
Appeal Decision

Site visit made on 3 September 2024 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2024

Appeal Ref: APP/D0840/W/24/3339831

Trekennick House, Road From Junction North Of Hurden To Junction North East Of Penhallow Manor Hotel, Altarnun, Launceston, Cornwall PL15 7SL

- 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 Steve Walker against the decision of Cornwall Council.
 - The application Ref is PA23/04040.
 - The development proposed is described as conversion of existing barn into holiday let.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. Areas of Outstanding Natural Beauty (AONB) are now known as National Landscapes. This change in terminology has not affected the reasons for their designation or the fundamental aspects of their special qualities. I have accordingly referred to the Cornwall and Tamar Valley AONB as the Cornwall and Tamar Valley National Landscape (CTVNL) in my recommendation.

Main Issues

4. The main issues are a) the principle of the proposed development with specific regard to its location and; b) its effect on the character and appearance of the area with particular regard to the CTVNL.

Reasons for the Recommendation

Principle of Development

5. The appeal building is located in the open countryside adjacent to Trekennick House, outside the settlement of Altarnun. The highway leading to the site is a narrow, unlit, single width carriageway with hedge and earth/stone banks to the sides. This is typical of the surrounding rural area. The Cornwall Local Plan Strategic Policies 2010-2030 (the LP) resists development in the open countryside. Preferring to direct it, hierarchically, to within settlements and thus sustainably related to services on which future occupiers would rely day to day. This strategic approach to the spread of new development in the plan area is established by Policies 2 and 3 of the LP. There are some exceptions.

6. Section 3 of Policy 5 of the LP sets out that proposals for new tourism facilities should be of an appropriate scale to their location and to their accessibility by a range of transport modes. I agree with my colleague in respect of appeal reference APP/D0840/W/17/3189025 in that, notwithstanding the Council's assessment, the matter of accessibility for Policy 5's purposes is in the context of the proposed development's scale rather than that it should, as a point of absolute, be accessible by a range of transport modes.
7. The appeal scheme is for one holiday let in a rural location. Thus, obviously small in scale. Given the location and the nature of the highway access, it would be highly likely that future users would be mostly reliant on the private motor vehicle. That is not to say the location would not preclude travel through walking or cycling entirely. There is a bus stop and public rights of way in the area and the local highway network could, at a stretch, be cycled. Unattractive though these options may be for those less abled. That said, and for the scale of the scheme, this level of accessibility would be acceptable. As such, Policy 5 would be satisfied.
8. However, the Climate Emergency Development Plan 2023 (CEP) Policy C1(6) reinforces the efficacy of the consideration of different modes of transport and active travel. It requires development to maximise the ability to make trips by public transport, sustainable and active modes of transport in all (my emphases) developments through careful design and mix of uses that actively support walking and cycling rather than car use for day-to-day living. Given that the proposal would be predominantly, if not wholly, reliant on the private motor vehicle it would not be possible for this proposal to comply with the specific requirements of this Policy.
9. Policy 7 of the LP sets out that new dwellings in the countryside will be restricted to, amongst other things, suitably constructed redundant, disused buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting. The appeal building appears and is evidently robust. The structural survey sets out that it could perform well for conversion. The evidence suggests that the building has existed for some time, but it is not historic. It is clearly modern, utilitarian in its appearance and not of any great significance in architectural terms. It would be difficult therefore to reconcile an argument to suggest the building is appropriate to retain. At the time of my site visit the building was being used as a workshop/store and therefore I cannot consider it as disused. Likewise, its use does not strike me as being superfluous and therefore it is not redundant. Consequently, the proposal would not comply with Policy 7.

Character and Appearance

10. On my site visit I noted that the appeal building is a well-used workshop, with the type of tools and stores used daily on a large countryside property. It was clearly in use as part of the domestic arrangement and had an existing secluded garden area with hammock. The site has a significant level of existing domestic paraphernalia through its existing use and its use as a holiday unit would likely lead to a reduction of both its use and the associated paraphernalia. Consequently, the proposal would enhance the immediate setting. Given the scale of the building, its setting and what is envisaged by the appeal scheme to be a relatively secluded curtilage, I am satisfied that the physical works would not extend to harm to the special qualities of the CTVNL and, as a consequence, ensure that its natural beauty and landscape character

would be conserved. As such, and in regard to this main issue, the appeal scheme would comply with Policy 23 of the LP and the aims of the Cornwall Area of Outstanding Natural Beauty Management Plan 2022-2027. Together, and amongst other things, these seek to ensure that development does not unduly harm, conserve and enhance the natural beauty of the designated area.

Other Matters

11. The Council granted planning permission for a scheme close by to the appeal site, reference PA22/09608. I have seen an elevational plan, the details of its location and was able to see the development from the road as part of my site visit. There are some similarities with the appeal scheme. That said, I have not been provided with the evidence that sets out the main issues and reasoning of the decision to grant planning permission. Moreover, it appeared to be part of a wider stone clad farmstead and as such, and in the absence of anything sufficiently compelling to the contrary, it is possible it had some historic merit. Regardless, each application must be determined on its own merits. This scheme does not therefore change my findings.
12. There would likely be some benefit to the rural economy by the patronage of services by guests of the proposal and also an element of work created for the conversion of the building. However, these would be tempered by the scale of the scheme and would not, as a consequence, be sufficient to outweigh the harms I have found.
13. In the case of *R. (on the application of Corbett) v Cornwall Council* [2020] EWCA 508 it was held by the Court of Appeal that a breach of a particular development plan policy does not necessarily equate to a failure to accord with the development plan as a whole. In that case the planning officer did not advise the committee that holiday accommodation could never be regarded as "housing" falling within the ambit of Policy 7 of the LP. Rather, their advice was based on the assumption that a condition would be imposed on the permission, restricting the accommodation to holiday use. On that basis, it was held that the committee was entitled to regard the proposed development as relating to the kind of tourist accommodation that was supported by Policy 5 of the LP but was beyond the reach of Policy 7. In this appeal the appellant has suggested a condition limiting the use of the proposal solely to holiday let. Even if this did take the scheme away from Policy 7; conflict with the CEP would remain.

Conclusion and Recommendation

14. It is a matter of judgement as to whether conflict with some policies of the development plan and compliance with others would result in conflict overall. Firstly, there are no sufficiently weighty material considerations to deviate from a decision in accordance with the development plan. The harm I have found would arise from the principle of the proposed development with specific regard to where it would be, and this is a fundamental aspect of the plan led system. With that in mind, I would ascribe significant weight to the harm and subsequent development plan conflict, to the point that I am not convinced to find otherwise. Specifically, Policies 1, 2, 3 and 7 of the LP and Policy C1 of the CEP. The aims of which I have set out above, aside from Policy 1 which requires, amongst other things, for planning permission to be granted where given schemes accord with the development plan. I therefore recommend the appeal is dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I am aware that the appeal site lies within and/or close to areas of interest that bring with them obligations for a decision maker under the habitat regulations. Since the appeal is being dismissed however, I have not investigated this matter further. With this and the above in mind, and having considered all the submitted evidence and my representative's report, the appeal is dismissed.

John Morrison

INSPECTOR