



Appeal Decision

Site visit made on 5 December 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2024

Appeal Ref: APP/D0840/W/23/3324234

Goonzoyle Lodge, Bell Lake, Camborne, Cornwall TR14 0JG

- 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 & Mrs J Ford against the decision of Cornwall Council.
 - The application Ref PA22/10996, dated 9 December 2022, was refused by notice dated 16 February 2023.
 - The development is the retention of pod used for holiday use and by members of their family.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I noted on my site visit that the pod has been installed on the site. I have considered the appeal on the basis that planning permission is being sought retrospectively for the installation of the pod.
3. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes. There has been no change to the legal designation and policy status of these areas, but I have replaced reference to the Cornwall AONB with the Cornwall National Landscape in my decision to reflect this change.
4. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the matters relied on by the main parties are unchanged. Therefore, I did not need to consult with the main parties regarding the revised Framework and in determining this appeal, I have had regard to the most recent version.

Main Issues

5. The main issues are:
 - whether the location of the site would be suitable for the tourism development, bearing in mind the policies of the development plan; and
 - the effect of the development on the character and appearance of the area, with particular regard to the landscape and scenic beauty of the Cornwall National Landscape.

Reasons

Location

6. Goonzoyle Lodge is a residential property located in Bell Lake. The property consists of a detached dwelling and a summerhouse that has been constructed on the edge of the field adjoining the garden of the dwelling. The appeal development has been installed next to the summerhouse on the edge of the field. The pod is being used as tourist accommodation and overspill accommodation to the dwelling.
7. Planning permission was granted in February 2017 for the conversion and extension of the summerhouse to a tea room/café/tea garden¹. Since the Council refused the application for the appeal development, a certificate of lawfulness has been granted to formally confirm that the 2017 permission relating to the summerhouse has been commenced².
8. The appellant submits that the appeal site is brownfield commercial land as a result of the 2017 planning permission. However, the extract of the location plan for that permission shows that the red line area is tightly drawn around the summerhouse. The permission was specifically for the change of use of the building and extending of that building, with no mention of the change of use of land around the building. It therefore cannot be reasonably concluded that the use of the appeal site changed as part of the 2017 planning permission. As such, in the absence of evidence to the contrary, the appeal site was undeveloped agricultural land prior to the installation of the pod.
9. Reference has been made by both parties to Policy 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (LP). However, the policy relates to housing development and employment growth, and the preamble to the policy is heavily orientated around the provision of housing. As the proposal is for short term holiday accommodation, akin to glamping, I do not consider Policy 3 to be determinative in my consideration of this appeal.
10. Instead, Policy 5 of the LP is the key planning policy in terms of this appeal because Part 3 of the policy specifically deals with proposals for tourism development. It supports the provision of new, high quality sustainable tourist accommodation where it would be of an appropriate scale to its location and accessible by a range of transport modes.
11. Bell Lake has no services or facilities that a tourist might need to access when on holiday. Camborne is the nearest settlement with such services and facilities. However, it is not easily or safely accessible on foot or bike due to the significant distance and the absence of a pavement and street lighting along a road with fast moving traffic. Furthermore, I have not been provided with any substantive details on a bus service that runs from Bell Lake to Camborne or any other settlement with a sufficient amount of services and facilities. As such, the occupiers of the pod would likely need to rely on the use of private motor vehicles to travel to and from the site.
12. I acknowledge that holiday makers would typically travel from their home to tourist accommodation and back using a private motor vehicle. However, I consider that Policy 5 takes into account that tourists would usually use their

¹ Cornwall Council Application Reference PA16/10842

² Cornwall Council Application Reference PA23/03108

private motor vehicle to travel around the local area as it refers to accessibility by a range of transport modes. What is evident is that, based on the information before me, it has not been demonstrated that there is sufficient accessibility to modes of transport other than the private motor vehicle. As such, it is my judgement that the appeal development is not a sustainable location for tourist accommodation.

13. The Council's reason for refusal also references a conflict with Policy 21 of the LP. Policy 21 encourages the best use of land through sustainably located proposals that comply with certain criteria. My finding is that the development is not sustainably located and therefore there is a conflict with the policy even before considering the criteria set out under the policy. In any event, in terms of the criteria of the policy, as stated above, the appeal site is not previously developed land. It is also not an appropriate situation to increase building density due to the poor access to services and facilities.
14. There are residential properties located in Bell Lake that are let out as tourist accommodation. However, I have not been provided with details on the background to how the decision was taken to allow such a use of those properties, if indeed planning permission was required in the first place. A direct comparison between those properties and the appeal development cannot therefore be made. In any event, I am determining this appeal on its own individual merits.
15. For these reasons, the appeal site is not a suitable location for tourism development when having regard to the development plan. Consequently, the development conflicts with Policies 1 and 2 of the LP, which collectively seek, in part, to achieve a sustainable approach to development. The development also conflicts with Policies 5 and 21 of the LP for the reasons stated above. Additionally, it conflicts with the Framework insofar as it seeks to enable rural tourism and leisure developments that are sustainable.

Character and appearance

16. The site is within the Cornwall National Landscape (CNL). In accordance with Paragraph 182 of the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in protected landscapes.
17. Given that the appeal site was undeveloped agricultural land prior to the installation of the pod, there has been a material change in the character of the site. However, it is a relatively small-scale form of development in comparison with the residential properties near the appeal site. Additionally, the pod is seen in the context of another small building that has planning permission to be used as a tea room/café/tea garden. Its position adjacent to the boundary of Goonzoyle Lodge, together with its small scale and its close visual and physical relationship with existing built form, leads to the development not being visually intrusive or isolated development in the open countryside.
18. For these reasons, the development does not cause harm to the character and appearance of the area or the landscape and scenic beauty of the CNL. Consequently, the development complies with Policies 2, 12 and 23 of the LP, which collectively seek, in part, to sustain local distinctiveness and character and protect and, where possible, enhance Cornwall's natural environment.

19. Additionally, the proposal complies with the Framework insofar as it seeks to recognise the intrinsic character and beauty of the countryside in order for development to contribute to and enhance the natural and local environment. I also find no conflict with the aims and objectives of the Cornwall Area of Outstanding Natural Beauty Management Plan 2022 – 2027.

Planning Balance

20. Whilst the development provides economic benefits through increased trade to local businesses and would provide an additional income for the adjacent café when it commences trading, these are small benefits that are outweighed by the conflict with the development plan, which goes to the principle of the location of facilities.

Conclusion

21. For the above given reasons, the development conflicts with the development plan, when taken as a whole. It also conflicts with the Framework and there are no other material considerations that would indicate that I should take a decision otherwise. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR