



Appeal Decision

Site visit made on 5 August 2025

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

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/D0840/W/24/3357656

Sweet Briar, Road from Chapel Hill to Prentice House, Little Polgooth, St Austell, Cornwall, PL26 7DD

- 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 Mx Chris McLaren against the decision of Cornwall Council.
 - The application Ref is PA24/02408.
 - The development proposed is change of use of land to additional garden curtilage and construction of a garden cabin/holiday let.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the decision notice, as it would appear that this change was agreed, and it is a more concise and clearer wording than on the application form.
3. I have also referred to the National Planning Policy Framework (NPPF) which came into force on 12 December 2024, after the application was refused and just before the appeal was lodged on 17 December 2024.
4. The Appellant has raised concerns over alleged mistakes made in validating and processing the application, and in terms of the lack of consultation over the Parish Council's consideration of the application. These are not matters that I can comment on within the context of an application submitted under section 78 of the Town and Country Planning Act 1990 (T&CPA). I can only suggest that the Appellant takes these concerns up directly with the Council, if they have not already done so, through the normal complaints procedures.
5. Reference has been made to the proposed cabin being used as a garden room or use incidental to the host property (Sweet Briar) falling within permitted development rights. Whether that is the case or not is not a matter that I can comment on within the context of an appeal that seeks planning permission under section 78 of the T&CPA. It remains open to the Appellant to apply for a Lawful Development Certificate (LDC) under section 192 of the T&CPA to establish whether it would be permitted development and thus lawful. The determination of that application would not be affected by my decision on this appeal.
6. The Appellant contends that the appeal site has been used as part of the garden that serves the host property. Even so, the description of development includes the

change of use of the land to additional residential curtilage. As I observed on my site visit, the appeal site is physically linked to the rear garden of the host, it has well established and enclosed boundaries, and there are examples on the land of domestic, recreational and gardening uses/structures, including a compost toilet, fire pit seating area and polytunnels. However, no LDC has been submitted or obtained to confirm whether the appeal site lawfully forms part of the residential curtilage to the host.

7. In addition, the Council's evidence does not appear to address the change of use issue, but instead concentrates on an assessment of the use of the new cabin as a holiday let on the basis that this requires planning permission. I have, therefore, adopted the same approach in determining this appeal.

Main Issues

8. The 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

9. Policies 1, 2 and 21 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP), policy 1 of the St Mewan Neighbourhood Development Plan 2016 – 2030 (NDP) and policies C1 and T1 (not C2) of the Climate Emergency Development Plan Document (DPD) require, amongst other matters, that new development: provides a sustainable approach to accommodating growth taking account of location, layout and design; is supported within defined settlement boundaries; is designed and located to minimise the need to travel by private car and to support walking, cycling and public transport; makes best use of land and buildings with encouragement given to sustainably located proposals and previously developed land.
10. The Council have referred to these policies as well as policies 3 and 7 of the CLP as the proposed holiday let would fall within Class C3 of the Use Classes Order, 'dwelling-houses'. Also, as the proposed cabin would include a bedroom with log burner and access to a compost toilet, thus exhibiting some of the characteristics of a dwelling. The proposed cabin would not have mains water or electric, but these are services that could be provided in the future over which planning would have no control. The application form also indicates that the proposal would secure a net gain of one self-build residential unit. As such, it is established practice and case law that the proposal should also be assessed on that basis.
11. The spatial strategy of the CLP set out in policies 2 and 3 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*". The appeal site is located, as is the host property and its neighbours, within the open countryside and the proposal would not fall within any of the exceptions to policy 7. As such, any proposal for housing on the appeal

- site would be contrary to the policies of the CLP and NDP, notwithstanding that some of the locational aspects of these policies are now out of date given that the Council cannot demonstrate a five year supply of housing land.
12. 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.”*
 13. The appeal site extends beyond the rear garden to the host property and has well established and mature boundaries with the land to its west, east and north. The latter area of land is also owned by the Appellant and is more wooded. Whilst parts of the appeal site are overgrown, there is evidence of domestic, recreation and gardening uses and structures throughout.
 14. The proposed cabin would be located in the north western corner of the appeal site and would comprise a timber single storey building with a low pitched roof and covered veranda. It would have french doors, with windows either side, on the front elevation and it would be sited some 2 metres from existing trees. The gross floor area appears to be some 20 square metres. It would be accessed by a path that extends from the rear of the host property and then zig zags down its frontage to the main road. The Appellant indicates that it would be for ‘off-grid’ lettings.
 15. Part 3 of policy 5 of the CLP refers to new tourism facilities being of an appropriate scale to their location. The appeal proposal is for a small cabin that could provide a holiday let with one bedroom. No other external alterations or changes to the site layout are proposed. The proposal would, therefore, be modest, and the scale of development would, in my view, be appropriate for this location.
 16. Part 3 of policy 5 of the CLP also requires proposals to be accessible to a range of transport modes. Policies C1 and T1 of the DPD require new development to be located so as to minimise the need to travel and to promote walking, then cycling, then public transport, then car clubs and then electric vehicles. As I observed on site, 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 use when staying at the proposed holiday let.
 17. The evidence before me indicates that there are bus stops some 740 metres from the appeal site that can be accessed via public rights of way or existing lanes, but that the services are infrequent and not comprehensive. The Polgooth Inn appears to be the closest facility of that type, some 800 metres from the appeal site along similar routes. There is also a shop in Polgooth that is some 1.2 km from the appeal site, along the same route as the pub.
 18. The routes to the bus stops, pub and shop for walkers are long and involve narrow lanes, which, whilst they might be quiet, have no pavements, verges or streetlights. As such, pedestrians and also cyclists would be very unlikely to consider these routes convenient, easy or safe, particularly during poor weather and at night. The same would apply to using public rights of way, albeit these cater for the more recreational user and are not a reasonable alternative to be used to access local shops and facilities.

19. I find, therefore, that future occupiers of the proposed holiday let 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. I accept that the proposal would not result in the level of trips that would impact on road safety. Also, that private cars often provide the main means of transport within rural areas. Even so, the proposed holiday let would exacerbate the level of reliance on the private car and would not sufficiently support walking, cycling or the use of public transport.
20. 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. This finding supported by paragraphs 88 and 89 of the NPPF which state that decisions should support rural tourism developments that exploit opportunities to make a location more sustainable.
21. The Appellant refers to the inclusion of electric charging points and use of electric bikes. However, these are now standard requirements for all new developments. Reference has also been made to bespoke services, such as a pick-up service for clients from local railway stations or the use of a shared car. However, I am not convinced that these measures would mitigate for the poor accessibility of the site to local services and facilities. In addition, there are no proposals before me of these bespoke services, in terms of how they would operate or could be secured, controlled and managed in conjunction with the proposed holiday let.
22. I accept that the proposal is intended to offer an ‘off-grid’ holiday experience that would be centred and run on various sustainable principles. However, any such benefits do not outweigh the poor accessibility of the site to a range of transport modes and likely reliance on the use of the private car.
23. In terms of car parking, there is space on the ramp in front of the existing garage for parking, but as no plan has been provided of this part of the site it is unclear as to whether there is enough space or how this would operate given that the cars would have to park end to end, with one reliant on the other moving to drive off the ramp.
24. I acknowledge that the proposed holiday let would support the tourism industry, capitalise on landscape and walking assets, secure short term employment during construction and increase local spend. Overall, these benefits are modest, and they do not outweigh the harm that I have identified or the conflict with development plan policies.
25. Accordingly, I find that the appeal proposal fails to comply with policies 1, 2, 5 and 21 of the CLP, policies C1 and T1 of the DPD and the corresponding policies of the NPPF.

Character and appearance

26. Policies 12 and 23 of the CLP require developments to be: of a high quality; to maintain and enhance natural beauty and character; protect and where possible enhance Cornwall’s natural environment and assets according to their significance; is of an appropriate scale and recognises and respects landscape character, designated and undesignated. In terms of the latter, the appeal site falls within the Cornwall Character Area CCA22 Gerrans, Veryan and Mevagissey Bays.

27. The scale of the proposed cabin is modest and no other external works or changes to the site layout are proposed. Whilst the appeal site is within the open countryside, it forms part of a well enclosed and defined area of land that appears to have been used for recreational, domestic and gardening purposes for a number of years. The screening to all boundaries of the site is extensive, with trees and planting also found throughout the site. As such and in view of the proposed siting of the cabin in the north western corner, the proposal would not be visible from the main road.
28. Whilst a public right of way (PROW) runs along the western boundary of the appeal site, the trees and planting within the appeal site and on the common boundary with the PROW would again largely screen any views of the proposed cabin from this path. The trees on the PROW are subject to a Tree Preservation Order and as I observed from walking along this path there are only glimpsed views into the site.
29. As the proposed cabin would be sited and contained within the well-defined and mature boundaries, it would, in that sense, not encroach into the open countryside as the appeal site does not form part of a large expanse of open countryside. The appeal site is also not an important integral feature of its landscape setting. Furthermore, the proposed cabin would have a traditional timber appearance and would not, therefore, appear out of place.
30. Accordingly, I find that the proposed cabin would not result in any harm to the intrinsic character and beauty of the area or its landscape setting, and would thus not conflict, in this respect, with policies 1, 2, 5, 12, 21 and 23 of the CLP, policy C1 of the DPD or the corresponding policies of the NPPF. The Council also refer to policy G1 of the DPD but my attention has not been drawn to how the proposal would conflict with this policy.

Conclusions

31. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
32. I have found that the appeal proposal would not result in any harm to the character and appearance of the countryside or its landscape setting. However, I have also found that the proposal would not be sustainable in that it 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. As a consequence, and as there are no material considerations that indicate otherwise, I find that the proposed holiday let use would conflict with the development plan when read as a whole.
33. 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