



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: 24 April 2025

Appeal Ref: APP/D0840/W/24/3347683

Trefanny Hill, Hillford Cottage, road from junction near Tregarrick Mill to junction west of Lantundle Farm, Cornwall, Duloe PL14 4QF.

- 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 Will Sampson and Jenny Cartwright against the decision of Cornwall Council.
 - The application Ref is PA24/02181.
 - The development proposed is change of use of land and siting of shepherd's hut for use as holiday accommodation (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal is for the siting of a shepherd's hut. At my site visit, I was able to see the shepherd's hut at the site. The application has been submitted retrospectively, and consequently I have dealt with the appeal on that basis.
3. 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

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

Reasons

Location

5. Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 ('LP') outlines the Council's spatial strategy. This identifies a sustainable approach to accommodating growth and maintaining the dispersed development pattern by providing jobs in a proportional manner based on the role and function of each place.
6. The proposal is for holiday accommodation. Nevertheless, it appears from the evidence before me that the shepherd's hut provides the facilities required for day-to-day private domestic existence. Moreover, it would not lose these characteristic 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.

7. Policy 3 of the LP seeks to control the distribution of new dwellings across Cornwall and provides that development within named larger settlements will be allocated according to the Site Allocations Development Plan Document and Neighbourhood Plans.
8. 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. Those special circumstances refer to forms of exception to restricting development in the countryside. However, the proposal does not meet any of those special circumstances or exceptions as provided for under Policy 7 of the LP.
9. Notwithstanding the above, it is well established that planning proposals must be assessed against the policies of the development plan when taken as a whole. In this instance, because the appeal scheme is for holiday accommodation the proposal can be considered in relation to other sections and policies of the development plan. To this end, along with some other forms of development, tourism is addressed by 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.
10. The appeal site lies outside but within close proximity to the built form of the settlement of Trefanny Hill. This comprises a loosely arranged cluster of buildings and has been identified as a small hamlet. However, this settlement does not offer a range of shops, services and facilities. Also, there are no bus stops located within this settlement.
11. The nearest settlement with some services and facilities is the village of Pelynt, which is located about 2km to the south of the appeal site. I have been referred to a bus stop at Summer Lane, Pelynt. This is just on the outskirts of Pelynt and serves a number of services, operating through to Liskeard and Looe with transport connections beyond.
12. However, the route from the appeal site to Pelynt is via a road which is unlit and largely narrow and enclosed. Consequently, it is not considered that the route would be conducive to safe pedestrian use, due to a lack of pavements and safe refuge along significant sections of this, resulting in possible conflict with vehicles. Also, there is limited information on the quality of this route for cyclists. In particular, for visitors who are not familiar with the area. Therefore, visitors are most likely to access the services and facilities at Pelynt by private car.
13. Because of the appeal site's proximity to Public Rights of Way ('PRoW') including the 'Smugglers Way' a walking route from Looe to Boscastle, the appellants advise that visitors using the shepherd's hut are more reliant on walking and cycling. Nevertheless, there is no clear evidence to substantiate this or certainty.
14. The appellants also suggest that the established holiday accommodation at Trefanny Inn, which is on land in their ownership draws 'linked trips' for extended

families who often utilise the shepherd's hut as ancillary / overflow accommodation. Thereby, suggesting that the number of vehicle trips that the shepherd's hut generates is very low.

15. Nevertheless, and whilst I am aware that the Framework recognises that to meet local business and community needs in rural areas sites may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, in this case, there is limited evidence that the proposal supports existing holiday accommodation and the needs of a local business. Moreover, no robust mechanism has been provided to secure such an arrangement in perpetuity.
16. Therefore, and even when taking account of the Framework, which acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the location of the appeal site does not offer genuinely sustainable travel choices. Furthermore, and notwithstanding the appellant's suggested condition to provide a Travel Plan, there would be nothing to prevent individuals from driving to and from the site and to meet their day to day needs in private vehicles.
17. For the above reasons and given the limitations of access to public transport and nearby services and facilities, I am of the view that walking, cycling or public transport is unlikely to be preferential to the use of private vehicles to many individuals, particularly into the evening or during inclement weather.
18. Due to the modest scale of the proposed holiday accommodation, the increase in visitor numbers and the resultant impact on the road network cannot be considered to be severe. Even so, the proposal would result in a new holiday unit in an unsuitable location, having regard to the local development strategy and the lack of accessibility by a range of transport modes. Thereby causing environmental harm as a result of increased car journeys and hence carbon emissions. The proposal therefore conflicts with policies 2, 3 and 5 of the LP.
19. I also find 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.
20. The proposal also fails to accord with one of 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.
21. Furthermore, although the proposal would be a form of rural development and would deliver some benefits as set out below, for the reasons given above, this fails to accord with Policy AG1 of the DPD, which encourages the development and sustaining of low carbon and wider sustainable practices that deliver a demonstrable reduction in greenhouse gas emissions.
22. Overall, the aims of the above policies align with the Framework which seeks opportunities to promote walking, cycling and public transport; limit the need to travel, offering a genuine choice of transport modes and mitigating and adapting to

climate change. Therefore, I attach significant weight to the harm I have identified and conflict with the development plan.

Character and appearance

23. The appeal site is located within the 'Valley System' Landscape Character Type ('LCT'). The description for this LCT says that "Valleys are generally sparsely settled although the LCT tends to be more settled where valleys meet the coast or at crossing points, with settlements historically building up close to the rivers. Elsewhere settlement comprises occasional farms and individual properties linked by rural lanes. This is also described as a mostly peaceful landscape with a strong sense of remoteness and tranquillity which is occasionally broken by the presence of large settlements or major transport routes.
24. Within the 2023 Cornwall Areas of Great Landscape Value review for the Looe and Seaton Valley Area of Great Landscape Value, the 'guidance to manage landscape character' seeks to manage recreational uses in the valleys whilst ensuring they retain their inherent levels of tranquillity and absence of built development, protecting the rural views along the valleys and to the adjoining valley sides. Public footpaths are important green corridors which require sensitive management while providing opportunities for access and enjoyment.
25. The proposal relates to a single shepherd's hut of a modest scale, which is within an undeveloped parcel of land and is visible from the PRow to the south of the appeal site.
26. In views from the PRow to the south, the shepherd's hut is visibly within the countryside. Even so, its size and appearance reflect nearby sheds and ancillary buildings and is therefore not uncharacteristic of the area.
27. Furthermore, because of its mainly weathered timber finish and siting close to the built edge of Treffany Hill, which is marked by an established hedgerow, to an extent the shepherd's hut melds with the extant boundary planting. Additional landscaping is also proposed, which would further reduce the impact of the shepherd's hut from the PRow and this could be secured by a condition if the appeal succeeds.
28. Therefore, and whilst the proposal has resulted in some encroachment into the countryside, this is limited and contained close to Treffany Hill and therefore does not significantly undermine its settlement pattern.
29. Because the shepherd's hut can only accommodate a maximum of two individuals, I am unpersuaded that the activity associated with its use, results in any appreciable change to the peace and tranquillity of the area. Given that the shepherd's hut incorporates minimum glazing and is viewed against the context of existing built development, any impact on dark skies is limited.
30. The extent of land associated with the proposal is significantly larger than the footprint of the shepherd's hut. At present, paraphernalia associated with the shepherd's hut is limited to two chairs. Whilst I note the Council's concerns about the domestication of this area, based on my assessment of the first main issue, I have viewed this as an independent unit of holiday accommodation. To this end, given the limited size of the proposed accommodation, the domestication associated with the wider site is unlikely to be significant. Whereas if the shepherd's

hut were secured as ancillary / overflow accommodation to other nearby holiday accommodation then the use and domestication of the wider site could be greater.

31. For the above reasons, whilst the proposal has resulted in some visual change along this valley and as seen from the PRow to the south, this does not unduly harm the character and appearance of the area.
32. Consequently, the proposal is not contrary to the aims of Policy C1 of the DPD and LP policies 12 and 23. Together, these policies require high quality design in all developments and need to sustain local distinctiveness and character and protect and where possible enhance Cornwall's natural environment and assets according to their international, national and local significance.
33. Also, I find no conflict with Policy CL9 of the Caradon Local Plan first Alteration 2007, which says development in the Areas of Great Landscape Value will not be permitted if it would materially harm the character of the particular area and if it does not closely reflect the traditional building styles and local materials, or the characteristic pattern of settlement, in the particular area.

Other considerations

34. Based on the appellant's submissions the proposal provides a form of holiday accommodation. This would support the visitor economy, increase local spend and aid businesses and jobs within the wider area. This may also promote active lifestyles and greater appreciation and understanding of the natural environment. 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 (single shepherd's hut) any associated benefits would be limited.

Other Matters

35. The appellants have referred me to approved applications for holiday accommodation by the Council. Although I am not bound by the Council's decisions, application Ref: PA23/0082 is for a dual use namely an annexe and holiday use and conditioned accordingly and located within an existing domestic garden. Application Ref: PA23/04759 is for an extension to existing holiday accommodation and is located within an existing domestic garden. Therefore, these examples are not directly comparable to the appeal scheme and do not alter my findings in respect of the main issues.

Planning balance and conclusion

36. For the above reasons, whilst the proposal would not harm the character and appearance of the area, it is in an unsuitable location having regard to the local development strategy and lack of accessibility by a range of transport modes. For this reason, the proposal conflicts with the development plan, including Policy LP 1, which sets out a presumption in favour of sustainable development where this accords with other policies in the development plan.
37. 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