



Appeal Decision

Site visit made on 30 July 2024

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 15 August 2024

Appeal Ref: APP/D0840/W/23/3330401

Deadmans Cross Caravan, St. Martin, Helston, Cornwall TR12 6DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr L Lugg against the decision of Cornwall Council.
 - The application Ref is PA23/01567.
 - The development proposed is the removal of lawful residential caravan and construction of dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of lawful residential caravan and construction of dwelling at Deadmans Cross Caravan, St Martin, Helston, Cornwall, TR12 6DU in accordance with the terms of the application, Ref PA23/01567, subject to the conditions in the attached schedule.

Preliminary Matters

2. 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.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area having particular regard to the location of the appeal site within the Cornwall National Landscape (the CNL).

Reasons

4. The appeal site comprises land occupied by a residential caravan, outbuildings and other structures, situated outside of any settlement and in an isolated location within the open countryside of the CNL. The site is positioned adjacent to a junction on a rural lane and is predominantly enclosed by hedgerow. The appeal site is accessed through a large field gate located at the western end of the site. The appeal scheme seeks to replace the residential caravan with a single storey detached dwelling.
5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

6. Policy 7 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) concerns housing in the countryside. That Policy restricts new housing to certain categories, one of which is “*replacement dwellings broadly comparable to the size, scale and bulk of the dwelling being replaced and of an appropriate scale and character to their location*”. This is reflected in Policy PD-P3 of the Cornwall AONB Management Plan 2022 – 2027, which contains similar requirements.
7. My attention has also been drawn to the Chief Planning Officer’s Advice Note: Barn Conversions/ Replacement Dwelling in the countryside (February 2023) (The BCCPOAN) which, whilst being informal guidance, provides clarity on the approach to be adopted in relation to, amongst other things, replacement dwellings within the countryside.
8. There is no doubt that the proposed replacement dwelling would be substantially larger in terms of scale, mass and height, and would occupy a significantly greater footprint than that exhibited by the existing caravan. The evidence before me indicates that the proposed replacement dwelling would measure 23.1 metres by 7.6 metres, with a height of 4.4 metres and a footprint of 175.5 square metres.
9. As such, the proposed replacement dwelling would not be broadly comparable to the size, scale and bulk of the existing residential unit at the site, and would therefore conflict with Policy 7 of the Local Plan. I shall now turn to consider whether the proposal would be of an appropriate scale and character to the location. In that respect I have again had regard to the guidance provided within the BCCPOAN.
10. As noted above, the appeal site is in an isolated location within the open countryside of the CNL. As I observed on my site visit, the existing residential caravan is visible in places from the adjacent highways that surround the site, and would be highly visible from within the agricultural field that adjoins the appeal site to the south. The residential caravan and scatter of outbuildings and other structures at the site are, in my view, incongruous and harmful features within the open countryside. The replacement dwelling would not be broadly comparable to the size, scale and bulk of the existing residential caravan and would appear more prominent in views from within the surrounding area.
11. In terms of the effect of the proposal on the character and appearance of the area, paragraph 182 of the Framework requires that great weight is given to conserving and enhancing the landscape and scenic beauty within the CNL. Policy 23 of the Local Plan sets out that development proposals will need to sustain local distinctiveness and character, with a particular emphasis on the great weight to be given to conserving the landscape and scenic beauty of the CNL and that proposals should be appropriately located to address the CNL’s sensitivity and capacity as informed by the Cornwall AONB Management Plan.
12. The appeal site is located within Cornwall Character Area CCA12 North East Lizard Peninsula. The Cornwall Character Area Description sets out the key characteristics of the area, and provides that it is a high plateau landscape incised by small valleys with a maritime influence, with a scattered settlement pattern, and that buildings are lime rendered granite or cob with slate or thatched roofs. It is an attractive tranquil strongly rural landscape and that dark skies are experienced throughout this character area.

13. The proposed replacement dwelling would be finished with stone work to the external walls together with stone lintels, and with a limited area of vertical timber cladding on the northeast elevation. The proposal would include a sloping slate roof with solar panels. Nonetheless, the appeal scheme would appear as a significant building mass at the site when compared to the existing position and would appear as a more prominent feature in this sensitive landscape location. Furthermore, glare and light spill from the large window openings that are proposed to be included on the northeast and southwest elevations of the replacement dwelling, would increase the prominence of the proposed dwelling within the landscape and would be harmful to the tranquil nature of the area and to the dark skies of the CNL.
14. For these reasons, I conclude that the appeal scheme would not be in an appropriate location, having particular regard to the development plan policies and would not be of an appropriate scale and character to its location. The proposal would result in harm to the character and appearance of the area, and would not further the purpose of conserving the landscape and scenic beauty of the CNL. Consequently, the scheme would conflict with Policies 2, 7, 12 and 23 of the Local Plan and would fail to accord with the aims and objectives of the Cornwall AONB Management Plan, the Cornwall Design Guide (2021) and the Climate Emergency Development Plan Document. The appeal scheme would also fail to accord with those parts of the Framework that concern conserving and enhancing the natural environment and achieving well designed places.
15. Notwithstanding the above, it is noted that a certificate of lawfulness was granted in November 2005 for the siting of a caravan for residential use at the site. In that respect, the Appellant has put it to me that a residential caravan up to the maximum defined dimensions¹ could be placed within the site. It is maintained that the potential siting of a significantly larger residential caravan on higher ground within the appeal site, represents a genuine fallback opportunity in the event that the proposed replacement dwelling is not granted approval.
16. I acknowledge the Council's contention that in order to position a significantly larger caravan within the appeal site it is likely that engineering operations to remove or level the ground would be necessary. However, from the submissions and information before me it does appear that there would be sufficient space within the site for the lawful siting of a caravan of significantly greater proportions than that which is currently located at the site. In my view there is a greater than theoretical possibility that the fallback position would be implemented in the event that this appeal was dismissed. As such, I consider that the siting of a residential caravan up to the permitted maximum defined dimensions, represents a realistic fallback position to which I attach significant weight in the determination of this appeal.
17. In that respect, the replacement dwelling would be broadly comparable to the size, scale and bulk of the residential caravan that could lawfully be positioned within the site and would not appear more prominent in views from within the surrounding area, than the fallback position described above.

¹ "Length (exclusive of any drawbar): 20m; Width: 6.8m; Overall height (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05m as set out in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968."

18. By reason of the proposed use of appropriate materials, and given that the proposed replacement dwelling would somewhat reflect the character of many vernacular buildings that are found across Cornwall and that additional landscaping could be secured by condition, I find that the proposed replacement dwelling would represent a betterment when compared to an incongruous and jarring residential caravan that could lawfully be positioned within the site.
19. Furthermore, a residential caravan which could lawfully be positioned within the site would equally have numerous window openings that would result in harm to the CNL through glare and light spill. In that regard, a planning condition could be imposed in respect of the appeal scheme requiring that lighting is installed and maintained in a manner which will minimise light pollution. For these reasons, I judge that the above described fallback position would have a significantly greater impact on the landscape and scenic beauty of the surrounding area than the proposed replacement dwelling.
20. I therefore find that material considerations exist which indicate the decision should be made other than in accordance with the policies of the development plan. In that regard, material considerations support the principle of appeal scheme at this location. Accordingly, the appeal should be allowed.

Conditions

21. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. Where necessary, and in the interests of clarity and precision, I have altered the wording of the conditions suggested by the Council in order to better reflect the relevant guidance.
22. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord.
23. In light of matters described above in respect of light spill and glare, it is reasonable to include a condition relating to the approval of a scheme of lighting. Pre-commencement conditions that require details of the proposed use of external materials and landscaping be provided to and agreed by the Council, are also reasonable to ensure that the scheme does not adversely affect the character and appearance of the area. The wording of the pre-commencement conditions have been agreed by the Appellant.

Conclusion

24. For the reasons given above the appeal should be allowed.

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby approved shall in all respects accord strictly with drawing numbers: Site Location Plan 001, Proposed 003 and Proposed 004 received by the Local Planning Authority on 19 July 2023.
3. No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall provide planting plans with written specifications including:
 - Details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development.
 - Full schedule of plants.
 - Details of the mix, size, distribution and density of all trees/shrubs/hedges.
 - Cultivation proposals for the maintenance and management of the soft landscaping.

The protection measures proposed shall be completed in accordance with the approved scheme before the development hereby permitted commences and shall thereafter be retained until it is completed. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted.

4. No development shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
5. Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the Local Planning Authority. Any such external lighting as approved shall be installed in accordance with the approved drawings and such directional hoods shall be

retained permanently. It should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.