

Appeal Decision

Site visit made on 24 May 2016

by Stephen Hawkins MA MRTPI

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

Decision date: 26 July 2016

Appeal Ref: APP/D0840/W/16/3145163

Mor Cliff, Beacon Drive, St Agnes, Cornwall TR5 0NT

- 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 Boscobel Properties Ltd against the decision of Cornwall Council.
 - The application Ref PA15/06299, dated 18 June 2015, was refused by notice dated 23 December 2015.
 - The development proposed is extension of holiday accommodation facility to provide five additional units with associated infrastructure (access, parking, drainage and landscaping).
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Boscobel Properties Ltd against Cornwall Council. This application will be the subject of a separate Decision.

Main Issues

3. These are:
 - The effect of the proposed development on the landscape and scenic beauty of the Cornwall Area of Outstanding Natural Beauty (AONB), the Heritage Coast (HC) and the landscape of the surrounding countryside.
 - Whether the proposal would conserve the historic landscape characteristics of the Cornish Mining World Heritage Site (WHS).
 - Whether the proposed development would be in a suitable location for additional tourism accommodation, having regard to access to local services and facilities and any locational advantages of the appeal site.

Reasons

Landscape and scenic beauty of AONB and HC and surrounding countryside

4. Saved Policy 3A of the Carrick District-Wide Local Plan 1998 (LP) seeks to resist development that would have a significant adverse impact on the character and beauty of the countryside. Saved LP Policy 40 seeks to ensure that the siting and design of development in the AONB and HC respects the distinctive character of the area, with particular regard to traditional building styles, scale and local features, characteristic patterns of settlement and the
-

degree of prominence. Whilst these policies are of some age, I shall afford them significant weight as they are broadly consistent with the National Planning Policy Framework (the Framework) at sections 7 and 11 concerning good design and the conservation and enhancement of the rural environment respectively. Policy 40 is consistent with the requirement in legislation and in the Framework at paragraph 115, that great weight should be given to conserving the landscape and scenic beauty of the AONB.

5. The Council has drawn my attention to Policy PD6 of the planning and development policies in the Cornwall AONB Management Plan 2011-2016 (MP). This is supportive of tourism development which conserves and enhances the diverse local landscape characteristics of sections of the AONB and seeks to ensure that the development of such facilities, their scale, design and use of materials has appropriate regard to the character, sensitivity and capacity of the protected landscape. I have also been referred to Policy PD8 which seeks to ensure that any necessary development in the AONB, contributes to the conservation and enhancement of the natural beauty of the landscape.
6. The Council also referred to the MP guiding principles for the St Agnes section of the AONB at GP.05.01 and GP.05.06, which respectively seek a reduction in landscape and visual impacts and better integration at existing holiday sites and the conservation and enhancement of the expansive openness of the coastal plateau and Beacon, keeping it free from intrusive development. Although the MP does not form part of the Development Plan, given that it has been adopted by the Council (in February 2011) and having regard to the Planning Practice Guidance (PPG) 'Natural Environment' at paragraph 004¹, I shall afford its policies some weight.
7. The appeal site consists of a sloping open field which is bounded on all sides by Cornish hedges. When I visited, the appeal site was largely open and roughly grassed, although some earth had recently been spread across part of it. It lies just within the Cornwall AONB, the adjacent road to Chapel Porth forming the outer boundary of the AONB designation. The appeal site and surroundings also form part of the HC. Beyond the northern boundary of the appeal site, up the slope towards the top of the adjacent field is a small group of detached holiday units, six of which were granted planning permission by the Council in 2011². The appeal site was included in the 'red line' plan which accompanied that application. A Counsel's Opinion³ states that the appeal site can be used for purposes ancillary to the existing holiday accommodation. However, this appears to be in dispute between the main parties. No Certificate of Lawful Use or Development has been obtained to resolve the matter⁴. When I visited, there was no obvious evidence of the appeal site being used for purposes associated with the nearby holiday accommodation. Two additional holiday units have subsequently been allowed adjacent to the existing units at separate appeals⁵, one of which had been built when I visited.
8. The Cornwall and Isles of Scilly landscape Character Study describes the St Agnes Character Area (LCA)⁶ as being dominated by St Agnes Beacon, "a *large, heath covered granite intrusion, with a flat top, rising to 192 m....*" from "...an

¹ Reference ID: 8-004-20140306

² Council reference PA11/00754

³ Appendix RM.9 to Appellant's Statement

⁴ Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended)

⁵ References APP/D0840/A/12/2179351 & 2182892, APP/D0840/A/14/2228253

⁶ LCA No CA 12

open windswept and undulating plateau." The appeal site lies within this character area, below the southern slopes of the Beacon. Due to its open and largely undeveloped character and enclosure by Cornish hedges, from a visual perspective the appeal site forms a part of the "*patchwork of small fields*" within the LCA which are a part of the character of the landscape to the south of St Agnes Beacon. These fields separate the dispersed groups of built development including "*areas of more closely grouped 'miners smallholdings' at Goonvrea*". Apart from the adjacent holiday units and some nearby detached dwellings, the pattern of built development in the surroundings generally consists of progressively more dispersed farms and cottages in an open, expansive and gently undulating landscape setting.

9. The appellant's evidence includes a comprehensive Landscape and Visual Impact Assessment (LVIA) in respect of the proposal, the preparation of which followed a recognised methodology. The LVIA quantifies the effect of the appeal scheme on the AONB landscape as 'small adverse' in terms of magnitude and 'minor adverse' in terms of significance (paragraph 6.3.17). In terms of the St Agnes LCA, the impacts are described as minimal with localised landscape impacts, the effects being 'small adverse' in terms of magnitude and 'minor adverse' in terms of significance (paragraph 6.3.10). As well as visiting the appeal site itself I viewed it from various locations along local roads, public footpaths and bridleways. In doing so, I visited most of the viewpoints referred to at 7.5 of the LVIA, including the upper slopes of St Agnes Beacon.
10. The new units proposed would have a strong 'family' resemblance to the existing holiday units in the adjacent field, being of a similar contemporary design and external materials, utilising a mix of cedar cladding and local stone on the walls and low profile roofs covered with sedum. The new units have been sited by reference to the contours of the appeal site, with the result that none of them would significantly exceed the height of the planting along the rear boundary and they would have a roof level similar to that of the floor level of the units on the adjacent field. I have also taken into account the extensive new planting proposed, which would include reinforcing the existing hedge boundaries.
11. In views towards the appeal site from Beacon Drive and the lane to Chapel Porth, the effects of the proposal would be minimal. In the case of the former, the views of the appeal site are obtained from higher land over the roofs of the existing holiday units and due to the level of the new units, only limited parts of the roofs would be visible beyond the existing accommodation. From the lane to Chapel Porth, the new units would largely be screened by the planting fronting the lane, with only the upper portions of units 2 and 4 visible. Due to its limited width and the lack of need for extensive works to form an adequate visibility splay, the new vehicular access would have a minimal impact in terms of the rural character of the lane.
12. At points along the public footpath to the south⁷ (viewpoint 7 in the LVIA), the new units would be viewed across the valley with the existing holiday units in the adjacent field and the nearby scatter of built development forming part of the background. However, the existing buildings are relatively dispersed and only comprise a small part of the wider background, which is dominated by countryside rising towards St Agnes Beacon. From this viewpoint the appeal

⁷ Public footpath No 318/70/1

site is largely adjoined by other open areas of land, including the substantial area of open space in front of the existing holiday units as well as the adjacent small fields which form part of the 'patchwork' effect mentioned in the LCA. Consequently, the appeal site is largely physically and visually separated from the isolated clusters of buildings that comprise the settlement of Goonvrea. As a result, notwithstanding its association with the existing holiday units the appeal site shares the characteristics of open land in the wider landscape and forms a small but integral part of its overall character.

13. The new units would have an increased floorspace in comparison with the nearby units and they consequently would have a much greater overall scale and bulk, even with the articulation and varied rooflines in the design. The contemporary design, muted external materials and relatively low profile of the units would be less intrusive than some of the more substantial buildings in the locality. However, the angular forms and profiles of the units would be entirely at odds with the more natural contours of the appeal site and due to their separation from other buildings, they would appear rather isolated in the landscape. Consequently, it would be difficult to comfortably assimilate the new units into the open landscape setting and they would appear as alien and incongruous features when viewed in their wider surroundings. Even if the appeal site was used for activities associated with the existing accommodation, the effects on the wider landscape are unlikely to be in any way comparable with that of the appeal scheme.
14. Moreover, by introducing a substantial amount of buildings across a relatively wide expanse of the appeal site, the proposed development would result in a substantial erosion of its current open qualities and it would give the appeal site a more built up appearance. This would also significantly erode the current spacing between dispersed groups of built development which contributes substantially to the established, rural landscape character around Goonvrea identified in the LCA.
15. The above visual impacts would be similar from other viewpoints in the landscape, in particular from further south at Town Cross (within the Godrevey Head Special Area of Conservation) (viewpoint 8), albeit at a more substantial distance. From the upper slopes of the St Agnes Beacon (viewpoint 13), the units and their roofs in particular would be viewed as a substantial incursion of buildings into the largely undeveloped landscape to the south beyond the existing development. They would therefore be at odds with the largely open, expansive characteristics of the surrounding countryside.
16. The LVIA acknowledges that the three viewpoints I have referred to above are of high sensitivity and the changes in the landscape characteristics will therefore be especially apparent to viewers. The LVIA conclusions regarding the magnitude and significance of the impacts of the appeal scheme might well reflect consideration of the effects of the proposed development on the AONB and LCA as a whole. Nevertheless, my assessment is that the adverse impacts would be significant, over a comparatively wide area and would be far from being limited or localised. Consequently, whilst I have had regard to the conclusions of the LVIA, it is my overall assessment that the appeal scheme would have an adverse effect on the scenic qualities of the landscape of the AONB and the undeveloped qualities of the HC, therefore conflicting with the objectives of the designation of those areas, as well as adversely affecting the character of the landscape within the LCA.

17. I acknowledge that in the two previous appeals, Inspectors have found that single additional units would not cause harm to the landscape. However, those schemes were of much smaller scale, with units sited in positions more closely related to existing built development. Therefore, I do not share the appellant's view that those schemes exhibited strong similarities with the appeal scheme in terms of their landscape impact.
18. As a result, I find that the appeal scheme would fail to accord with saved Policies 3A and 4O of the LP. It would also therefore be inconsistent with Policy PD6 and Policy PD8 of the MP and the guiding principles for the St Agnes section of the AONB at GP.05.01 and GP.05.06. The appeal scheme would harm the landscape and scenic qualities of the AONB, conservation of which are afforded great weight by paragraph 115 of the Framework. Furthermore, the appeal scheme would also be inconsistent with the Framework core principles at paragraph 17, as it would not contribute to conserving and enhancing the natural environment. It would also be inconsistent with paragraph 28, which indicates that sustainable rural tourism development should respect the character of the countryside. In addition, it would be inconsistent with paragraphs 109 which seeks, to ensure that development contributes to and enhances the natural and local environment by amongst other things, protecting and enhancing valued landscapes.

Conservation of the WHS

19. The WHS designation recognises the international significance of the development of the Cornish tin and copper mining industry and encompasses its physical remains and associated landscapes. As the WHS is a designated heritage asset, the Framework at paragraph 132 requires that great weight is given to its conservation. The appeal site is in the St Agnes Mining District of the WHS, where the surviving physical remains of mining are visible in a wider landscape which has also been shaped by the clusters of former mineworkers' cottages and the agricultural activity which supported the workers and their families.
20. The Council has referred to policies of the WHS Management Plan which seek to ensure that new development protects, conserves and enhances the WHS and its setting (P3) and that it will add to the quality and distinctiveness of the site by being of high quality design and respectful of the setting (C2). Although these cannot attract the weight of Development Plan Policies, their aims are broadly consistent with the Framework.
21. The appeal site lies inland from the coastal areas where some of the most significant remains of the Cornish mining legacy can be found. The proposed development entails retaining and enhancing the Cornish hedgerows on the boundaries, which reflect the local field pattern. Nevertheless, the introduction of a substantial amount of built form of contemporary design and appearance across the appeal site would significantly erode its open qualities, which is shared by other open fields in the surrounding area and would introduce a more built up character. In turn, the appeal scheme would be at odds with and erode the dispersed pattern of development, including mineworker's smallholdings in and around Goonvrea, which forms part of the legacy of the area's mining heritage. As a result, the appeal scheme would appear alien in its setting and would not conserve the historic and landscape characteristics of the WHS. It would not be consistent with the strategic principles for its

conservation and enjoyment set out in the PPG 'Conserving and Enhancing the Historic Environment' at paragraph 032⁸.

22. Consequently, the appeal scheme would harm the significance of the WHS. The harm would be less than 'substantial harm' of the kind in paragraph 133 of the Framework. Therefore, in accordance with paragraph 134, it will be necessary to weigh the harm caused against any public benefits that arise from the development. I will return to this matter towards the end of my decision.

Whether the location is suitable

23. The appeal site is located in countryside some distance outside of the village of St Agnes, the nearest large village containing shops and services. Access to the village is by narrow lanes with limited footways and lighting at night, and the appeal site is not well served by public transport. As a result, occupiers of the additional units are likely to be largely reliant on the private car for most of their journeys, as opposed to more sustainable modes of transport. Consequently, the appeal scheme would be inconsistent with the Framework core principles at paragraph 17 of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling and the objective of minimising the need to travel and maximising the use of sustainable transport modes at paragraphs 34 and 35.
24. I am also mindful that the appeal scheme represents a form of housing, which the Framework at paragraph 55 states should be located where it will enhance or maintain the vitality of local communities. Notwithstanding the presence of the adjacent holiday units and nearby housing, the locational factors set out above lead to the conclusion that the appeal site could be described as being isolated in the countryside, where paragraph 55 indicates that new homes should be avoided unless there are special circumstances.
25. Paragraph 28 of the Framework is generally supportive of economic growth in rural areas and emphasises that a positive approach should be taken to sustainable new development. Even so, the approach of paragraph 28 is that sustainable rural tourism and leisure developments including the expansion of tourist and visitor facilities should be appropriately located, where identified needs are not met by existing facilities in rural service centres. Neither the Framework nor the PPG draw any distinction in terms of the approach to applying paragraph 28 between a proposed development which utilises land within the confines of an existing tourism site and a proposal involving a 'greenfield' site. I accept there is encouragement for re-use of 'previously developed land' (as defined in Annex 2 of the Framework). Nevertheless, even if the appellant's claim that the appeal site falls within the definition is correct, the encouragement is qualified. The definition does not assume that all such land should be developed. The appeal scheme still has to be weighed against other planning considerations.
26. I have already acknowledged that the appeal site is within the 'red line' of the 2011 permission. I have considered the appellant's evidence, which amply demonstrates the general value of tourism in economic terms to the local area as well as the Cornwall economy as a whole. I understand that there is a high level of occupancy and level of demand for the existing units as well as for self-catering accommodation in the locality and a high demand for property in the

⁸ Reference ID: 2a-032-20140306

vicinity of St Agnes. I note that the units would offer the benefit of sustaining tourism throughout the year, including outside of the traditional summer season. I have also considered the likely value to businesses within Cornwall and further afield from the construction contracts for the development.

27. Nevertheless, the appellant's evidence of the local and wider economic benefits does not equate to an identified specific requirement for the appeal scheme. Consequently, in the absence of any firm evidence which demonstrated that there is an identified site specific need for the appeal scheme in this location, which could not otherwise be met in a rural service centre, the generalised benefits to the local economy arising from the scheme would not outweigh the inherently unsuitable location of the appeal site to serve the appeal scheme, on account of its location in terms of access to local services and facilities. As a result, the appeal scheme would be inconsistent with the Framework approach in paragraphs 17, 28, 29, 34, 35 and 55 to achieving development in locations which are sustainable in transport terms and encouraging alternative means of transport to the private car.

Other matters

28. I have considered the details supplied of three recent decisions made by the Council in relation to tourism development⁹, which the appellant says are inconsistent with the Council's refusal of the appeal scheme. However, from the details I have been provided, one of the cases involved replacement of an existing golf and leisure complex and therefore gave rise to different planning considerations to the appeal scheme, while the other cases appear to have been accompanied by some evidence which supported a need for enhanced facilities. Thus I find that these decisions are not directly comparable with the appeal scheme and have given them limited weight.
29. I have also been supplied with a recent appeal decision concerning a new caravan site in the same Parish as the appeal site¹⁰, in which the Inspector recognised the contribution that small holiday accommodation sites can make to the rural economy. However, in that case there appears to have been some clear evidence of the direct economic benefits provided by the proposal, which was of a significantly smaller scale to the current appeal. I have also been supplied with another appeal decision¹¹, which the appellant says supports their case that the appeal site should be considered as previously developed land. Even so, that appeal concerned a different form of development on a site surrounded by existing development and its previously developed status appears to have been one of a number of factors which weighed in favour of the proposal. As a result, I do not find either of these decisions directly comparable with the appeal scheme and have also given them limited weight.
30. The appellant questions why the principle of development was not at issue in the previous appeals for additional holiday units in the adjacent field. However, on the basis of the information provided I am not certain whether the Council took issue with the principle in those cases, which in any event were much smaller scale proposals in comparison with the appeal scheme.

⁹ Appendix RM.13

¹⁰ Reference APP/D0840/A/14/2226434

¹¹ Reference APP/D0840/W/15/3132369

Planning Balance

31. The appeal scheme would harm the landscape and scenic beauty of the AONB, the conservation of which must be afforded great weight. It would also harm the character of the countryside within the LCA. It would also cause harm to the HC and WHS and would not accord with the Development Plan and the AONB Management Plan.
32. The above harm has to be balanced against the general public benefits that the appeal scheme would provide. It would create economic benefits by providing employment, including construction jobs during the build period and employment to service the units and it would provide benefits to other businesses in the locality which would be visited by the occupiers of the accommodation, all contributing to supporting the tourism industry in the locality and within Cornwall. The appeal scheme would also provide a social role by creating jobs at the appeal site and sustaining jobs at other businesses, directly and indirectly contributing to a prosperous rural economy, thus supporting strong vibrant and healthy communities. These benefits all weigh in favour of the proposal.
33. However, these benefits would all be relatively small in scale. The appeal scheme would not contribute to protecting and enhancing the natural, built and historic environment and it would have adverse impacts on the above nationally and internationally designated areas. These adverse impacts would outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the appeal scheme would not achieve the objectives of sustainable development as defined at paragraphs 7 and 8 of the Framework.

Conclusions

34. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR