



Appeal Decision

Site visit made on 10 March 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2021

Appeal Ref: APP/D0840/W/20/3262901

Morvargh, Balwest, Ashton TR13 9TE

- 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 William Costeloe against the decision of Cornwall Council.
 - The application Ref PA19/10252, dated 18 November 2019, was refused by notice dated 15 May 2020.
 - The development proposed is the siting of four universally accessible OmniPods for the purposes of providing accessible holiday accommodation for Cornwall's visitors who have access needs, including the provision of access and drainage.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of four universally accessible OmniPods for the purposes of providing accessible holiday accommodation for Cornwall's visitors who have access needs, including the provision of access and drainage, at Morvargh, Balwest, Ashton TR13 9TE in accordance with the terms of the application Ref PA19/10252, dated 18 November 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, with reference to the Godolphin and Tregonning Hills Area of Great Landscape Value (the AGLV) and the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS); and,
 - the suitability of the site for the proposed tourism development.

Reasons

Character and appearance

3. The site is part of an enclosed field of grassland set behind and below the two detached dwellings Morvargh and Powesva, which are at the western edge of the hamlet of Balwest. The site is part of the AGLV countryside and the WHS, the latter being a designated heritage asset of the highest significance.
4. Given its discrete position, the site is largely unseen from within Balwest. Whilst a Public Right of Way (the PROW) passes through the site, the pods and associated amenity spaces would only be clearly visible from the PROW at close proximity, within the same field. At this point, they would be largely viewed against the immediate backdrop of Balwest, and directly below the built form of Powesva and its detached garage. The hedgerow planting suggested by the appellant would further reduce the visual presence of the built form and would not look contrived within the context of a small tourism site.

5. Outward views from the PROW within the site to Godolphin Hill would be undisturbed. Whilst the development would be visible from vantages on Tregonning Hill, it would read as an incredibly small and inconsequential addition to the settlement given the distances involved. For these reasons, the scheme would have a negligible effect upon the AGLV¹. There is no clear evidence that the field within which the site is located is a former miner's smallholding, which would cause it to contribute to the Outstanding Universal Value of the WHS.
6. As such, the proposal would have an acceptable effect on the character and appearance of the area, with reference to the AGLV and the WHS. It would accord with the heritage and landscape aims of Policies 23 and 24 of the Cornwall Local Plan Strategic Policies 2010-2013 (adopted 2016) (CLP) and the National Planning Policy Framework (the Framework).

Suitability of site

7. Tourism development is addressed by Policy 5 of the CLP. Amongst other things, it states that high quality sustainable accommodation will be supported where it would be of an appropriate scale to its location and to its accessibility by a range of transport modes. Proposals should provide a well-balanced mix of economic, social and environmental benefits. This approach is consistent with Paragraph 84 of the Framework insofar as it recognises that sites to meet business needs in rural areas may have to be found adjacent to or beyond existing settlements, in locations that are not well served by public transport.
8. Balwest is somewhat remote and is lacking in facilities. However, bus stops on the A394 are fairly close by at Ashton and I understand that the site would offer a mini-bus service to facilities and tourist attractions in the wider area. Whilst the road to Ashton is basic, it is quite level overall, with reasonable levels of forward visibility and it serves a number of properties, including tourism sites. It therefore carries a clear 'place' function and would be an adequately safe and usable route for those on foot or cyclists. Given the target market for the pods, it is logical that a proportion of users would be reliant on private transport in any event. For these reasons, the modest quantum of accommodation proposed would be of an appropriate scale for this location and its level of accessibility.
9. In contributing to addressing the demonstrable shortage of universally accessible accommodation in Cornwall², and through the likely resultant increased spend locally and the potential contribution to job creation, the proposal would provide clear social and economic benefits. Given that the hedgerows would likely deliver a small boost to biodiversity, there would also be a degree of environmental benefit.
10. I therefore conclude on this issue that the site would be suitable for the proposed tourism development. The proposal would accord with Policies 1, 2 and 5 of the CLP and the Framework in this regard.

Conditions

11. In the interests of character and appearance, and in order to fully deliver the benefits of the scheme, conditions are required to secure the finish materials and the hard and soft landscaping within the site. A condition is necessary to

¹ The key characteristics of which are set out in the Cornwall and Isles of Scilly Landscape Character Study (2008)

² Appellant's Statement of Need

restrict the use of the pods to holiday accommodation. Given the absence of identifiable landscape harm, I see no clear justification for the removal of the pods if they become no longer required for their proposed purpose. Similarly, given that a quality of the pods for future occupants would be their open aspect towards the remainder of the field, there is no compelling reason to remove permitted development rights in relation to the erection of means of enclosure.

Conclusion

12. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be allowed, subject to conditions.

Matthew Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OHH128/01, OHH128/03, OHH128/04.
- 3) Prior to their installation, details of the materials to be used in the finishes of the external surfaces of the buildings and areas of hardstanding hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 4) Before the development hereby permitted is commenced, a scheme of landscaping, including the provision of screening for the pods, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following written approval of the scheme by the Local Planning Authority. Any trees or plants which within a period of five years from the approval, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 5) 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.