



Appeal Decision

Site visit made on 14 January 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/D0840/W/24/3348225

The Cornish Vineyard Ltd, land south of Treloggas, Old Kea, Truro, Cornwall, TR3 6AX

- 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 C Gaisford (The Cornish Vineyard Ltd) against the decision of Cornwall Council.
 - The application Ref is PA23/08660.
 - The development proposed is 2 carbon neutral holiday lodges and associated works set within the existing vineyard.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (NPPF) came into force on 12 December 2024. However, the policies that are relevant to this appeal have not changed, albeit some of the paragraph numbering is different. In view of this, I have not sought the parties comments on the revised NPPF.

Main Issues

3. Whilst there is only one reason for refusal it raises two separate issues namely, (a) whether the location of the appeal site would be suitable for tourism development, and (b) the effect of the development on the character and appearance of the area.

Reasons

Suitability of location

4. The Council refer to policies 1 (Presumption in favour of sustainable development), 2 (Spatial strategy), 21 (Best use of land and existing buildings) and 27 (Transport and accessibility) of the Cornwall Local Plan Strategic Policies 2010 - 2030 (November 2016) (CLP). These require, amongst other matters, that new development provides a sustainable approach to accommodating growth, taking account of, in particular, location, layout and design that maintains the dispersed development pattern of Cornwall; makes best use of previously developed and degraded land and encourages sustainably located proposals; and ensures that development provides convenient accessible and appropriate cycle, pedestrian, public transport and road routes, within and in the immediate vicinity.

5. The Council also refer to policies 3 (Role & function of places) and 7 (Housing in the countryside) of the CLP which relate to housing development and employment growth, and housing development in the countryside respectively. The Council have referred to these policies as the proposed holiday lodges fall within Class C3 of the Use Classes Order, 'dwelling-houses'. Also, as the proposed lodges include bedrooms, bathrooms, kitchens, dining rooms and lounges, thus exhibiting all the characteristics of a dwelling. I accept that it is established practice and case law that the proposal should also be assessed on that basis.
6. Subject to the implications of the revised NPPF on housing supply and on the CLP spatial strategy, policy 3 still requires new housing to be accommodated through a Site Allocations DPD/Neighbourhood Plan, eco-communities and, for areas outside the main towns, through Neighbourhood Plans, infill, rounding off, previously developed land (pdl) or rural exception sites. The appeal site is not allocated, it is not within or adjacent to a defined settlement, does not comprise rounding-off or infill, is not pdl or a rural exception site. Policy 7 states that new homes within the countryside will only be permitted where there are "*special circumstances*". It is not disputed by the parties that the appeal site is located within the open countryside and there is no evidence that the proposal would fall within any of the exceptions to the policy. Any proposal for housing would thus be contrary to policies 3 and 7 of the CLP and paragraph 84 of the NPPF.
7. Even so, the proposal before me is for holiday accommodation, reflected in the submitted plans and supporting documents. Policy 5 (Business & tourism) of the CLP is, therefore, the key planning policy in that it relates, in part, to new tourism facilities. Criterion (part) 3 of the policy states that development in the form of new high quality sustainable tourism facilities "*will be supported where they would be of an appropriate scale to their location and to their accessibility by a range of transport modes.*"
8. Criterion 3 of policy 5 must be read in conjunction with policies C1 (Climate change principles), AG1 (Rural Development and Diversification) and T1 (Sustainable transport) of the Climate Emergency Development Plan Document (February 2023) (DPD), also referred to by the Council. These require, amongst other matters, that new development: must represent sustainable development; maximise the ability to make trips by public transport; be designed and located to minimise the need to travel by private car; to support walking, cycling and public transport; and support diversification to agricultural holdings that provide public benefits and help maintain a viable and active countryside within farms and landholdings.
9. The appeal site comprises some 4 hectares and forms part of a recently planted vineyard. It has an oval shape. The Appellant owns in total some 10 hectares of land extending to the west, south and east of the appeal site (shown outlined in 'blue'). These areas include further vines as well as mature woodland and an agricultural storage barn. The appeal site rises from west to east. The existing vines take up most of the land with an access track encompassing most of the site.
10. I understand that the land was purchased by the Appellant in 2016 and the fields and woodland were previously used by local farmers for forage groups or ad hoc grazing. The appeal site is completely divorced from any nearby settlement and is also physically, visually and functionally separated from any farmstead or farm land holding. There are no existing or approved buildings on any part of the land, other than the agricultural storage barn.

11. The appeal proposal involves the construction of two holiday lodges with parking and turning areas, accessed via the existing track, as well as a separate ground mounted solar array. The new lodges would be located on the southern (Lodge 2) and eastern (Lodge 1) boundaries of the appeal site. Each lodge would include two large (double) bedrooms with an ensuite dressing room and bathroom, and a large open plan lounge, kitchen and dining room.
12. The Council have indicated that the existing perimeter track and hardstanding area (which I have assumed is that at the gated access from the shared lane that serves the site) do not benefit from planning permission. Whether that is the case or not or whether these works require permission, is not a matter that is before me. They are not included in the description of development and are all referred to as existing. In view of this, I have not commented further on this matter.
13. As I observed on my site visit, the appeal site is located a long distance from the nearest settlements that contain the variety of services and facilities that a tourist might need to access when staying at the proposed lodges. The evidence before me indicates that the shops at Playing Place, to the north west, are over 2 km by road from the proposed lodges. For the shops at Carnon Downs, to the west, the distance by road is some 4 km. These distances are in excess of a reasonable walking distance. Over half the route to Playing Place is along the busy and fast moving B3289, and both routes involve narrow sections of road, enclosed by hedging and trees, with no pavements or streetlights or verges. As such, neither route would be convenient, easy or safe for pedestrians or cyclists.
14. In relation to bus stops, the closest are located some 1.4 km to the west at the junction of Mount George Road with the B3289. The evidence before me indicates that the bus services from this location are infrequent and not comprehensive, and to access them involves a similar walk along narrow and partly unmade lanes, with no pavements and no street lighting. The Appellant points to the option of using Public Rights of Way (PROW) but based on those that I have been told exist in the area these appear longer and more inconvenient routes. Moreover, PROW's cater for the more recreational user and are not, in my view, a reasonable alternative to be used to access local shops and facilities. Reference has also been made to the use of routes through the Appellants private land, but that, for the same reasons, would not be a reasonable alternative and neither would it be any safer or easier to use, and no mechanism has been put forward to show how those routes could be controlled.
15. Overall, I find that future occupiers of the proposed lodges would be heavily reliant on the private car in order to access even the basic services, such as a shop, as well as a choice of pubs or restaurants, and in order to reach any comprehensive public transport connections. I accept that the proposal would not result in the level of trips that would impact on road safety and that dependence on private cars often provides the main means of transport within rural areas, but the appeal proposal would exacerbate the level of reliance on the private car and would not sufficiently support walking, cycling or the use of public transport.
16. I recognise that criterion 3 of policy 5 of the CLP refers to new tourism facilities being supported "*by a range of transport modes*". The policy, therefore, accepts that tourists using such facilities are also likely to do so using a private car, as one such "*mode*". However, as I have found, the proposal would place heavy reliance on and exacerbate the use of the private car in a location that is not sufficiently

- accessible to other modes of transport. My finding in this respect is supported by paragraphs 88 and 89 of the NPPF which state that policies and decisions should enable sustainable rural tourism developments which respect the character of the countryside and exploit opportunities to make a location more sustainable.
17. The Appellant refers to the inclusion of electric charging points and electric bikes. However, these are increasingly standard requirements for all new development. Reference has also been made to bespoke services, such as electric car pick up, but these measures would not mitigate for or outweigh the harm that arises from the proposed lodges in terms of their remote location and poor accessibility to local services and facilities, and to modes of transport other than the private car. The Appellant has also referred to the Highway Authority's (HA) consultation response. This stated that as the access to the appeal site was along a narrow rural lanes, concerns would have been raised if the proposal resulted in a significant increase in trips. The HA deemed that the level of trip generation would be low and did not therefore object on highway safety grounds. No reference was made or any advice given by the HA in relation to the accessibility of the site, which is, in my view, not surprising given that their main remit is to advise on highway safety.
 18. The Appellant draws attention to criterion 1. c) of policy 5 of the CLP as well as policy AG1 of the DPD, and contends that the proposal amounts to rural business diversification. I note that criterion 1 relates to *"new employment land and uses"* and not specifically tourism development. Moreover, in applying policy 5 any business or tourist development must be determined in line with all of its constituent parts, namely criterion 1 to 4 (inclusive), as the policy does not include the wording *"or"* in between the criteria and they are not, therefore, alternatives. Even so, whilst I accept that farm diversification is a broad category that could include various forms of development, based on the evidence before I concur with the Council and do not consider that in this case the proposed lodges represent an agricultural business diversification.
 19. The above finding is based on a number of factors including the Council's Chief Land Agent & Valuer's (CLAV) advice that is reproduced in the Delegated Report, to which I attach significant weight. This states that the Appellant contends that the lodges were required to provide diversification in the form of additional income, but that the proposal related to a newly established business (vineyard) which was at the time not income generating. Whilst some income was expected from the vineyard in 2024/2025, the business would not be at full capacity until 2028 or 2029. On this basis, the proposed lodges were not considered a diversification to a farm or agricultural business as there was currently no trading business from which to diversify from. The proposed lodges would in effect be the only income generating enterprise and thus the main part of the business. For these reasons, the CLAV concluded that the lodges could not be supported as farm diversification and should be assessed against the policies relating to holiday use only.
 20. Moreover, the proposal that is before me is not seeking permission for the vineyard but for the proposed lodges and the above evidence indicates that they can be separated. There is no substantive evidence before me to suggest that the lodges are required to preserve or maintain the viability of an existing rural business or that, in the traditional sense of the meaning, it relates to an established viable and active farm or agricultural holding, as referred to in policy AG1 of the DPD. The evidence suggests that the proposed lodges are required for cash flow and to

reinvest in the vineyard against the background of there being no guarantee that that business will be viable or successful in the future. As the Council point out, if permission were granted and the vineyard business failed, the end result would be two isolated lodges in the open countryside without any justification. That argument has some merit.

21. For the above reasons, I am not convinced that the proposal would represent an agricultural or rural business diversification. I also find, as is required by criterion 1 c) of policy 5, that it has not been demonstrated that there is an overriding locational and business need for the proposed lodges to be on the appeal site.
22. Turning to the benefits of the proposal, I accept that it would generate high quality carbon neutral holiday accommodation, as well as short term employment during construction, an increase in local spend and biodiversity improvements. Even so, a number of these are standard policy requirements. It would also appear that two new jobs would be created, albeit the evidence also suggests that the Appellants would mainly manage the new lodges. Overall, the benefits are modest and they do not mitigate for the significant harm that would result from the proposal or its conflict with development plan policies.
23. Accordingly, I find that the appeal proposal fails to comply with policies 1, 2, 3, 5, 7, 21 and 27 of the CLP, policies C1, AG1 and T1 of the DPD and the corresponding policies of the NPPF.

Character and appearance

24. Criteria 3 of policy 5 of the CLP requires new tourism facilities to be of an “*appropriate scale*” to their location. Policy 12 (Design) of the CLP requires new development to be of a high quality, ensure Cornwall’s enduring distinctiveness and maintain and enhance its distinctive natural character. Policy 23 (Natural environment) continues by requiring new development to protect and where possible enhance Cornwall’s natural environment and assets, according to their international, national and local significance. In relation to “*Cornish Landscapes*” the policy requires development to be of an appropriate scale and design and to recognise and respect the landscape character of both designated and undesignated landscapes. In relation to the latter, the Council contend that the proposal fails to conserve or enhance the setting of a designated National Landscape (Area of Natural Beauty (AONB)).
25. The scale and footprint of the proposed lodges would be significant, reflected in the large amount of accommodation each lodge would include. The proposed curved green roof would not mitigate for the significant scale of the buildings. That scale and their visual prominence would be accentuated by the large areas of parking and turning, surfaced access to Lodge 1, external decking, storage areas, electric charging points and solar array, spread over three different parts of the site. The timber decking would be provided at the front and rear of each lodge, with areas for seating and tables and chairs. There would also be potential for other ‘residential’ paraphernalia such as an outdoor cooking area, fire pits and clothes line.
26. I appreciate that the intention has been to design high quality carbon neutral contemporary buildings, but the modern appearance, large areas of glazing, to the front and back of each lodge, and use of other non-local materials results in a development that is not, in my view, characteristic of the landscape, does not

respect or maintain local distinctiveness and would be out of character with the more traditional vernacular form of development in the locality. Both new buildings are also isolated with no physical or visual relationship to an existing farmstead or other outbuilding. The Council also note that Lodge 1 would be sited on a former area of Cornish Hedge, which the Appellant suggests was removed due to damage during a storm.

27. Whilst I accept that Lodge 2 would be less visible within the public domain, as I observed on site, Lodge 1 would be located on a ridge between the two areas of vines. Even with the hill and vines behind, it would be visually prominent, due to the topography of the site, from the main access to the public highway and from the lane itself. As the Council point out, the main access is wide and there is off-road parking on the lane where it's possible to take in views of the appeal site and proposed Lodge 1. There are also views of the proposal from across the valley, to the south, and from the lane that leads past a property known as Roscowans. Even though these are long range views, the lane forms the boundary to the AONB, which then extends to the east. It is a popular area for walkers with off road parking that was busy at the time of my visit, with walkers using the lane and also the PROW's (as the Council confirm some of these are 'Gold' priority paths).
28. In relation to the siting of the proposed lodges, I remain unclear as to the extent to which the new buildings would be set or built into the ground. I raised this point with the parties and whilst the submitted plans appear to show some cut and fill in relation to Lodge 2, some of the elevation plans for Lodge 1 do not show the extent of any cut and fill. Whilst I have also had regard to the levels on the topography plan, the Appellant's email dated 16 January 2025 suggests the proposed ridge height for Lodge 1 is 42.63 metres, whereas the plan indicates 42.90 metres. Their email also suggests that the Appellants intention is to set Lodge 1 down further into the hillside by some 0.75 metres, but that proposal is not before me.
29. Even so, I accept that the height of the vines is likely to increase over time and that there is scope for new Cornish Hedge and other planting. However, I am not convinced that these measures would provide effective screening or would mitigate for the harmful visual impact that results from the introduction of the new buildings and associated works and paraphernalia into an area of open and undeveloped countryside, which currently makes a positive contribution to the scenic beauty of the area. The fact that excavation works are proposed, to cut and fill the locations for the new lodges, would add further to the significant level of harm that would, in my judgement, result from the proposal.
30. The key characteristics of the local landscape for the appeal site are set out in the Cornwall Character Area Description for CCA20 Truro and Tresillian Valleys (CCA). These include; a rural, scenic and highly tranquil rolling landscape of dark night skies: a medieval field pattern enclosed by treelined Cornish Hedges that form a network of ecological corridors; pockets of woodland that add to the wooded character of the area; and ridges between valleys that are undeveloped. The CAA notes that part of the valued landscape attributes that are sensitive to change are its medieval farmed landscape, bounded by Cornish Hedging, extensive scenic views, dark skies and tranquillity. The demand for recreation and tourism facilities is seen as a particular negative as it disturbs that tranquillity. Given the above and whilst I have had regard to the submitted Landscape & Visual Impact Assessment

(LVIA), the appeal proposal would, in my judgement, result in a harmful impact on a number of the key characteristics, views and qualities of the CCA.

31. Whilst I have also had regard to the Appellant's submissions on lighting and accept that this is a matter that could be subject to further approval, it is inevitable that the proposal would result in some light spillage in a location where there is currently no artificial light sources, resulting in harm to the dark night skies and tranquillity of the area, positive elements of its valued landscape character.
32. In relation policies 12 and 23 of the CLP and policies C1 and AG1 of the DPD, insofar as these require new development to ensure or secure Cornwall's enduring distinctiveness, maintain and enhance its distinctive natural character and where possible enhance Cornwall's natural environment and assets according to their international, national and local significance, the appeal proposal would, for the reasons given, conflict with the aims and objectives of those policies. In relation to the AONB, as I confirmed earlier, there are views from the appeal site and Lodge 1 towards the AONB and vice versa, both on the lane leading to Cowans and the PROW's, and from the main site access to the public highway. In this respect, I concur with the Council's views, that the LVIA has not undertaken a robust and proper assessment of the level of impact on this landscape and for the reasons I have set out above, I do not agree with its overall findings.
33. Paragraph 189 of the NPPF states the great weight should be given to conserving and enhancing the landscape and scenic beauty of National Landscapes. It continues by stating that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated area. As I have found, the appeal proposal fails to do this, contrary to the aims and objectives of policy 23 of the CLP and policies PD-P11 and SCC-P8 of the Cornwall AONB Management Plan 2022 – 2027 (AONBMP). The latter seek, amongst other matters, to ensure that new development within the setting of an AONB maintains local distinctiveness, responds and feels part of the landscape context, is appropriately located, addresses landscape sensitivity and ensures that no new development is permitted outside the AONB that would damage its natural beauty, character and special qualities.
34. Accordingly, I find that the appeal proposal would result in significant harm to the character and appearance of the area and to the intrinsic beauty and character of the countryside and its designated and undesignated landscapes, contrary to policies 5, 12 and 23 of the CLP, policies C1 and AG1 of the DPD, policies PD-P11 and SCC-P8 of the AONBMP and the corresponding policies of the NPPF.

Conclusions

35. For the reasons given above and having taken all the other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR