



Appeal Decision

Site visit made on 11 March 2021

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

an Inspector appointed by the Secretary of State

Decision date: 12 April 2021

Appeal Ref: APP/D0840/W/20/3264429

Land north of Treeve Lane, Treeve Lane, Connor Downs, Hayle

- 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 Ms Natasha Stevens against the decision of Cornwall Council.
 - The application Ref PA20/00650, dated 30 March 2020, was refused by notice dated 18 November 2020.
 - The development proposed is the proposed change of use of field to a seasonal touring caravan and camping site, including caretaker/manager and reception unit and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for the proposed change of use of field to a seasonal touring caravan and camping site, including caretaker/manager and reception unit and associated works at Land north of Treeve Lane, Treeve Lane, Connor Downs, Hayle, in accordance with the terms of the application, Ref: PA20/00650, dated 30 March 2020, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Ms Natasha Stevens against Cornwall Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are:
 - Whether the appeal site is an appropriate location for a caravan and camping site, with particular regard to the availability of existing tourist accommodation,
 - The effect of the proposed development on the character and appearance of the surrounding area; and,
 - Whether adequate arrangements are made for disposal of foul and surface water from the site.

Reasons

Location of Development

4. The appeal site comprises a parcel of land bounded by mature hedgerow. The site is located between the settlements at Connor Downs and Treeve, and in

close proximity to the A30 main highway. The site is accessed from Treeve Lane which runs adjacent to the site and which crosses over the A30 southeast of the site. The appeal scheme is for the change of use of the field to provide camping and caravan pitches.

5. Policy 5 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) is supportive of appropriate business and tourism development, and provides that proposed developments within the countryside must: be of a scale appropriate to its location, demonstrate an overriding business need to be in that location and be well served by public transport.
6. GGP Policy 10 of the Gwinear-Gwithian Parish Neighbourhood Plan 2016-2030 (the Neighbourhood Plan) confirms that proposals for new holiday accommodation should demonstrate that there is a need for the provision of additional tourist accommodation that cannot be met by existing facilities, with such development prioritising the conversion or replacement of existing buildings and being well related to a settlement and which is accessible by a range of transport modes.
7. Planning history for the appeal site indicates that planning permission was granted in 2012 for a caravan site and associated works at the appeal site¹. Whilst it has been acknowledged that that permission is no longer extant, it has been put to me by the Appellant that that previous permission confirmed, as at 2012, that there was an identified and agreed need for additional tourist accommodation within the Parish and that, since the date of that permission, no other new tourist accommodation development has occurred within the Parish.
8. Whilst the Appellant's submissions in this regard are noted, it is apparent from the evidence before me that the previous permission was assessed against policies that no longer form part of the development plan. Consequently, I attach only limited weight to that previous planning permission in the determination of this appeal.
9. Nonetheless, the Appellant has submitted additional information regarding the availability of such accommodation within the Parish in support of this appeal. The evidence obtained and provided by the Appellant considers camping and caravan provision within the local area with reference to eight other sites. The evidence indicates that there is a high demand for such facilities within the area and that there is a lack of available camping and caravan pitches, particularly for stays longer than a day or two, at a peak time of year.
10. The evidence provided in support of the planning application and appeal predominately concerns the availability of camping and caravan pitches during August and September 2020. In this respect, it appears that the Parish Council are concerned that due to the restrictions arising from the Covid-19 pandemic, the details provided by the Appellant do not represent a true picture given that a number of sites were closed entirely or were taking only limited number of bookings. In this regard, I have only been provided with general assertions that a number of the sites within the area were closed due to the Covid-19 restrictions.

¹ Local Planning Authority Reference: PA12/01195

11. The Appellant's evidence provides that, in some instances, certain alternative sites were not taking bookings. For these examples there is no confirmation as to whether that is by reason of the respective facility's closure or by reason of that all usually available pitches were already booked. However, in respect of a number of alternative sites, there is clear information and confirmation that pitches were unavailable due to having already been booked and that there was therefore a lack of supply locally. Whilst I have only attached limited weight to the previous planning permission at this site and the evidence that supported that earlier planning application as described above, in combination with the evidence provided in support of this appeal and given that during the period August and September 2020 there were no restrictions regarding the operation of camping and caravan sites, it is likely that alternative sites were not taking further bookings due to bookings for available pitches having already been made.
12. The appeal proposal would be located where there would be convenient access to the services and facilities contained within Connor Downs, which also provides convenient access to public transport links for those wishing to travel to the larger settlements, such as Hayle, within the area. I, therefore, find no conflict with those parts of Policy 5 of the Local Plan or GGP Policy 10 of the Neighbourhood Plan which require that tourism development be well related to a settlement and which is well served by public transport.
13. For the above reasons, the appeal scheme would comply with the requirements of Policy 5 of the Local Plan and GGP Policy 10 of the Neighbourhood Plan with regards to the location of tourism development. Whilst it is acknowledged that the Council considers that insufficient evidence has been submitted in respect of need for additional holiday accommodation for the past two years, there does not appear to be any policy requirement within either the Local Plan or the Neighbourhood Plan for such information to be provided.

Character and Appearance

14. As described above, the appeal site is located outside of any settlement and has the appearance of an agricultural field. As I observed on my visit, whilst the site can be seen from the adjacent highway and there would be some very limited views of the site from within the surrounding area, given its location in a position elevated above the level of the nearby A30 highway and by reason of the mature hedgerow which surrounds the site, the appeal site is not prominent or highly visible in views from within the surrounding area.
15. The appeal scheme would alter the undeveloped rural character and appearance of the site, with areas laid out to provide camping and caravan pitches. The proposed development would result in a facility that would be likely to have a manicured and ordered appearance which, in combination with vehicles and other paraphernalia that the proposal would be likely to exhibit, would be at odds with the character and appearance of the countryside at this location.
16. Nonetheless, given that the site is not highly visible or prominent, any visual harm would be highly localised. Whilst I acknowledge that there are some gaps in the mature hedgerow which surrounds the site, in my view additional planting would further reduce the visibility of the appeal scheme from public views. Subject to landscaping and planting conditions which stipulate the amount and type of additional planting, additional planting could reinforce and

enhance the existing hedgerows which characterise the site. While I accept that new planting can take time to mature, much of the existing vegetation is quite dense and already filters views into the site.

17. In light of the above, I therefore conclude that the appeal scheme would not have a harmful effect on the character and appearance of the surrounding area subject to a condition which controls the proposed additional planting. Consequently, the proposed development would comply with Policies 2, 12 and 23 of the Local Plan which, amongst other matters, seek to ensure that development protects and enhances the quality of place, respecting local distinctiveness and responding well to the landscape setting. For the same reasons, the appeal proposal would accord with paragraphs 83, 127 and 170 of the National Planning Policy Framework (the Framework) which requires that tourism development is of high quality design which respects the intrinsic beauty and character of the countryside.

Drainage

18. The Council's decision notice included a reason for refusal on grounds of drainage. However, it is acknowledged by the Council in their appeal statement that, given the additional details and information provided by the Appellant during the course of the appeal and subject to the application of a condition requiring details of proposed methods of drainage be agreed by the Local Planning Authority, the Council considers that this reason for refusal can be overcome. Based on the evidence and submissions before me, I see no reason to disagree with the Council in this regard.
19. Consequently, the appeal proposal would not conflict with the aims and objectives of Policies 16 or 26 of the Local Plan, nor would fail to accord with paragraph 163 of the Framework which, together, seek to ensure that health and safety is not compromised by developments which increase the risk of flooding elsewhere.

Other Matters

20. Concerns have been raised by the Parish Council with regards to highway safety. Whilst the specific concerns of the Parish Council are noted, the road between the appeal site and Connor Downs does have a pavement and is not narrow. Furthermore, based on the evidence before me and consistent with the details provided by the Highways Officer, whilst it would be necessary to secure the widening of the proposed point of access by a condition to which I shall return to below, the appeal scheme would not have a harmful effect on highway safety.

Conditions

21. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. I further include conditions requiring details of any landscaping and planting and external lighting, be agreed with the Local Planning Authority, and that a condition preventing the siting of static caravans is reasonable and necessary

in the interests of preserving the character and appearance of the surrounding area.

22. It is also reasonable to require that details of foul and surface water drainage be provided to the Local Planning Authority in order that the site is drained in a satisfactory manner without increasing the risk of flooding elsewhere. Furthermore, in order to ensure that the site is used as holiday accommodation rather than for permanent residential occupation, I have imposed a condition restricting the use and period of occupation.
23. Further to the above concerns regarding highway safety, it is reasonable and necessary to apply a condition which requires that the proposed point of access be widened before the appeal scheme is brought into use, in order to ensure safe vehicle movements into and out of the appeal site.
24. Where necessary, and in the interests of clarity and precision, I have altered the wording of the conditions suggested by the Council in order to better reflect the relevant guidance. The Appellant has been provided with the opportunity to comment on the wording of the Council's suggested pre-commencement conditions and these have been agreed by the Appellant.

Conclusions

25. The appeal scheme would provide economic benefits in terms of additional employment opportunities and through the future spend of tourists within local businesses thereby supporting the local economy. I have found that the proposal would not have a harmful effect on the character or appearance of the area and would be suitably located with regards to access to services and facilities. In these regards, the appeal proposal could be considered to be sustainable development in the terms of the Framework and in terms of Policy 1 of the Local Plan for which there is a presumption in favour of. For the above reasons, the proposed development accords with the development plan when taken as a whole.
26. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed subject to the identified conditions.

A Spencer-Peet

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
- 2) The development hereby approved shall in all respects accord strictly with drawing number: Site/Location Plan 1898-00 received by the Local Planning Authority on 24 January 2020 and drawing number: Block Plan 1898-10 received by the Local Planning Authority on 27 April 2020.
- 3) The development hereby permitted shall not be occupied until the installation of a system to serve the development for the disposal of sewage has been completed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The details shall include a programme for maintaining the system if required. The system shall be retained and maintained thereafter in accordance with the approved details.
- 4) Before the development hereby permitted is brought into use details of surface water disposal works serving the development shall be submitted to and approved in writing by the Local Planning Authority. These works shall not thereafter be altered or removed unless otherwise agreed in writing by the Local Planning Authority.
- 5) Before any of the development hereby permitted is brought into use, the point of access shall be widened and laid out in accordance with the submitted drawing number Block Plan 1898-10 received by the Local Planning Authority on 27 April 2020.
- 6) The use hereby permitted shall not operate between 31 October in any one year and 1 March in the succeeding year.
- 7) With the exception of the site manager's caravan, the site shall be used for the accommodation of touring units only (including motorised caravans and tents) and no static caravans shall be stationed thereon.
- 8) The development hereby permitted shall be used for holiday use only and shall not at any time be used for permanent residential accommodation. The owners/operators shall maintain an up-to-date register of the names of all occupiers of each of the touring pitches site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.
- 9) No development shall commence until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection to be used in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written permission to any variation. The agreed protection measures shall be completed before the development hereby permitted commences and shall thereafter be retained until it is completed.

- 10) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The lighting scheme shall be implemented in accordance with the approved details and retained as such thereafter.