



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: 04 March 2024

Appeal Ref: APP/D0840/W/23/3324632

The Old Stables Touring and Camping Site, Gwithian Road, Connor Downs, Hayle TR27 5EA

- 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 Mike Allen against the decision of Cornwall Council.
 - The application Ref PA22/11155, dated 14 December 2022, was refused by notice dated 7 March 2023.
 - The development proposed is the siting of a chalet to provide seasonal site manager accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development description in the banner heading above has been taken from the Council's decision notice as the application form that was submitted did not describe the development, it repeated the site address. The appeal form submitted by the appellant uses the description from the decision notice and therefore neither party would be prejudiced by me using this description.
3. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. An opportunity was provided to the main parties to make further written comment over these changes. This decision is based on the current Framework and has taken account of the further representations made on this.

Main Issue

4. The main issue is whether there is an essential need for the development proposed.

Reasons

Policy Context

5. The Council's reason for refusal references Policies 1 and 7 of the Cornwall Local Plan Strategic Policies 2016 – 2030 (LP). Policy 1 relates to the presumption in favour of sustainable development. Policy 7 sets out the strategy for housing in the open countryside. Part 4 of Policy 7 permits temporary accommodation for workers in the open countryside where it would support an established and viable rural business, and there is an essential need for a presence on the holding that cannot be met by other suitable accommodation.

6. The appeal site is in open countryside and there is only one existing residential dwelling near to the site on an adjacent holding. When having regard to the Court of Appeal decision in *Braintree*¹, the site is an isolated site. Paragraph 84 of the Framework therefore also applies, which states that decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
7. The Planning Practice Guidance advises that considerations that may be relevant to take into account for isolated dwellings could include evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of a land based rural enterprise.
8. The Council has not raised any concerns in relation to the business being established and viable, and there is nothing in the evidence that leads me to a different conclusion on that matter. I shall therefore turn to the main issue, which is whether there is an essential need for the proposed manager's accommodation.

Essential Need

9. The Old Stables Touring and Camping Site has forty pitches, alongside two ready-to-go four person tents, two camping pods and two shepherds' huts. The use of the site as tourist accommodation for touring caravans and tents was allowed at appeal in April 2019².
10. The appellant submits that there is a need to have someone living on site to deal with matters such as, but not exclusively, people arriving late, dealing with anti-social behaviour out of hours, ensuring that people pitch in the correct place, preventing unauthorised people from entering the site and enforcing the speed limit through the site.
11. I have not been provided with sufficient evidence to demonstrate that a search of properties in the local area has taken place to properly assess whether there is suitable accommodation nearby. However, the appellant does make the case that there is no accommodation that would be suitable nearby as it would not address the need to be on site for 24 hours of the day. I acknowledge that the business would be more difficult to monitor from a location away from the site.
12. The appellant therefore presents the case that the only means to deal with the issues that they are facing when there is no staff present in the late evening, early morning or during the night would be to have someone living on site. However, the appellant has not demonstrated that they have sufficiently considered other potential options for preventing issues arising during those times of the day or night. For example, the submitted plans show that there is an existing office building on site. It has not been explained why a member of staff could not be located in this as a 'night shift' to address any issues that may arise outside of the normal opening hours of the business.
13. I have also been provided with limited information on the frequency that issues arise throughout the year and the proportion of those issues that would need to be addressed as a matter of emergency. As such, the appellant has not

¹ *Braintree DC v Secretary of State for Communities And Local Government, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610*

² Appeal reference APP/D0840/W/18/3211626

sufficiently demonstrated that the number and severity of issues that occur every year are significant enough to warrant a permanent presence at the site. Furthermore, the site is not occupied by tourists all year round. There are works that need to be carried out to maintain the site during the closed season, but there is little to show that these works require someone to live on site for 24 hours per day all year round.

14. I have been referred to a planning permission granted by the Council in 2017 for the erection of a one bed chalet to provide seasonal site manager's accommodation near St Levan³. However, other than the officer report for the application, I have been provided with little information on the supporting evidence for that case and therefore I cannot be certain that it is comparable with the appeal proposal before me. In any event, I am judging this appeal on its own individual merits.
15. For these reasons, there is insufficient evidence to demonstrate that there is an essential need for the proposed development in this rural location. As such, the proposed development would conflict with Policies 1 and 7 of the LP, and the Framework, in particular, Paragraph 84.

Other Matters

16. The appellant has drawn my attention to the appeal decision to allow the current use of the site⁴, in particular, the part stating *the Council indicates that the site is close to Connor Downs, local facilities are within walking distance of the site and that the settlement is well connected to Camborne and Hayle*. The site is indeed not far from Connor Downs in terms of distance, but there is no pavement for a considerable distance and the road is unlit. When also taking into account that part of the journey on foot would be along a stretch of road carrying a national speed limit, it would be an unsafe and unattractive prospect to walk to Connor Downs on foot. It is likely that the occupier of the proposed accommodation would rely on the use of a private motor vehicle to access day-to-day services and facilities, particularly as the significantly larger range of services and facilities are located in Camborne and Hayle, which are a significant distance from the site. Based on what I saw on site and the locational context of the site detailed above, the location of the development does not represent a sustainable location for residential accommodation.
17. My attention has also been drawn to the Council's Chief Planning Officer's Advice Note: Providing Homes (2023). The document is clear that it only provides guidance to help reach a decision. The note does not substitute the policies of the adopted development plan and can only be afforded limited weight. Nevertheless, I have had regard to the guidance when determining the appeal as it mentions the provision of live/work units, which has been raised by the appellant.
18. The Advice Note states that *the Council will take a supportive approach to proposals for on-site accommodation for employees as part of a live-work proposal where the employment element accords with Policy 5 of the CLP*. Notwithstanding this advice, the proposed development is for site manager's accommodation and does not constitute a live/work unit. As such, the Advice Note is not directly relevant to my determination of the appeal proposal.

³ Cornwall Council application reference PA17/02924

⁴ Appeal reference APP/D0840/W/18/3211626

19. The proposal would provide accommodation for someone to live on site rather than them occupying housing elsewhere in the local area. This is a potential benefit in terms of keeping one house free for someone else to live in. However, the minimal contribution it would make means that the benefit would be limited and not outweigh the conflict with the development plan.

Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
21. For the reasons given above, the proposed development would conflict with the development plan, when taken as a whole. It would also conflict with the Framework and there are no material considerations to indicate that I should take a decision otherwise than in accordance with the development plan. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR