
Appeal Decision

Site visit made on 18 February 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 April 2025

Appeal Ref: APP/D0840/W/24/3347154

Wainies Brook, road from Lansweden Lane to junction east of Sweets, Higher Crackington, Bude, Cornwall EX23 0LD

- 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 Swann against the decision of Cornwall Council.
 - The application Ref is PA24/01331.
 - The development proposed is change of use of an agricultural building to holiday use.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In reaching my decision, I have considered the revised version of the National Planning Policy Framework (as amended) that was published in December 2024 ('the Framework').

Main Issues

3. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area; and
 - ii) Whether the proposal is in a suitable location for holiday accommodation having regard to accessibility;

Reasons

Character and appearance

4. The appeal site is located in the open countryside outside of any defined settlement (the nearest being Higher Crackington) and forms part of the Kellan Head to Millook Haven Coast. In respect of the latter, the land cover is predominantly improved grassland and pasture with some arable land to the south. The area is also described as a highly tranquil landscape.
 5. The appeal site is also part of the Area of Outstanding Natural Beauty ('AONB') now known as ('National Landscape').
 6. The Cornwall National Landscape enjoys the very highest level of landscape protection, equal to that of National Parks. The statutory purpose of the designation is to conserve and enhance the natural beauty of the area and planning policy and material considerations related to this require that development within the Cornwall National Landscape deliver this purpose.
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7. Section 85 of the Countryside and Rights of Way Act 2000 ('CRoW') placed a duty on relevant authorities to have regard to the purposes of the designation. Clause 245 of the Levelling Up and Regeneration Act 2023 amended this such that Section 85 of the CRoW Act now requires relevant authorities to seek to further the purposes of the designation.
8. The appeal site incorporates an existing building with an agricultural use and part of the field which this is within. This is located immediately to the south of the lane running west from Higher Crackington. Whilst there is some development nearby, the appeal site is largely separated from the main built form of Higher Crackington.
9. Furthermore, the existing building is located on the east facing slope which forms the immediate valley of the stream running north-east to the coast. Consequently, the existing building is conspicuous in views from the lane passing the field entrance. Even so, because of its single skin blockwork construction under a steel sheet roof and with windows on its less exposed elevations, this comprises a simple utilitarian structure, which is not untypical of small agricultural building and is settled within its wider field setting. As such, the appeal site positively contributes to the Kellan Head to Millook Haven Coast landscape and Cornwall National Landscape.
10. In addition to the existing doors, the proposal includes a new double glazed aluminium windows to the south and west elevations. The north and east elevations of this building are more apparent in views from the lane. These, along with the proposed vertical timber cladding would give the building, as altered, a more refined and domestic aesthetic, in contrast to its extant utilitarian appearance.
11. Although the appeal site (as edged red) is a smaller part of the wider field (as edged blue), the landscaping scheme shown in the Planning and Landscape Statement incorporates the wider field. This reinforces the boundary planting to the field and introduces a pond within it. Therefore, without any physical delineation of the appeal site on the ground, the wider field would have the appearance and character of a large, enclosed amenity space serving the proposed accommodation. Whilst the submissions identify the use of panel fencing for boundary treatments, and rolled hard core and granite sets for vehicle access and hardstanding, on the information before me it is unclear to what extent these would be incorporated into the development.
12. Moreover, based on the submissions it is unclear how any parking, associated domestic paraphernalia and outdoor use of the appeal site could be managed independent of the wider field.
13. Consequently, the enclosed landscaped setting, in combination with changes to the building and likely introduction of domestic paraphernalia over the land associated with the building, would give rise to the introduction of a domestic character to the appeal site and its setting countryside setting.
14. To an extent the appeal site and existing building are screened by hedgerows which would be augmented by new planting. Even so, the requirement to conserve and enhance the landscape and scenic beauty of a National Landscape, applies irrespective of the site's prominence.

15. For the above reasons, the proposal would result in harm to the character and appearance of the countryside. In particular, this would fail to conserve and enhance the landscape and scenic beauty of a National Landscapes. Accordingly, I attach great weight to such harm.
16. As such, the proposal is contrary to and Saved Policy ENV1 of the North Cornwall Local Plan 1999, policies 2, 3, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 ('LP') as well as the Cornwall AONB Management Plan 2022-2027, insofar as they seek to ensure development leads to the protection and enhancement of the distinctive landscape and natural character; conserves the landscape character and natural beauty of the AONB; will reuse suitably constructed redundant buildings, leading to enhancement of the immediate setting; and is appropriately located and compatible with the distinctive character of the location.

Location

17. Policy 2 of the Cornwall LP outlines the Council's spatial strategy. This identifies a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall, providing jobs in a proportional manner based on the role and function of each place.
18. The proposal is for holiday accommodation. Nevertheless, the proposed accommodation provides the facilities required for day-to-day private domestic existence. Moreover, it would not lose these characteristics if it were occupied for only part of the year, or at infrequent intervals, or by a series of different persons. Consequently, the proposed accommodation exhibits the characteristics of a dwellinghouse. To this end, Policy 7 of the LP relates to housing in the countryside and provides that such development will only be permitted where there are special circumstances. These include the reuse of suitably constructed redundant, disused or historic buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting.
19. Also, in this instance, because the appeal scheme is for holiday accommodation, along with some other forms of development, tourism is addressed under LP Policy 5, which says that high quality sustainable accommodation will be supported where it would be of an appropriate scale to its location and to its accessibility by a range of transport modes. Proposals should provide a well-balanced mix of economic, social and environmental benefits. This Policy broadly conforms with the advice in paragraph 88 of the Framework, which says planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
20. Higher Crackington approximately 127m to the east. Higher Crackington offers limited public services and facilities together with limited public transport links. However, there is a bus stop and village shop approximately 210m from the site, the Council is concerned that this bus stop would need to be accessed via foot or cycle along winding narrow country lanes which are unlit and feature no pavements which would be neither safe nor conducive for pedestrians.
21. Nevertheless, and whilst my visit represents a snapshot in time, I did observe some pedestrians along this route. Also, because this is a relatively short route it is likely to be used by pedestrians and cyclists. As such, the appeal site is accessible

by walking, cycling and bus travel. Also, given the modest scale of the proposed accommodation, the level of trip generation associated with this is likely to be limited. Therefore, and given that the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the location of the appeal site does offer some sustainable travel choices.

22. Drawing on the above reasons, the proposed accommodation would be in a location with accessibility by a range of transport modes. Thereby contributing to a pattern of development that would not cause environmental harm as a result of increased car journeys and carbon emissions.
23. Consequently, the proposal accords with Policy 5 of the LP, as far as this relates to its accessibility by a range of transport modes.
24. I, therefore, find no conflict with Policy T1 of the Climate Emergency Development Plan Document, February 2023 ('DPD') which says that new development should be designed and located in order to minimise the need to travel and support a modal hierarchy which prioritises walking, then cycling, then public transport, then car clubs, electric vehicles and lastly private fossil-fuelled vehicles.
25. The proposal also accords with the aims of Policy C1 of the DPD, which seeks to maximise the ability to make trips by public transport, sustainable and active modes of transport in all developments through careful design and mix of uses that actively support walking and cycling rather than car use for day to day living.

Other considerations

26. There is some support for the proposal, which provides a form of holiday accommodation. This would support the visitor economy, increase local spend and aid businesses and jobs within the wider area. These aims are supported by some local and national policies. Subject to the provision and maintenance of the proposed landscaping scheme, the proposal would result in a net gain in biodiversity. As such, there are likely to be some social, economic and environmental benefits arising from the proposal. Even so, given the modest scale of the proposal, the support and any associated benefits attract limited weight.

Other Matters

27. Irrespective of whether or not the building at the appeal site is redundant or disused, based on my findings on the first main issue, the proposal would not lead to an enhancement to its immediate setting. Therefore, this is not supported by Policy LP 7 of the LP.
28. The appellants have referred me to approved applications for holiday accommodation by the Council. However, I concur with the Council that each proposal is considered on its individual merits and no two sites are likely to be identical given site-specific considerations such as the nature of any extant building, its surroundings and the effects of a proposal on this. Such matters, also include a degree of subjective judgement on the part of the decision maker. Accordingly, I am not bound by the Council's previous decisions.
29. Nevertheless, based on the limited information before me, application PA19/00501 is in close proximity to a settlement and benefits from hedgerow screening. Application PA24/01331, was considered to have good accessibility and proximity to tourism attractions.

30. Applications PA22/05622 and PA22/03050, appear to be additions or extensions to established holiday accommodation. Application PA22/11192, benefitted from a previous planning permission, where the principle of conversion had already been established. Finally, application PA24/01568 is supported by Policy 7 of the LP as a replacement dwelling. Overall, I do not consider that these allowed applications are directly comparable to the appeal scheme. Therefore, I attach limited weight to these.

Planning balance and conclusion

31. For the above reasons, whilst the proposal is in a suitable location having regard to the local development strategy and accessibility by a range of transport modes, this would harm the character and appearance of the area. For this reason, the proposal conflicts with the development plan, including LP Policy LP 1, which sets out a presumption in favour of sustainable development where this accords with other policies in the development plan.
32. Having taken account of the other considerations in support of the proposal, I do not consider these to be sufficiently forceful to outweigh the harm and conflict with the development plan I have identified. Consequently, in the circumstances of this case, the material considerations do not justify a decision other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR