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## Appeal Decision

Site visit made on 8 September 2020

**by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 September 2020**

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**Appeal Ref: APP/D0840/W/20/3250308**

**Land SSW of the Cottage, Castle Gate, Ludgvan, Penzance, Cornwall TR20 8BQ**

- 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 Mrs Louise Walker of Bus Fayre against the decision of Cornwall Council.
  - The application Ref PA19/06428, dated 12 July 2019, was refused by notice dated 8 November 2019.
  - The development proposed is described as the retention of 3 shipping containers used for storage, a glamping unit vintage coach (seasonal use only), double decker bus converted to café (seasonal use only) and a marquee, used in conjunction with double decker bus café approximately 4-5 months per year.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have amended the original description of development to reflect that provided within the Council's decision notice in the interests of accuracy and consistency.

### Main Issues

3. The main issues in this appeal are:
  - The effect of the proposed development on the character and appearance of the surrounding area, having particular regard to the location of the appeal site within the Cornwall Area of Outstanding Natural Beauty (the AONB); and,
  - Whether the proposed development would be in a suitable location, having regard to local and national planning policies.

### Reasons

#### *Character and Appearance*

4. The appeal site comprises land adjacent to The Cottage and within the area known as Castle Gate. The site is accessed from a gate which is located adjoining the B3311 highway and occupies space on a plateau elevated above and overlooking Mounts Bay. Castle Gate is a loose collection of dwellings and agricultural buildings which form a sporadic ribbon of development, scattered alongside the B3311 highway.

5. The appeal site is not within any settlement which has a clear form and shape and, by reason of the presence of narrow highways, hedges, predominately open landscape and scatter of agricultural and residential buildings, would be located within the countryside for planning purposes in the context of the Cornwall Local Plan Strategic Policies (2010-2030) (the Local Plan)<sup>1</sup>.
6. The site is visible from the adjacent highway and from within the wider surrounding area due to its exposed position, and appears as an agricultural field within which a variety of vehicles and structures have been sited. At the time of my visit, the appeal site was largely given over to grassland, with the vintage coach vehicle being positioned in the north western section of the field, the double decker bus being sited more centrally within the field, and the shipping containers occupying space in the north eastern section of the site which was accessed via a further gate.
7. Further to the above, there were a number of other vehicles and equipment scattered across the site, including examples of vehicles and equipment which were heavily overgrown with vegetation and which had started to blend back into the landscape. However, it was noted that at the time of my site visit, no marquee had been erected within the appeal site.
8. The appeal site is within the AONB, and specifically within Landscape Character Area CA03 Penwith Central Hills. The Cornwall and Isles of Scilly Landscape Character Study<sup>2</sup> describes this area as, amongst other things, being an exposed, windswept granite peninsula rising to a chain of gently rounded hills with prominent rocky outcrops, with highly visible evidence of tin mining, china clay and quarrying. The appeal site reflects these characteristics and, by reason of its location, makes a positive contribution to the character and appearance of the AONB.
9. Along with National Parks, AONBs are afforded the highest status of protection when it comes to their landscape and scenic beauty with paragraph 172 of the National Planning Policy Framework (the Framework) providing that "great weight should be given to conserving landscape and scenic beauty of....Areas of Outstanding Natural Beauty...". Policies 12 and 23 of the Local Plan require, amongst other things, that development respects the character of its setting, promotes local distinctiveness, and maintains and enhances Cornwall's distinctive natural and historic character.
10. As I observed on my visit, the appeal site, including the coach and double decker bus, is visible from within the immediate and surrounding area by reason of the open nature of the surrounding landscape which is largely devoid of tree cover, and given its exposed location on a plateau overlooking the Mounts Bay area.
11. While I acknowledge that the shipping containers located in an area away from the highway are partially screened by nearby vegetation, in my view and by reason of their scale, discordant form and jarring appearance which is not characteristic of the locality, the containers, the coach and the double decker bus are incongruous features within the surrounding landscape and would be in sharp contrast to those scattered buildings and structures; residential, agricultural and commercial, which are located closest to the site.

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<sup>1</sup> Adopted by the Local Planning Authority November 2016

<sup>2</sup> Published June 2008

Consequently, these elements of the proposal would draw the eye away from the landscape and scenic beauty of the AONB. In this regard, the proposal would not conserve or enhance the landscape and scenic beauty of the AONB and would fail to recognise the intrinsic character and beauty of the countryside.

12. As noted above, at the time of my visit there was no evidence of a marquee at the site. Whilst I do not appear to have been given any dimensions with regards the scale of the marquee, it is likely that such a structure, in combination with the siting of the coach, the double decker bus and the containers described above, would increase the prominence of the collective discordant features, further eroding the countryside character and appearance of the site and the locality. Consequently, when taken as a whole the proposal would be detrimental to local distinctiveness and would harm the landscape and scenic beauty of the AONB.
13. I acknowledge the Appellant's submissions regarding the location of a nearby quarry and skip hire business and, in this respect, I found that the structures, buildings and workings associated with those enterprises, were not prominent within the wider surrounding area and comprised development which integrated well within the surrounding natural and historic environment.
14. For the above reasons, the appeal scheme would have a harmful effect on the character and appearance of the area. The harm I have identified is a matter of particular importance as the site lies within the AONB, and the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in such locations.
15. The proposal would therefore conflict with Policies 12 and 23 of the Local Plan and would not accord with paragraphs 127, 130, 170 and 172 of the Framework, which, amongst other things, seek to ensure that local distinctiveness and the character and appearance of the area, including the scenic beauty of the AONB is protected.
16. Furthermore, the development would conflict with Policy MD6 of the Cornwall AONB Management Plan 2016-2021 (the AONBMP) which, among other things, seeks to protect the distinctive characteristics of localities by ensuring that development, and specifically proposals concerning tourism, leisure and recreation development, responds appropriately to its landscape setting. While the AONBMP does not form part of the development plan, the identified conflict also weighs against the appeal scheme.
17. I acknowledge and note that the Appellant has indicated that they are prepared to relocate the various vehicles and structures to other areas within the appeal site and that additional landscaping and planting would further limit the views of the site from within the wider surrounding area. However, in my view the siting and position of the various elements within any part of the site, would, by reason of the visible nature of the site within the surrounding topography, still be harmful to the character and appearance of the countryside and the AONB. Furthermore, while additional planting and landscaping may help assist in screening the proposal from views, such planting will take time to establish itself and consequently would not provide sufficient mitigation to the harm to the character and appearance of the surrounding area and the AONB as identified above.

### *Location of Development*

18. The Council's spatial strategy is contained within Policy 2 of the Local Plan. It sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing jobs in a proportional manner based on the role and function of each place.
19. The proposal represents tourism development. Policy 5 of the Local Plan is supportive of appropriate tourism development within the area and, amongst other things, provides that proposed tourism development within the countryside must be of a scale appropriate to its location, or demonstrate an overriding business need to be in that location, and be well served by public transport.
20. In these regards, while it is noted that the appeal site is located close to a bus stop, the evidence before me indicates that services from this stop are on an hourly basis during weekdays only and, accordingly in the absence of evidence regarding weekend services, I find that the site would not be particularly well served by public transport. Nonetheless, for the reasons outlined above in relation to character and appearance, the scale of the proposed development would not be appropriate in this countryside location within the AONB.
21. The Appellant maintains that the appeal scheme would represent a form of farm diversification and therefore would comply with criterion 1 c) of Policy 5 of the Local Plan. However, I have not been provided with any details regarding the agricultural unit or business that would be the subject of the farm diversification. Furthermore, I have only been provided with general comments and assertions regarding the contribution the proposed scheme would make to the local economy. Consequently, it has not been demonstrated that there is an overriding business need to be at this specific location within the AONB.
22. For the above reasons, the proposal would conflict with the provisions of Policy 5 of the Local Plan and, by reason of the adverse impact of the proposal on the landscape and scenic beauty of the AONB as described above, would fail to accord with the aims and objectives of paragraphs 83 and 84 of the Framework. Given that it has not been demonstrated that the proposal would represent farm diversification which would not be harmful to the AONB, the scheme would also fail to accord with the provisions of Policy MD15 of the AONBMP.

### **Other Matters**

23. The Appellant has put it to me that the site already benefits from permission which would allow the siting of camping pitches and that this potential fallback position would be more harmful to the local environment whilst providing smaller scale benefits to the local community. However, in this regard it is noted that the presence of camping pitches at the site would be for a significantly shorter period during the year than the proposal and would, in my view and given that camping pitches would not be discordant and visually intrusive features within the wider landscape, be less harmful to the character and appearance of the surrounding countryside and the AONB than the appeal scheme.
24. The proposal would have a harmful effect on the landscape and scenic beauty of the AONB, the conservation of which must be afforded great weight. The

appeal scheme would also conflict with the development plan with regards to the location of the proposal. Weighing in favour of the proposal, the scheme would provide some limited employment opportunities and I consider that visitors would make use of the services to be provided and use of other attractions, services and facilities within the wider surrounding area, thereby helping to support the viability of nearby settlements and the local economy.

25. However, having regard to all of the above matters, and given the scale and scope of the proposed development, the benefits of the appeal scheme would be moderate in scope. Such benefits either individually or in combination do not outweigh the above identified harm and the associated development plan conflict to which I attach significant weight.
26. Furthermore, by reason of the adverse environmental impacts of the proposal as identified above in relation to the AONB, the appeal scheme would fail the environmental objective of sustainable development as described within paragraph 8 of the Framework and, consequently, could not be considered to be sustainable development in the context of the Framework or in terms of Policy 1 of the Local Plan for which there is a presumption in favour of.

### **Conclusions**

27. For the reasons given above, the appeal should be dismissed.

*A Spencer-Peet*

INSPECTOR