip towards Launceston and a single return in the afternoon, Monday to Saturday. Whilst more frequent bus services operate further afield, passengers would still need to walk along the narrow lanes or unsurfaced public footpaths within the surrounding area to get to and from these stops. This is unlikely to be preferential to the use of private vehicles by all visitors, particularly during inclement weather or hours of darkness, despite the development appealing to tourists who find walking attractive.
9. Given the infrequent local bus service and the lack of other modes of transport nearby, opportunities to access the site by a range of modes are severely limited, and therefore, the guest's use of public transport is not guaranteed. This would be the case even if the appellant provides a pick-up service to and from local bus stops and train stations. Furthermore, as the development would be able to accommodate more people than can be transported in an average-sized car combined with a parking provision for at least three vehicles, there would be nothing to prevent guests from driving to and from the appeal site. Moreover, with a target audience anticipated by the appellant to be from outside the southwest or abroad, it is unlikely that guests would arrive by public transport.
10. The development would attract tourists seeking the enjoyment of the natural beauty of the environment and guests would be able to access the surrounding network of footpaths and cycle routes to explore the areas of interest nearby. However, it is not guaranteed that all booking guests will do so. Given its location and relationship to public transport, it is, therefore, reasonable to expect that the majority of trips taken by users of the site would be made via private car to access services and facilities as well as surrounding tourist attractions. Furthermore, the National Planning Policy Framework (the Framework) recognises that some private vehicle usage will be required for tourists in rural areas. Whilst many journeys may be short, given the appeal of the wider Cornwall region to tourists, there would be no reason to conclude guests wouldn't travel longer distances to visit these dispersed attractions. The

¹ As identified as such within the Council's Delegated Report for planning application ref: PA17/11950

fact that other tourist developments, including those more centrally located, would be likely to generate the same amount of trips does not justify approving development in locations not appropriate for their scale and accessibility, as required by Policy 5 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan).

11. The Framework places significant weight on the need to support economic growth including a prosperous rural economy by enabling the sustainable growth of all types of businesses in the rural area, including those within well-designed new buildings. Furthermore, paragraph 85 recognises that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements, including in locations not well served by public transport. However, development should be sensitive to its surroundings and exploit opportunities to make a location more sustainable, including by improving access by foot, cycle and public transport. This is reiterated in the recently adopted policies C1 and T1 of the DPD which seek development that maximises the ability to make trips by public transport through supporting a modal hierarchy. Rather than aiming to put a halt to all development in the countryside, the DPD, as a whole, aims to minimise the need to travel.
12. I have found that the existing opportunities for visitors to use alternative modes of transport to get to and from the site, as well as during their stay, would be severely limited. Additionally, should the accommodation be occupied to its capacity, even if booked by one family, and given the level of parking provided, they would be heavily reliant on vehicular transport to visit services, facilities and attractions. The number of trips made by private vehicle may not be significant, however, the appeal scheme provides limited proposals that would improve access by foot or cycle nor maximises the ability to make trips by public transport.
13. The Council refer to the potential for the development to be used as a dwellinghouse and that policies relating to the location of housing are relevant to my decision, even if its use were restricted by a planning condition. The distinctive characteristic of a dwellinghouse is its ability to provide those who use it the facilities required for day-to-day private domestic existence. Theoretically, the development would provide such facilities. However, the location of the kitchen, toilet and shower facilities in separate buildings from the main sleeping and living spaces, and the provision of bed spaces for nine people in two rooms would be unlikely to be suitable for the majority of households. Even if occupied by small households or individuals, the development would not provide the arrangement most people expect from permanent accommodation. Therefore, it is not necessary for me to assess the appeal scheme against Policy 7 of the Local Plan or paragraph 80 of the Framework.
14. I conclude that the site is not an appropriate location for the appeal scheme, contrary to policies 1 and 5 of the Local Plan. These policies, set out that the location, layout, design and use of a proposal will be assessed against the three pillars of sustainable development, including if it would be of an appropriate scale to their location and accessibility by a range of transport modes. I also find conflict with policies C1 and T1 of the DPD which, amongst other provisions, seek to maximise the ability to make trips by public transport by supporting a modal hierarchy whilst also minimising the need to travel.

15. While the Council refer to Policy 3 of the Local Plan on the decision notice, no reference to tourist or holiday accommodation is made in relation to the hierarchy of places where new development should be directed. As such, it is not determinative in this appeal.

Character and appearance

16. The appeal site is located within an Area of Great Landscape Value (AGLV), a locally designated landscape and where, following Policy 23 of the Local Plan, development should maintain the character and distinctive landscape qualities of the area. This is supported by Policy 12 which requires development to ensure Cornwall's enduring distinctiveness, including its natural character, is maintained and enhanced.
17. Located within the Upper Tamara and Ottery Valleys Character Area, the strong rural character that contributes to the area's distinctiveness is reflected in the appeal site and its surroundings. While the site is well contained by strong boundary features along the private access drive and the wooded area around the pond, these frame views of the undulating hills and river valley slopes. The lack of dwellings, except for Candle Cottage, and other buildings nearby creates a tranquil setting to the area.
18. The appeal scheme comprises four wooden structures, all single-storey height but each with a differing form and function. The main bedroom and living spaces would be accommodated within two hexagonal rooms with pitched roofs, linked by a corridor. In contrast to the bespoke bell tent design of this main cabin, the toilet and kitchen blocks would have a more utilitarian, outbuilding aesthetic. Furthermore, the dispersed siting of the structures and associated paraphernalia across the site would result in the incursion of domestic features into the countryside. Despite the modest scale of a single unit of accommodation and the high-quality design of the main cabin, the cumulative impact of the development would be detrimental to the undeveloped nature of the area.
19. Due to the substantial landscape features on and surrounding the site, combined with the topography of the area, the development would not be visible from public roads, footpaths or dwellings other than Candle Cottage. However, this does not mean the dispersed arrangement of structures would not be an incongruous feature that encroaches into the rural setting. Similarly, the fact that the site is not close to a listed building or located within a conservation area does not make the development acceptable.
20. I conclude that the development would unacceptably harm the character and appearance of the area, contrary to policies 2, 12 and 23 of the Local Plan. In combination, these policies seek to maintain and respect the special character of Cornwall, ensuring its local distinctiveness is protected and, where possible, enhanced.

Other Matters

21. Sustainable development, as defined in paragraph 8 of the Framework, includes economic, social and environmental objectives, and is not limited to a development's accessibility. In support of these objectives, the appellant has provided a list of public benefits which would arise from the development.

22. These include the economic and social benefits resulting from the support visitors would provide to local services and facilities and the purchase of local supplies as part of the management of the holiday let. It would also provide financial support to the appellant. However, given the scale of the development, these economic and social benefits would be limited. Similarly, the benefits from the use of local materials and expertise during the remaining construction works together with the ongoing maintenance and management of the development would be small.
23. The accommodation would be available to book year-round and the appellant's market research identified the potential for high occupancy rates. However, despite the presence of numerous facilities which attract tourists to the region located nearby, there is no guarantee that occupiers of the development would visit them and increase tourism 'spending. Even if this were the case and supported by the objectives set out in the Government's Tourism Recovery Plan², any increase would be moderated by the number of guests accommodated.
24. The implementation of ecological enhancements, including the installation of bat and bird boxes, and bug hotels would provide environmental benefits. However, as the development has already commenced, it is unclear if changes, either positive or negative, to the environment and local ecology have resulted from the construction works. The ability of the development to operate 'off-grid' would be a neutral factor, even if it would have a lower environmental footprint than other larger or more intensive forms of visitor accommodation. The installation of an electric car charging point has been offered by the appellant although specific details have not been provided. As not all guests would have access to an electric vehicle, this would not be an environmental benefit applicable to all.
25. Any well-being benefits gained by occupants of the accommodation from the surrounding tranquil nature setting or cultural, experience-led activities would be for paying guests and not available to the public. These are neutral factors in my determination.
26. I have been referred to the potential for the site to be used for camping under the provisions of the GPDO. As this would be temporary, limited to a specified number of days per year, longer periods or a permanent camping use would require additional approval, irrespective of the recent consultation³ on changes to permitted development rights.
27. The lack of harm to ecology and highway safety as a result of the development, including concerning the site access and parking area, are neutral factors in my decision.
28. The appellant has pointed to the omission of Policy 27 of the Local Plan within the decision notice. This policy relates to transport and accessibility, focusing largely on major development. In respect of all development, Policy 27 states that schemes should provide safe and suitable access and not significantly adversely impact the local road network. There is no substantive evidence

² Department for Culture, Media & Sport | Tourism Recovery Plan – Update on Delivery, March 2023

³ Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making consultation, published 28 February 2023

before me to conclude that the development would cause harm in these respects. Consequently, I find no conflict with Policy 27.

29. My attention has also been drawn to several planning applications for tourist accommodation that have recently been approved by the Council. Two of the developments approved related to the conversion⁴ or change of use⁵ of existing buildings, therefore comprise materially different schemes. Given the reliance on the use of private vehicles, the tented camping site and ancillary facilities⁶ approved were limited in scale by the Council via the use of a planning condition. Moreover, as all these decisions predate the adoption of the DPD, they were not determined against its policies, including C1 and T1. Irrespective of any locational similarities between the appeal scheme and these developments, they do not justify the conflict with the development plan I have identified above.

Conclusion

30. The development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, that suggest a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

Juliet Rogers

INSPECTOR

⁴ Council application ref: PA20/06353, approved 24 November 2020

⁵ Council application ref: PA21/03792

⁶ Council application ref: PA22/01232, approved 20 May 2022