



Appeal Decision

Hearing held on 25 September 2024

Site visit made on 25 September 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2024

Appeal Ref: APP/D0840/W/23/3326019

Tudor Lodges, the B3254 at Lime Kiln, Morval, Cornwall PL13 1PR

- 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 and Mrs Tudor against the decision of Cornwall Council.
 - The application Ref is PA22/04688.
 - The development proposed is change of use of 7 holiday lodges to market dwellings, and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site as edged red on the submitted drawings, incorporates 7 holiday lodges and a manager's dwelling. At the hearing, the main parties agreed that notwithstanding the inclusion of the manager's dwelling within the appeal site, the application and appeal before me only relate to the proposed change of use of the 7 holiday lodges. I have determined the appeal on this basis.
3. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

4. Whilst the Council refused the planning application for a single reason, this raises the following main issues:
 - i) Whether the appeal site is in a suitable location for housing.
 - ii) The effect of the proposal on the local tourism economy.
 - iii) The effect of the proposal on an Area of Great Landscape Value, and
 - iv) Whether the proposal makes appropriate provision towards affordable housing.

Background

5. Planning consent was initially obtained for the construction of 6 holiday lodges at the appeal site in 2004. Subsequently, an additional unit was granted consent as manager's accommodation. Under a separate application this was then varied from manager's accommodation for use as a holiday lodge.

6. The 7 holiday lodges benefit from consent permitting them to be let for a full 12 months per year. The appeal site operates as 'Tudor Lodges.'
7. The appellants' have obtained further planning consent. This includes the current managers dwelling and 3 additional holiday lodges. The manager's dwelling was completed in 2016 and is occupied by one of the appellants.

Reasons

Suitable location for housing

8. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies (2010-2030) ('CLP'). This sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing jobs in a proportional manner based on the role and function of each place.
9. Policy 3 of the CLP sets out the strategy for the delivery of housing across Cornwall and growth is centred on the named, larger settlements within the county. However, the supporting text to this Policy says that settlements that are not named within Policy 3 of the CLP can help meet housing requirement by amongst other things development of previously developed land ('PDL') within or immediately adjoining the settlement of a scale appropriate to its size and role.
10. The Council have also referred me to Chief Planning Officer's Advice Notes – Infill/Rounding Off (December 2017) and Lifting Holiday Occupancy Conditions (December 2017). The former provides some guidance on what would constitute a settlement and previously developed land. The other, as per its title provides guidance in relation to the removal of holiday occupancy conditions. Whilst being informal guidance, these provide clarity on the approach to be adopted in relation to such matters, and as such I have had regard to these as far as these are relevant to the proposal.
11. In accordance with the Morval Neighbourhood Development Plan (formally made on the 24 November 2022) ('NDP') Morval is a civil parish and within its boundaries are the village of Widegates and several hamlets including Morval. It enjoys a rural setting with the majority of the Parish classified as an Area of Great Landscape Value and is part of the Liskeard and Looe Community Network Area (CNA).
12. The appeal site is within the parish of Morval, there are a number of dwellings within its vicinity as well as a pub (currently trading as a motel) and a modern community church. These buildings comprise a well-defined group of built development which broadly line and are accessed off a main road ('the A387'). Also, historically this area was known as 'Gellies.' At the hearing, the Council's representative confirmed that this area comprises a 'small hamlet.'
13. Drawing on the above reasons and because the appeal site accommodates 7 holiday lodges and the managers dwelling, despite its rural setting, this forms part of a settlement.
14. Accordingly, Policy 3 of the CLP applies to this proposal. Although the appeal site may not have comprised PDL when the initial holiday lodges were approved, at present this is clearly a developed site and there is nothing in the evidence before me to suggest that this does not constitute PDL as defined in the Framework.

15. The existing holiday lodges already contribute to the scale of the settlement and the holiday use associated with these supports its role. Because the proposal is for a change of use, there would be no alteration to the overall scale and quantum of development at the appeal site, and the use of the holiday accommodation as market dwellings would continue to support the settlement and area. Therefore, I consider the extent of the development to be appropriate to the size and role of this settlement.
16. As already stated, the settlement which the appeal site is located within includes a motel and church. There is also a bus route which passes near the site and although there is no physical bus stop nearby, buses stop near the access to the appeal site. This bus service travels between Polperro and Liskeard and includes a stop at a local train station. I was also given details of this service at the hearing, which mainly operates during the day and is relatively infrequent. Nevertheless, this would still allow access to some shops, services and facilities.
17. The appellant has referred me to other facilities in the area. However, there are no footpaths or street lighting for the majority of the walking routes to these facilities but some maybe accessible by cycling.
18. I acknowledge that future residents of the appeal scheme would need to leave the settlement in order to access work, education beyond primary school and many other routine health and retail facilities that are only available in larger settlements. As such, this would require the use of private cars. I am also mindful that because the appeal site is used for holiday accommodation with limited on-site facilities, it is likely that visitors are already undertaking considerable journeys by private cars. Accordingly, I am not persuaded that the proposal would undermine the Council's aims to minimise greenhouse gas emissions.
19. Furthermore, the location of the appeal site, because of the existing bus service does offer a sustainable travel option. Also, the Framework advises that opportunities to maximise sustainable transport solutions will vary between areas.
20. For the above reasons, the appeal site is in a suitable location for housing and accords with the aims of Policies 2 and 3 of the CLP.
21. The Council's reason for refusal refers to a number of other policies. Policy 7 of the CLP concerns housing in the countryside. The supporting text to this Policy defines open countryside as being the area outside of the physical boundaries of an existing settlement. Because the appeal site is located within a settlement, the provisions of Policy 7 of the CLP do not apply in this case.
22. Policy 6 of the NDP relates to the construction of small-scale infilling and rounding off housing development. This Policy is also not relevant to the proposal, which is for a change of use.
23. The proposal is not predicated as a rural exception site. Accordingly, Policy 9 of the CLP and Policy 7 of the NDP, which specifically relate to rural exception schemes are not applicable.

Local tourism economy

24. The original and subsequent developments were only approved in the location of the appeal site because these provide specialist holiday accommodation. Indeed, on the available evidence and my visit, Tudor Lodges provides holiday

- accommodation which is designed for those with disabilities. Therefore, the proposal would result in the loss of this specialist holiday accommodation.
25. Based on the appellants' submissions, Tudor Lodges has been struggling financially for a number of years and trading with limited operating profits.
26. The appellants have also provided evidence to show that Tudor Lodges has been offered for sale for in excess of 9 months. The marketing price was based on a number of valuations and subsequently the asking price was reduced. Even so, there have been no viewings, and no offers. As such, the appellants assert that Tudor Lodges is not only unviable as a business but it is also unviable to sell.
27. The Council considers that the business was marketed at an excessive value. However, I have no substantive evidence to support this. Irrespective, and although the main parties agreed at the hearing that the Council uses viability information in the assessment of these types of proposals, there is no policy requirement for this. Accordingly, I afford this moderate weight.
28. The decline in occupancy suggests that despite Tudor Lodges providing specialised accommodation, demand for this is falling. This may be due to similar but newer accommodation with better facilities located closer to other larger nearby settlements being available, as suggested by the appellant. Indeed, I have not been provided with any clear evidence that suggests that there is demand for the specific type of accommodation available at Tudor Lodges.
29. Nevertheless, the proposal would impact an existing tourist facility. However, this is a relatively small facility (7 units) and because its occupancy has been in decline, this is likely to have resulted in reductions in visitor spend. On the other hand, the proposal would bring new residents to the area who are also likely to support the local economy.
30. Drawing on the above reasons, I am not persuaded that the loss of the holiday accommodation at Tudor Lodges, would unacceptably undermine the local tourism economy.
31. Moreover, whilst Policy 5 (3) of the CLP supports the development of new or upgrading of existing tourism facilities through the enhancement of existing or provision of new, high quality sustainable tourism facilities, including accommodation, this Policy does not exclude the conversion or loss of such facilities. As such, I find no conflict with Policy 5 (3) of the CLP.

Area of Great Landscape Value.

32. To facilitate the proposal some boundary treatments and the creation of parking areas would be necessary. The details for these and any new planting could be secured by conditions if the appeal succeeds. Furthermore, because the areas where such alterations are necessary, would be largely screened from public vantage points, these would not unduly harm the appearance of the site which forms part of an Area of Great Landscape Value.
33. As such, I find no conflict with the aims of Policy 23 of the CLP, which requires developments to be of an appropriate scale which sustains, protects and enhances the landscape character according to their international, national and local significance.

Affordable housing

34. Policy 8 of the CLP requires that In Designated Rural Areas and Areas of Outstanding Natural Beauty, the threshold will be more than 5 dwellings. For developments of between 6 and 10 dwellings in such areas a financial contribution in lieu of on-site provision of affordable housing is sought, per unit of affordable housing that would have been provided.
35. The main parties agreed that the appeal site forms part of a Designated Rural Area and therefore Policy 8 of the CLP applies and that a financial affordable housing contribution is required and necessary.
36. Nevertheless, the appellant disputes the amount of the financial affordable housing contribution requested by the Council. Irrespective of this and although I do not dispute the appellants' intention to provide an agreed affordable housing financial contribution, at the time of the hearing this had not been agreed and secured. Therefore, the proposal fails to make appropriate provision for affordable housing and conflicts with Policy 8 of the CLP. Accordingly, I also find conflict with Policy 1 of the CLP, which supports developments that accord with the development plan.

Other Matters

37. The Council has referred me to two appeal decisions. Both these proposals relate to sites in countryside locations and therefore the context for these sites is different to the scheme before me. Accordingly, these are afforded limited weight.
38. Whilst the Council may be able to demonstrate a 5-year housing land supply, which support its assertions that the areas housing needs have been met in sequentially preferable and more sustainable locations, housing requirements are set as minima and the development would still deliver 7 additional dwellings.

Conclusion

39. I have found that the appeal site is in a suitable location for housing and would not unacceptably harm the tourism economy or an Area of Great Landscape Value. On the other hand, the proposal fails to make any contribution towards affordable housing. For this reason and conflict with the development plan, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Michael Tudor	Appellant
Molly Tudor	Appellant
Andrew Wilks	Agent

FOR THE LOCAL PLANNING AUTHORITY

Jim Lee	Appeals Officer
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