



Appeal Decision

Site visit made on 20 November 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 11th December 2017

Appeal Ref: APP/D0840/W/17/3180741

Towan Valley, Porthtowan, Truro TR4 8FJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Towan Valley Tree Limited against the decision of Cornwall Council.
 - The application Ref PA16/05172, dated 3 June 2016, was refused by notice dated 10 February 2017.
 - The development proposed is the construction of 44 new holiday units, associated facilities building and vehicle parking, utilising access proposed under phase 2 of the Towan Valley development.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application form was marked to indicate that the approval for the appearance of the development was sought along with access. However it is clear from all the other documentation that this was not the intention. The Council determined the proposal on the basis it was an application in outline with all matters reserved for future consideration except for the means of access. I have determined the appeal on the same basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

Background

4. In 2006 planning permission was granted for 28 holiday chalets, this development has been constructed and it replaced a number of holiday caravans and an associated service building. Within the appeal documentation this group of buildings is referred to as "Phase 1". It lies to the east of an older complex of chalets and shares the same vehicular access as them.
5. In 2014 planning permission was granted for 15 holiday units on land east of Phase 1, this included a new vehicular access further to the east with the road linking into the road system in Phase 1. In February 2017 outline planning permission was granted for the construction of 28 holiday units on a similar site to the 2014 permission. However, while a new vehicular access was also approved to the east, this was in a different location with the access road also taking a different route. Both these permissions included the closure of the existing access between Phase 1 and the older chalets to vehicular traffic.

Subsequently an application for the approval of the reserved matters for the 28 holiday units was submitted. This site is referred to as "Phase 2".

6. The appeal development is for a third phase. It would be located on land to the east of Phase 2 and it would utilise the same access granted consent as part of the February 2017 outline permission. An illustrative layout was submitted showing the facility building and most of the parking located adjacent to the boundary with Phase 2 with the 44 holiday units set in a number of rows extending close to the eastern boundary of the site. Each holiday unit is shown to be approximately the same size. It appears it was this illustrative layout that was taken into account when the Council made its decision.
7. Within the appeal documentation a revised illustrative layout, and other related evidence such as a land use parameters plan and illustrative plans, elevations and sections, have also been provided. This shows the facilities building close to the boundary with Phase 2 along with a block of studio apartments. The remainder of the holiday units are set out in a number of rows in the centre of the site with the eastern most portion of the site shown as undercroft parking.

Character and appearance

8. The village of Porthtowan is formed of a number of distinct clusters of buildings. Some of the development has a valley floor location with other clusters located at the top of the valleys. Where the intervening land is steep, this is generally less developed. Significant sections of the land which is located between the clusters of development has a heath or scrub land appearance with some signs of historic industrial workings. This is a distinctive characteristic of the local area. The appeal site lies within an area of defined Heritage Coast.
9. Phase 1, and the existing older chalets, form part of a ribbon of valley floor development that extends from Beach Road. The eastern edge of this would be extended by the Phase 2 development. To the south of, and above, Phase 2 there is a cluster of houses located off Sandy Road. A footpath is located to the south of the appeal site, it links to Sandy Road, and then continues westward. Another cluster of housing, Atlantic Way, is located further south, and towards the top of the valley. A recent development has been constructed to the south east corner of these dwellings. This sits behind some pre-existing housing and so the eastern extent of the housing has not been extended in this location.
10. To the north of the appeal site there is agricultural land which slopes fairly steeply upwards to where it meets Towan Road. There is a cluster of buildings located approximately north of the Phase 2 site around Towan Farm. Housing at Eastcliff is located a little to the west of Towan Farm with the land between being undeveloped agricultural land.
11. The character of the village is significantly defined by its relatively small pockets of development separated by intervening sloping land. From parts of Coast Road, Towan Road, Sandy Road and the adjoining footpath this character can be appreciated. From these locations Towan farm to the north and Atlantic Way to the south mark the eastern extent of any significant built form. Beyond this is open country side with only small clusters of development.
12. At the time of my site inspection significant portions of the appeal site and the land associated with Phase 2 were devoid of vegetation. When seen from the

roads and public footpath this was in stark contrast with much of the surrounding land with either had a pastoral or a scrubland appearance. The appeal site sits within the valley floor. However the land rises significantly from its western boundary to the eastern boundary; where there is only a limited difference in the height of the site and Coast Road.

13. The appeal site extends significantly to the east of the existing development at Atlantic Way. With only access to be determined at this stage, the full extent and impact of the development could only be fully understood at the reserved matters stage. However given the number of units proposed along with a facilities building and the associated parking, it can reasonably be expected that much of the site would be developed. Indeed this is borne out by the illustrative layouts which both indicate relatively tightly packed rows of holiday units. Although latterly undercroft car parking has been indicated at the eastern extremity of the site, even if this incorporated a green roof, it is still likely to appear as a significant built form. The rising land at the eastern end of the site will mean that development in this location would not appear as valley floor development.
14. The appearance of the development and landscaping are not matters for approval at this stage. However even if green roofs were incorporated along with landscaping between, and at the edges of, buildings, the amount of development proposed leads me to believe that a dense form of development would result.
15. The appeal site is highly visible from parts of Towan Road and the footpath at Sandy Road, there are also some views from Coast Road. It would result in, and be seen as, a long ribbon of development extending above the valley floor. This being so, it would be out of keeping with the relatively contained pockets of development that are characteristic of Porthtowan. From these locations the development would also appear as a harmfully significant eastward expansion of the village. This would likely be exacerbated by development, of one form or another, extending close to the eastern boundary of the site.
16. The appellant's Landscape and Visual Appeal Statement suggests that the development would result in an improvement to the landscape through the removal of the relatively derelict appearance of the site and its replacement with a development of a coherent design to Phase 1. The appellant's Landscape and Visual Appraisal reaches a similar view, albeit in less specific terms.
17. There is evidence that in the relatively recent past much of the appeal site had a heath/scrub land appearance. It is not entirely clear what has led to the current appearance of the site, nor do I have any evidence of the extent of the changes, if any, to the topography of the land. It is however clear that much of the vegetation has been removed. It is possible some of this could relate to the implementation of the 2014 Phase 2 development, but the areas of lost vegetation exceeds the limited extent of that application site. If the site were returned to its former heath land appearance, this would be in keeping with the character of the area. The current derelict nature of the site, or the presence of Japanese knotweed, is not a sufficient reason to grant planning permission for harmful development.
18. The appeal development would be visible from some longer views including from areas to the west. From these vantage points the eastward expansion of the village would not be easily discernible. Similarly, the topography of the land

and distances would mean that there would be no significant effects on either the World Heritage Site or the Area of Outstanding Natural beauty, both of which lie in the wider area. However, this would not mitigate or outweigh the harm that would arise from other views.

19. The appellant argues that the site is not located within a 'valued landscape' in the terms of the National Planning Policy Framework (the Framework). Even if I were to share that view, for the reasons I have given above, the development would not reinforce local distinctiveness or protect the distinctive landscape within this area of defined Heritage Coast. These are also aims of the Framework and I would still find that significant harm would arise to the character and appearance of the area.
20. For these reasons, I conclude that the development would result in significant harm to the character and appearance of the area. It would fail to accord with Policies 2, 5, 12 and 23 of the Cornwall Local Plan Strategic Policies (the LP). These seek to ensure development maintains and respects the special character and distinctiveness of Cornwall and the defined Heritage Coast in terms of the scale of the development and the sensitivity and capacity of the landscape. Policy 5 also supports new and expanded tourism facilities but only where they are of a scale appropriate to their location. The development would also not accord with the corresponding aims of the Framework.

Other matters

21. The development would result in social and economic benefits from the associated spending by guests as well as through the creation of jobs both in the construction and operational phases. This would benefit the local and wider area. Other benefits associated with business rates would arise. There would be associated benefits in the support for local infrastructure, services and facilities. Although limited information has been submitted it appears that the appellant has linked up with some local charities. I also accept that, if the development were constructed to be similar to Phase 1, the accommodation could well attract guests beyond the peak and shoulder seasons.
22. There are some services within the settlement of Porthtowan with bus links near to the site and a railway station in the wider area. The development would therefore be relatively well served by a range of transport modes and, in this respect, the development would not conflict with Policy 5 of the LP. This would mitigate some of the impacts of the development but, in itself, does little to weigh in its favour.
23. Although these relate to reserved matters, the illustrative information shows that the site could contain a mix in the size of units and that the buildings could be designed with good environmental credentials. Some moderate benefits would arise through a mix in accommodation offered and the design could mitigate some of the impact of the development. I therefore attach some modest positive weight on this basis. The development would incorporate a facilities building which the appellant suggests could also provide facilities for the wider community as well as guests at the site. The nature and the scale of the facilities would only be fully known at the reserved matters stage. The basis on which these would be available to the wider public is not certain nor has a means of securing this been put forward. While I accept that the facilities building could offer some services to the local population the lack of certainty means I can only give this very limited weight.

24. Policy 5 of the LP supports the provision of new, or an enhancement of existing, tourism facilities but only where the scale is appropriate to the location. To support economic growth in rural areas and create jobs, the Framework also supports rural tourism including the expansion of existing facilities where they respect the character of the countryside. Taking account of this local and national planning policy background I give only moderate weight to the social and economic benefits that would arise from the development. These benefits, even when considered in combination with the other benefits of the development, would not outweigh the significant harm that would arise to the character and appearance of the area.
25. There are no buildings remaining within the site which relate to its former mining use. The appellant considers the site to be previously developed land. However, the definition of this within the Framework excludes land where the remains of the permanent structure or fixed surface infrastructure has blended into the landscape. It is therefore not certain that the whole of the appeal site would fall within this classification. The re-use of previously developed land is encouraged within the Framework, however this must be balanced against its other aims including those relating to the protection of landscapes and reinforcing local distinctiveness. Given the significant harm that would arise to the character of the area, even if the whole site was considered to be previously developed land, this would not outweigh that harm. The lack of buildings relating to the site's industrial heritage would also not mitigate the harm.
26. I note the proposal for the closure of the existing western access at Phase 1. That falls within the scope of the Phase 2 permissions and therefore is not a substantive matter for this appeal. I do not doubt that the development could be carried out without causing harm to the living conditions of the guests of this or the other phases of the development, or the occupiers of other surrounding development. I also note the lack of objection from consultees commenting on technical matters such as drainage and flood risk and I agree that other matters, including those relating to light pollution, could be mitigated by conditions. All these are neutral factors and they do not weigh in favour of the development.
27. The development was recommended for approval by the Council's planning officer and I note that the appellant has raised some criticism of the Landscape and Visual Statement which was prepared on behalf of a number of local residents. I also note the appellant's evidence that the objections raised to the development relate to a small proportion of local residents in percentage terms. I have taken these factors into account; however I must reach my own view on the substantive planning merits of the development.

Conclusion

28. For the reasons given above, the proposal would not accord with the development plan when it is considered as a whole. It would fail to meet the environmental role of sustainable development and as such it would conflict with Policy 1 in the LP and the Framework. I therefore conclude that the appeal should be dismissed.

K Taylor

INSPECTOR