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# Appeal Decision

Site visit made on 21 March 2017

**by Andrew Owen BA(Hons) MA MRTPI**

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

**Decision date: 10 April 2017**

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**Appeal Ref: APP/D0840/W/16/3164863**

**Land adjacent to The Smallholding, Trevellas, St Agnes, Nr Truro, Cornwall TR5 0XU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Higgins against the decision of Cornwall Council.
  - The application Ref PA16/03598, dated 12 April 2016, was refused by notice dated 13 June 2016.
  - The development proposed is demolition of barn and erection of dwelling, installation of septic tank, access improvements and associated works.
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## Decision

1. The appeal is dismissed.

## Application for costs

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

## Preliminary matter

3. Since the date of the Council's decision, the Cornwall Local Plan (CLP) has been adopted. This means policy 3A of the Carrick District Wide Local Plan, referred to in the decision notice, no longer has effect. The Council have referred to Policies 1, 2, 3, 7, 12, 13, 21, 23 and 27 in their statement and the appellant has had the opportunity to comment on these.

## Main Issue

4. The main issue is whether the proposal would be suitably located having regard to the proximity of facilities and services and the character and appearance of the area.

## Reasons

### *Access to facilities and services*

5. Trevellas is a loose collection of houses spread across the B3285. Though there are some commercial businesses in the hamlet, there are no shops or facilities that would serve the day to day needs of the future occupiers of the proposed dwelling. St Agnes and Perranporth are larger settlements located a significant distance from the site and are not readily accessible from the site by pedestrians or cyclists. Mithian School is around one kilometre away, which is closer than St Agnes, but is equally difficult to reach by foot or cycle.
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6. The appellant has provided evidence of an hourly bus service that connects Newquay, Perranporth, St Agnes and Truro which runs along the B3285. However from my site visit it was not clear where the nearest bus stop to the site is. Notwithstanding this, in light of this low frequency, and the fact that there are very limited facilities in Trevellas, I consider it highly likely than any future occupiers would rely on their own private car for all their travel needs.
7. I recognise the support given to rural housing in paragraph 55 of the National Planning Policy Framework (the 'Framework'). However given the very limited number of services in Trevellas that could benefit from the proposal, and the distance to the larger settlements at St Agnes and Perranporth, I consider the support to these rural communities that could be provided by just one house would be negligible.
8. I have considered the case at Hewas Water<sup>1</sup> referred to by the appellant. In that case the Inspector considered the site was not isolated from other development or from the facilities and services in Sticker which he estimated was around one kilometre from that appeal site. The appeal before me differs from that case in that it is further from, and would not have good access to, facilities and services in the nearest settlements. Consequently it would not meet the social role of sustainable development as set out in paragraph 7 of the Framework.
9. In summary, the development would not have acceptable access to goods and services and so would not be suitably located. It would therefore conflict with Policies 2, 3 and 7 of the CLP which all encourage development which is appropriate to its location, and Policy 27 of the CLP which advises that development should provide convenient and appropriate access for pedestrians and cyclists.

*Character and appearance*

10. Policy 3 of the CLP states that, outside the main settlements, housing can be delivered through rounding off settlements. The explanatory text adds that this applies to land which is substantially enclosed and that the development should not extend into the open countryside.
11. The existing building is not visually disconnected from the other neighbouring buildings at Tinkers Barn, Teylu-Tir (formerly The Smallholding) and Home Manor Farm. In this respect the dwelling would not be physically isolated. However the site is not enclosed and does form part of the open countryside due to its agricultural nature and because, apart from its frontage, it is bounded on all sides by open fields. Therefore, the proposed dwelling would represent an encroachment into the open countryside.
12. In addition, the existing building is modest in its scale and has an agricultural appearance commensurate with its rural backdrop. The proposed house would be far larger, have a domestic appearance, and would contrast with the rural nature of the surrounding land. Though permitted development rights could be withdrawn by planning condition to reduce any further development within the site, the dwelling itself would contrast with the open and rural character of the site's immediate setting.

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<sup>1</sup> APP/D0840/W/15/3129379

13. The existing building on site is a small agricultural barn. Annexe 2 of the Framework excludes land occupied by agricultural buildings from the definition of previously developed land. Indeed, at the time of my site visit, the site was in active agricultural use being grazed by alpacas. Consequently, and in addition to the fact that the development is not sustainably located, Policy 21 of the CLP does not support the proposal. Furthermore, the case at Delphi Heights<sup>2</sup> is not comparable to this appeal as that was on previously developed land.
14. The existing building is small and its construction does not appear to be of habitable quality. As such, despite the appellant's suggestion that it would be possible to convert the existing building, I have no evidence to demonstrate that this is a feasible option. The scheme therefore is not comparable to the other conversion schemes referred to by the appellant.
15. In summary, the development would represent an encroachment into the open countryside which would harm the character and appearance of the area, and therefore it would not be suitably located. The proposal therefore conflicts with Policy 12 of the CLP which supports development which is appropriate to its context. It would also contrast with Policy 23 of the CLP, and paragraph 17 of the Framework, which both require development to have regard to the countryside and natural landscape.
16. The CLP is up to date and, as I consider the development does not accord with it, paragraph 14 of the Framework is not applicable. The proposal does not constitute sustainable development and would therefore also fail to accord with Policy 1 of the CLP which encourages sustainable development.
17. I can find no conflict with Policy 13 of the CLP which sets out standards for residential development.

### **Conclusion**

18. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

*Andrew Owen*

INSPECTOR

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<sup>2</sup> Planning Ref PA16/11489