



Appeal Decision

Site visit made on 8 May 2025

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

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Appeal Ref: APP/D0840/W/25/3359102

Bynview, Road from Hylow to junction south of Sunnyside, Darite, Cornwall, PL14 5JY

- 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 P Copplestone against the decision of Cornwall Council.
 - The application Ref is PA24/02565.
 - The development proposed is – this application seeks full planning for the proposed erection of two holiday units at Bynview, Darite, Liskeard, PL14 5JY.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address and description of development from the application form. I have also referred to the National Planning Policy Framework (NPPF) which came into force on 12 December 2024 after the application was refused permission but before the appeal was lodged on 17 January 2025.
3. The Council's second reason for refusal states that in the absence of a geophysical survey it could not be determined whether the proposal would result in harm to the significance of any non-designated heritage assets, namely buried archaeological features. In submitting the appeal, the Appellant provided a Geophysical Survey Report (GSR). The Council's Statement of Case (CSOC) confirms that their Historic Environment Officer (HEO) concluded that on the basis of the GSR it would be prudent for an archaeological watching brief be carried out on site during the early stages of groundworks, with the digital recording and reporting of results. The HEO recommended that a pre-commencement condition to secure a programme and methodology of site investigations and recordings be imposed. Paragraph 5.80 of the CSOC confirms that in view of these findings the Council were satisfied that this matter could be addressed by a condition. There is no evidence before me that would lead me to reach a different finding. If I were minded to allow the appeal I am satisfied that this matter could be addressed by a condition.

Main Issues

4. The first reason for refusal 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

5. Policies 1 and 2 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP), policy 1 of the St Cleer Parish Neighbourhood Development Plan 2020 – 2030 (NDP) and policies C1 and T1 of the Climate Emergency Development Plan Document (DPD) require, amongst other matters, that: 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; new development be supported within defined settlement boundaries; and that development be designed and located to minimise the need to travel by private car and to support walking, cycling and public transport.
6. Policies 3, 7 and 9 of the CLP relate to housing and employment growth, housing within the countryside and rural exception sites. The Council have referred to these policies as the proposed holiday lets fall within Class C3 of the Use Classes Order, 'dwelling-houses'. Also, as each of the proposed units include two bedrooms, a bathroom and kitchen/dining/living room, thus exhibiting all the characteristics of a dwelling. I also note that the application form indicates that the proposal would represent a gain in self-build residential units. In view of this, I accept that it is established practice and case law that the proposal should also be assessed on that basis.
7. Policy 3 of the CLP still requires new housing to be accommodated through a hierarchy starting with Site Allocation/Neighbourhood Plans, then eco-communities and then for areas outside the main towns through 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, it does not comprise rounding-off or infill, it 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 the proposal would not fall within any of the exceptions to the policy. As such, any proposal for housing on the appeal site would be contrary to policies 3, 7 and 9 of the CLP and policy 1 of the NDP.
8. Even so, the proposal before me is for holiday accommodation. Policy 5 of the CLP relates, in part, to new tourism facilities. Part 3 states that development in the form of 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.*" Part 3 must be read in conjunction with policies C1 and T1 of the DPD and policy 18 of the NDP. Part 1 of policy 18 is also supportive of new and extended green tourism facilities where they capitalise on local assets, encourage cycling, walking and heritage tourism, and where they address the criteria listed 'a' to 'h' in part 1. In terms of the relationship between policy 18 and policy 5 (of the CLP), the CLP focuses on the strategic policies that apply across Cornwall with the NDP focusing on the additional layer of detail at local level. The NDP policies must be in general conformity with the CLP and the NDP confirms that this is the case and that it runs in tandem with the CLP. The development plan should, therefore, be read as a whole and in this case regard had to both policies.
9. The appeal site comprises 0.85 hectares and is located at the south western end of a large field that is all in agricultural use. The Appellant also owns a further field to

the south east of the appeal site, on the opposite side of the lane, which includes their home, Bynview. In total the Appellants agricultural unit extends to some 4.7 hectares. In the southern corner of the appeal site is a hay/haylage bale storage area with an all weather access that runs north west to access the lane via a field gate. The appeal site and wider field slopes down gently in a north easterly direction. There are no buildings on any part of the land.

10. The reference in part 3 of policy 5 of the CLP to new tourism facilities being of an appropriate scale to their location is also reflected in part 1 b. of policy 18 of the NDP which requires proposals to be “*of a scale proportionate to its surroundings*”. The appeal proposal is for two holiday units each with two bedrooms, a bathroom and open plan living, dining and kitchen area. External gravel pathways are shown around each building, with a larger seating/patio area, and what appears to be an area of garden enclosed by a boundary wall of stone and timber sleepers. This is in addition to the new gravelled area for parking, turning and the access track.
11. The scale, mass and footprint of each unit is similar to that of a 2 bedroom dwelling and combined the extent of new build and associated works is significant compared to the existing open and undeveloped field. The overall scale of the development would not, in my view, be appropriate for the location. The proposal would also not be proportionate to its surroundings. This would be accentuated by the siting of the units with a central position on this part of the field where there are no agricultural or other buildings and where it would be physically and visually separated from the properties to the south, including Bynview, by Cornish Hedging and the adjoining lanes.
12. Part 3 of policy 5 of the CLP also requires proposals to be accessible to a range of transport modes, with part 1 of policy 18 of the NDP referring to the need to encourage walking and cycling. Policy T1 of the DPD requires development to be located so as to minimise the need to travel and to support a hierarchy that promotes walking, then cycling, then public transport, then car clubs and then electric vehicles. As I observed on my site visit, the appeal site is not well related to the nearest settlements that contain the variety of services and facilities that a tourist might need to access or use when staying at the proposed units. The evidence before me indicates that there are bus stops some 500 metres from the appeal site that can be accessed via public rights of way or existing lanes. There is a pub at Crow’s Nest, that appears to be the closest facility of that type, some 900 metres from the appeal site along similar routes. However, it’s unclear where the nearest shop is located or whether the bus services are frequent and comprehensive.
13. The routes to the bus stops and pub for walkers are long and involve narrow lanes, which whilst they might be quiet are enclosed by hedging/trees, with no pavements, verges or streetlights. As such, pedestrians would be unlikely to consider these routes convenient, easy or safe or comfortable during poor weather. The same would apply to using public rights of way, which would not be suitable for those with impaired mobility or other disabilities. Moreover, public rights of way cater for the more recreational user and are not a reasonable alternative to be used to access local shops and facilities.
14. On balance, therefore, I find that future occupiers of the proposed holiday units would be more 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 or, it would appear, 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 the 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.
15. 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 more 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.
 16. The Appellant refers to the inclusion of electric charging points and electric bikes. However, these are increasingly standard requirements for all new developments. Reference has also been made to bespoke services, such as a pick-up service and encouraging occupiers to purchase local produce, but these measures would not mitigate for the poor accessibility of the site to local services/facilities. In addition, no specific proposals are before me of any bespoke services in terms of how they could potentially be secured, controlled and implemented in conjunction with the appeal proposal.
 17. I accept that the proposal would accord with other criteria to policy 18 of the NDP, for example, through improvements to biodiversity, being accessible to those with special needs and capitalising on local assets, but that does not affect my findings on this issue or the conflict that arises with other criteria to policy 18 and the conflict with part 3 of policy 5 of the CLP.
 18. Turning to farm diversification, I understand that the agricultural holding is used for haylage crops for the Appellants parents farm (Trethevy) or to be sold, and that the Appellant also assists on the parents farm, but in what capacity or arrangement is unclear. The evidence contends that these are not, on their own, economically viable and that the Appellant has diversified with a rural workshop business and a holiday let at Bynview. Some of this information is contained in the two versions of the Business Plan (BP) submitted, which shows that the new holiday lets would be profitable. Even so, there is no substantive evidence before me as to the scope for and the ability for the proposed holiday lets to improve or support the viability of the existing agricultural holding. The BP’s refer to the proposals creating work for the Appellant but no further details are provided. The application form also indicates that no new employment would be generated by the development.
 19. The BP’s continue by stating that the proposal is seeking to draw on the success of the holiday let at Bynview, to create further income for the family and to cater for demand, based on the existing holiday let already being fully booked all year round. Whilst there is reference to the ability of the proposal to supplement the Appellants farm (agricultural) enterprise, there is no firm or detailed evidence to support that statement or to indicate how the proposed holiday lets could maintain, assist or support with its viability. In view of the above, I am not convinced, based on this evidence, that it has been demonstrated that the appeal proposal would represent a genuine farm diversification scheme.

20. Reference has also been made to part 1 c) of policy 5 of the CLP. This relates to new employment land/uses within the countryside. However, as the proposal is for holiday lets and no new employment would be generated, I am not convinced that this part of the policy is relevant. Even so, it still requires proposals to be of an appropriate scale to their location and as I have found the appeal scheme would not be. Alternatively, it requires the proposal to demonstrate an overriding locational and business need to be on that site. Again, there is no evidence that shows this or shows that it is required to support an existing rural business.
21. Both parties have referred to the holiday let at Bynview, granted permission on the 23 July 2024 (ref. PA24/02512) (2024 Approval). As to the suggestion that this was for farm diversification, my understanding is that the proposal related to an existing building within the curtilage of Bynview where permission was sought to retain it as a holiday let and annex (the latter for the Appellants family and friends). I could not find any reference to farm diversification in the Council's Delegated Report (CDR). I also note that the CDR considered the proposal to be of an appropriate scale given its small footprint, location within the curtilage, as it was well screened and adjoined a much larger dwelling. The CDR continues by stating that the proposal was also found to be acceptable due to its intended dual use and as it would remain within the same planning unit. Consequently, the 2024 Approval is, therefore, completely different and in no way comparable to the proposal before me.
22. The Appellant suggests that the 2024 Approval is also an indication of the Council's acceptance that the location is sustainable. For the reasons given above, I do not agree. That finding is supported by the CDR, which highlighted that the proposal was in a rural area, in a location not considered to be particularly sustainable and where occupants were likely to be mostly reliant on private transport. However, the CDR went on to find that, on balance, the proposal was acceptable largely due to its small scale, as it would be under dual holiday let/annex use and would be part of the same planning unit/curtilage as Bynview.
23. Both parties have also referred to various appeals decisions to support their case. I have had regard to these and the considerations that led those Inspectors to reach their findings in determining this appeal. Even so, experience indicates that no two proposals are ever directly comparable and that there will inevitably be differences in terms of, for example, the scale and nature of the development, location, policy designation and local context. Each proposal should, in my view, be considered on a case by case basis and as is required on their individual merits having regard to the circumstances of the case and its local context. That is the approach I have adopted here.
24. Turning to the benefits of the proposal, I accept that it would generate high quality holiday accommodation, support the tourism industry, capitalise on local heritage, landscape and walking assets, potentially secure short term employment during construction, increase local spend and secure biodiversity improvements. Even so, some are standard policy requirements that most new developments must secure. Overall, these benefits are modest and they do not outweigh the significant harm that I have identified and the conflict with development plan policies.
25. I accept that there have been a number of letters in support and that the Parish Council also supported the development. However, that does not negate the need for the proposal to be properly assessed against the prevailing development plan

and national policies in terms of whether it is policy compliant or not. This support does not, therefore, affect the findings I have reached.

26. Accordingly, I find that the appeal proposal fails to comply with policies 1, 2, 3, 5, 7 and 9 of the CLP, policies C1 and T1 of the DPD, policies 1 and 18 of the NDP and the corresponding policies of the NPPF.

Character and appearance

27. As I mentioned earlier, part 3 of policy 5 of the CLP requires new tourism facilities to be of an “*appropriate scale*” to their location. Part 1 a. of policy 18 of the NDP requires such facilities to be of a scale proportionate to their surroundings. These must be read in conjunction with policy 12 of the CLP which requires development to be of a high quality, ensure Cornwall’s enduring distinctiveness and maintain and enhance its natural character. Policy 23 of the CLP requires new development to protect and where possible enhance Cornwall’s natural environment and assets according to their significance and that development is of an appropriate scale and recognises and respects landscape character, designated and undesignated. In reference to the latter, the appeal site falls within the Caradon Hill Area of Great Landscape Value (AGLV) where saved policy CL9 of the Caradon Local Plan First Alteration (CLPFA) states that new development will not be permitted where it harms the character of the area. Policy 8 of the NDP requires development to reinforce the distinctive character of the Parish, with part 1. h. of policy 18 requiring development to protect and enhance the visual quality of the site and its surrounds.
28. The scale and footprint of the new holiday lets would be significant, reflected in the large amount of accommodation each would include. That scale and their visual prominence would be accentuated by the large areas of parking and turning, the long gravel track leading from the gated site access, external gravel paths and sitting out areas and feature boundary wall of stone and timber sleepers. There would also be the potential for other paraphernalia such as an outdoor BBQ area, fire pits, clothes line and storage sheds or maintenance structures.
29. I appreciate that the intention has been to design high quality buildings, but the modern appearance and large areas of glazing, combined with their scale results in a development that is not characteristic of and would harm the local landscape, and would be out of character with more traditional forms of agricultural development. Both new buildings are isolated and would sit within a central position in a large open field with no physical or visual relationship to a farmstead or other buildings. It is also unclear, given the slope to the site, whether the new buildings would need to be cut and filled into the ground.
30. As I observed on site, both buildings would be highly visible and prominent in public views from various points on the adjoining lanes, which includes the public car park that serves the prehistoric Trethevy Quoit, to the south west of the appeal site. The new buildings have been sited, I assume, to benefit from long range views but this also means that there are views from Darite (to the north) across the valley. Even though these are long range views, the appeal site and fields that surround it are clearly distinguishable and currently form part of the intrinsic character and positive landscape of the AGLV. Whilst I note that wild flower meadows, tree planting and landscaping are proposed, I am not convinced that these measures would provide any effective screening. Neither would they mitigate for the harmful visual impact that results from the introduction of the new buildings and associated works into the

undeveloped countryside that makes a positive contribution to the scenic beauty of the AGLV. In addition, any new fencing or other means of enclosure to divide the new units from the remaining field would disrupt the field pattern and add to the significant level of harm that would result from the appeal proposal.

31. The key characteristics of the appeal sites landscape are set out in the Cornwall Character Area description for CCA 33 Bodmin Moor (CCA). These include: an improved and semi improved pasture farmland; varying field patterns enclosed by Cornish Hedging; a largely tranquil landscape with isolated houses/small farms; winding lanes; dark sky nights: and an open landscape with often expansive and panoramic views punctuated by Tors and Cairns. The pressure for change arises from increased domestic tourism, including new accommodation. For the reasons set out above, the appeal proposal would result in a harmful impact on a number of the key characteristics and qualities of the CCA.
32. Turning to lighting and whilst I accept that this is a matter that could be subject to further approval, it is inevitable that with the large amount of new accommodation and large areas of new glazing, that the proposal would result in light spillage within a field where there are no current artificial light sources, resulting in harm to the dark sky nights and tranquillity of the area. Both are positive elements of the areas valued landscape character. The issue of dark sky nights takes on more weight and significance given the location of the appeal site within the Bodmin Moor International Dark Sky Landscape two mile buffer zone.
33. In relation policies 12 and 23 of the CLP, policy C1 of the DPD, policies 8 and 18 of the NDP and policy CL9 of the CLPFA, insofar as these require new development to secure Cornwall's enduring distinctiveness, maintain and enhance its 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.
34. As I confirmed earlier there are public views of the appeal site from various vantage points including long ranges views within the AGLV and vice versa. Paragraph 187 a) of the NPPF states that decisions should protect and enhance valued landscapes commensurate with their statutory status or identified quality in the development plan. The appeal proposal fails to do this, contrary to the aims and objectives of the policies referred to above, where, as a landscape of important value and quality, its protection and enhancement should be accorded considerable weight.
35. 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 landscape (AGLV) contrary to policies 5, 12 and 23 of the CLP, policy C1 of the DPD, policies 8 and 18 of the NDP, policy CL9 of the CLPFA and the corresponding policies of the NPPF.

Conclusions

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

G Roberts

INSPECTOR