



Appeal Decision

Site visit made on 17 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: 16 October 2024

Appeal Ref: APP/D0840/W/24/3340159

The Fish Farm, The Green Lane, St Erth, Cornwall TR27 6HS

- 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 & Mrs Smart against the decision of Cornwall Council.
 - The application Ref is PA23/09217.
 - The development proposed is described as 'retention of annex to be used as ancillary accommodation/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.

Main Issues

3. 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.

Reasons for the Recommendation

Principle of Development

4. The appeal scheme relates to a building which is currently in use, lawfully, as a residential annexe that is occupied in association with the host dwelling. The proposals relate to effectively changing its use to a dwelling in its own right, albeit one that would be controlled, by conditions as it is proposed, to be occupied as a holiday let.
5. The Cornwall Local Plan Strategic Policies 2010-2030 (the LP) resists development in the open countryside which is where the appeal site is located in development plan terms. It prefers to direct it, hierarchically, to within settlements and thus where services on which future occupiers would rely day to day could be accessed by sustainable means. This strategic approach to the spread of new development in the plan area is established by Policies 1, 2 and 3 of the LP. There are some exceptions.
6. 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. For Policy 5's purposes, and notwithstanding the Council's

assessment, the matter of accessibility is in the context of the proposed development's scale, rather than that it should specifically be accessible by a range of transport modes.

7. The appeal scheme is for one holiday let and as such would be small in scale. The immediate locale is patently rural, and the appeal site is noticeably disconnected from a settlement. Given the location and the nature of the unlit highway access with no pedestrian footway, it would be highly likely that most future users would access it by use of the private car. This also goes for services and alternative transport options further afield. This is the least sustainable travel option. That is not to say the location would not preclude active travel through walking or cycling entirely. There is a train station, a bus stop and public rights of way locally but a good walk away via uneven and unlit routes without segregated footways. The highway network could be cycled but the same constraints apply. They would also be unattractive options for those less abled or people travelling with young children, in inclement weather or in hours of darkness. That said, and for the scale of the scheme, which is what Policy 5 considers, this could be argued to represent a range and, as such, the proposed development could comply with Policy 5.
8. However, Policy C1 of the Climate Emergency Development Plan Document 2023 (CEDPD) sets out the plan's climate change principles and objectives. One being to maximise the ability to make trips by public transport, sustainable and active modes of transport in all (my emphasis) developments through careful design and mix of uses that actively support walking and cycling rather than car use for day-to-day living. This appears to be the Council's most up to date position on the matter.
9. Given that the proposal would be predominantly, if not wholly, reliant on the private car for the reasons I have set out it would not, given specifically the practicalities associated with other modes of transport for access, really be capable of maximising the ability to make trips or actively support travel by more sustainable means. The scheme would thus conflict with Policy C1 of the CEDPD. The aims of which I have set out.

Character and Appearance

10. The highway leading to the appeal site is a narrow, uneven and single width track with mature vegetation to the sides. There are three traditional residential cottages close by and a number of shepherd's huts adjacent. The appeal site is part of Fish Farm, sharing a driveway and garden area, which is very rural in its location and character.
11. On my site visit I noted that there appears to be no separation of the garden or parking areas. Whilst the current use as an annexe is associated with the dwelling house and supports such lack of separation, the use as a holiday let would likely lead to an increase of the parking of vehicles and domestic residential paraphernalia associated with an independent residential use, where the private garden space is likely to be subdivided. That said, I do not feel it would vary greatly in terms of activity and related paraphernalia. In use and occupation terms, the holiday let would not operate noticeably different in character terms to an annexe. People would still live there. The existing dwelling and the land around it is associated with human activity and the site as a whole is relatively secluded.

12. With this in mind, I do not feel that the appeal scheme would give rise to harm to the character and appearance of the area. It would thus, in regard to this main issue, comply with Policies 12 and 23 of the LP and Policy ED9 of the St Erth Neighbourhood Plan 2018. Together, and amongst other things, these policies seek to ensure that Cornwall's enduring distinctiveness is maintained, local character is protected, and tourism development specifically does not have a harmful effect on the natural or built environment.

Other Matters

13. Appeal reference APP/D0840/W/20/3262901 granted planning permission for a development of accessible tourist accommodation in Ashton in 2021 which was deemed acceptable under Policy 5. As indeed would the appeal scheme. That said, this development was considered before the adoption of the CEDPD. It also seems it was accessible by other more sustainable transport options more readily than the appeal site and a minibus service was offered. I do not therefore feel it has sufficient bearing on the outcome of the scheme before me and I would apportion it limited weight. APP/D0840/W/23/3318435 was allowed on appeal in 2023, post adoption of the CEDPD but I note that the appeal site in that case was close to a stop and on a bus route and thus had much better linkages than the appeal site here. This decision does not lead me to recommend this appeal be allowed and I thus would give it limited weight.
14. It is suggested that the proposal would align with 'The Value of Tourism Report' with regard to the benefits to Cornwall and to the former District Council. However, this document does not appear in the evidence and therefore I cannot consider its merits. No doubt the appeal scheme would provide new tourist accommodation which would be beneficial economically, but its scale would be very limited in the grand scheme. In light of the principle harm I have found, this matter would attract limited weight.

Conclusion and Recommendation

15. The building subject to the appeal is previously developed so there would be some compliance with Policy 21 of the LP in that it would relate to the best use of buildings. There would also be compliance with Policy 5 insofar as the scale of the scheme is concerned. Compliance with the policies relating to the character and appearance of the area are as a result of a lack of harm which would be neutral.
16. I have found conflict with the CEDPD. This relates to the principle of the proposed development and is thus fundamental to its planning merits. It is also in reference to the Council's most up to date position on such matters and thus I ascribe the harm significant weight. This follows the Council's strategic policies which resist new development, generally, in the open countryside as I have referred to them above. Such that the areas of compliance would not be sufficient to make the appeal scheme acceptable. I therefore recommend the appeal be dismissed, given there are no other material considerations worthy of sufficient weight to indicate a decision other than in accordance with the development plan.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR