
Appeal Decisions

Site visit made on 3 February 2015

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 March 2015

Appeal A: APP/D0840/A/14/2224795

Hendra Paul Cottages, Hendra Paul Farm, Newquay, Cornwall TR8 4JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs Schofield against the decision of Cornwall Council.
 - The application Ref PA13/10867, dated 15 November 2013, was approved on 11 August 2014 and planning permission was granted subject to condition.
 - The development permitted is erection of dwelling for holiday letting.
 - The condition in dispute is No 1 which states that: the development hereby permitted shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence.
 - The reason given for the condition is: to accord with development plan housing policies under which permanent residential accommodation would not normally be permitted on the site due to its isolated location in the countryside in accordance with the aims and intentions of the National Planning Policy Framework, with particular regard to paragraphs 28, 37 and 55 and saved policies 3, 63 and 76 of the Restormel Local Plan 2001.
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Appeal B: APP/D0840/A/14/2224791

Hendra Paul Cottages, Hendra Paul Farm, Newquay, Cornwall TR8 4JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs Schofield against the decision of Cornwall Council.
 - The application Ref PA13/10866, dated 15 November 2013, was approved on 11 August 2014 and planning permission was granted subject to condition.
 - The development permitted is conversion of agricultural buildings to two residential units for seasonal use.
 - The condition in dispute is No 1 which states that: the development hereby permitted shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of each individual unit on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.
 - The reason given for the condition is: to accord with development plan housing policies under which permanent residential accommodation would not normally be permitted on the site due to its isolated location in the countryside in accordance with the aims and intentions of the National Planning Policy Framework 2012, with particular regard to paragraphs 28 and 55 and saved policies 3, 34, 63 and 76 of the Restormel Local Plan 2001.
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Appeal C: APP/D0840/A/14/2224788

Hendra Paul Cottages, Hendra Paul Farm, Newquay, Cornwall TR8 4JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990

against a grant of planning permission subject to conditions.

- The appeal is made by Mr & Mrs Schofield against the decision of Cornwall Council.
 - The application Ref PA13/10865, dated 15 November 2013, was approved on 11 August 2014 and planning permission was granted subject to condition.
 - The development permitted is conversion of and extension to barn to form holiday accommodation.
 - The condition in dispute is No 1 which states that: the development hereby permitted shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of each individual unit on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.
 - The reason given for the condition is: to accord with development plan housing policies under which permanent residential accommodation would not normally be permitted on the site due to its isolated location in the countryside in accordance with the aims and intentions of the National Planning Policy Framework 2012, with particular regard to paragraphs 28 and 55 and saved policies 6, 34, 63 and 76 of the Restormel Local Plan 2001.
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Decision

1. Appeal A is dismissed, Appeal B is dismissed, and Appeal C is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Schofield against Cornwall Council. This application is the subject of a separate Decision.

Procedural Matters

3. For ease of reference I refer to the different cases as Appeals A, B and C in this decision letter as set out in the headers. I have dealt with each appeal on its individual merits but to avoid duplication I have considered the proposals together in this document.

Main Issue

4. The main issue in each appeal is whether or not the proposals would provide suitable sites for permanent dwellings as opposed to holiday accommodation, having regard to the principles of sustainable development.

Reasons

5. Paragraph 14 of the National Planning Policy Framework (the Framework) sets out that there should be a presumption in favour of sustainable development. The Framework indicates that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
6. Policy 63 of the Restormel Borough Council Local Plan (the Local Plan) states that holiday accommodation must be provided in such a way that prevents it being used as full-time permanent dwellings. Policy 76 of the Local Plan states that housing development outside the development envelopes of St Austell and Newquay and the other defined settlements will be limited to five scenarios. These include housing which will convert existing buildings, but, through cross-

- reference to Policy 34, only where every reasonable attempt has been made to secure a suitable business re-use for the building, including holiday letting.
7. Paragraph 55 of the Framework is particularly relevant as it seeks to promote sustainable development in rural areas, with housing located where it will enhance or maintain the vitality of rural communities. It goes on to say that new isolated homes in the countryside should be avoided unless there are special circumstances including, amongst other things, where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. This paragraph refers to new homes, and so includes conversions such as those proposed. Furthermore, I consider that the proposed removal of the existing occupation restriction conditions would amount to the creation of new homes where the existing scenario is one of a holiday let enterprise.
 8. The above local plan policies are broadly consistent with paragraph 55 in that they fundamentally seek to resist new homes in isolated locations subject to certain exceptional circumstances. The Framework does not stipulate those requirements referred to above in relation to Policy 34 of the Local Plan and does not state a presumption in favour of business uses. However, I consider that it is reasonable in this case, where the buildings are in use for an existing holiday let business, and so not obviously redundant, to require proof of a lack of viability in order to, in effect, demonstrate redundancy.
 9. The buildings concerned are in an isolated location, where the only surrounding properties are generally well scattered dwellings and farm buildings together with a holiday park and golf course on the opposite side of the road to the south of the site. The properties are not close enough to the nearest substantial settlements of Newquay or St. Columb Major to be within comfortable walking distance of those centres, with further discouragement due to a lack of roadside footways and lighting for the most part.
 10. Permanent residents of the properties concerned would therefore be highly dependent on car use for access to Newquay or St. Columb Major for a good range of facilities and services to serve day to day needs, such as shops, schools, health, leisure and social facilities. On the other hand, the existing holiday accommodation is fairly well located for reaching surrounding tourist destinations including the north Cornwall coast. There is also unlikely to be so much reliance on access to the larger settlements referred to above, for the necessary day to day needs associated with permanent living, notwithstanding visits to their tourist attractions and shops.
 11. The permanent residential use of the buildings would therefore be significantly less sustainable than for use as a holiday accommodation in terms of the location, to an unacceptable degree.
 12. The Council also raises concern about the loss of tourist accommodation. In this respect, I have not received any substantive evidence that the loss of the proposed four units would detract significantly from the local tourism economy especially given the presence of nearby holiday parks. Furthermore there is no policy basis for retaining such accommodation where it is no longer viable and therefore, in effect, redundant.
 13. That said, the key point remains with regard to paragraph 55 as to whether the buildings can be regarded as redundant on the basis that the appellant claims

- them not to be viable any more, and then, regardless of this, whether the development would lead to an enhancement to the immediate setting.
14. I have had regard to concerns raised by the appellants in their viability study about falling numbers of clients, due to reasons including the impact of activity at the airport to the east of the site, to a change in the type of tourism in the area veering away from families, and to the economic downturn and cheaper overseas holidays.
 15. However, no supporting accounts information has been submitted and I have not received sufficient substantive evidence to verify the extent, if at all, to which those above reasons are accounting for falling numbers of guests. For example, in respect of the airport's impact, no written evidence from former clients has been supplied to support the claims that this is the reason for them not returning. There is therefore insufficient basis to consider the existing holiday units to be redundant by reason of not being a viable enterprise.
 16. Also weighed in favour of the existing enterprise, to a degree, would be the potential for additional clients during the months that were previously restricted by conditions. I agree with the Council that there are no justifiable reasons for retaining those conditions and that, if anything, it would be likely to boost the local tourism economy through additional tourists visiting the area at those other times of the year.
 17. From the evidence submitted, it is clear that the buildings are fully functional and in good condition. Their re-use as permanent dwellings would therefore not require any substantive alterations to make them habitable for such a purpose and so would not result in any enhancement to their immediate setting. I have had regard to whether they would be likely to fall into disrepair if left unused, however there is no evidence to suggest that this would be inevitable and in any case is not the current scenario. The proposals would therefore not lead to an enhancement to the immediate setting.
 18. The appellants refer to two other appeal cases¹ where the holiday occupancy condition was lifted. I do not have full details of those cases to enable me to properly consider them although I understand that the former related to a single property which the Inspector referred to as effectively being a dwelling, and the latter, a private holiday home. These differ from the current appeal case which relates to a well defined holiday let enterprise comprising four units. Those other cases had also resulted in local enhancement through their conversion, whereas I have no evidence of that being the case here.
 19. Also referred to are two other decisions by the Council to approve the lifting of holiday occupancy conditions including one, Ref PA13/04862, where the Council said that it was difficult to argue that holiday occupancy is more sustainable than unfettered occupancy. However, again, I do not have the full details of those cases to enable proper comparison of the circumstances, including the location. I have determined this appeal on its own merits.
 20. For the above reasons, the proposals would not provide suitable sites for permanent dwellings as opposed to holiday accommodation, having regard to the principles of sustainable development. As such, they would be contrary to

¹ Appeal Refs APP/D0840/A/13/2195668 and APP/D0840/A/14/2215545

Policies 34, 63 and 76 of the Local Plan as well as paragraph 55 of the Framework.

Conclusion

21. For the above reasons, and having regard to all other matters raised, I conclude that all three appeals should be dismissed.

Andrew Dawe

INSPECTOR