



Appeal Decisions

Site visit made on 23 March 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal A Ref: APP/D0840/W/20/3259225

Field at Bokenver, St Martin

- 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 Pete Buttery against the decision of Cornwall Council.
 - The application Ref PA19/10682, dated 6 December 2019, was refused by notice dated 10 March 2020.
 - The development proposed is the change of use of a 9350m² part of the site to mixed use agriculture, forestry, tourist accommodation camping and facilities. Regularising the siting of: •one camping pod (10.8 m²) existing •a composting toilet (1.6 m²) existing •a shower (3.3 m²) existing. The proposed siting of •two camping pods (2 x 10.8 m²) •a shepherd's hut (10.8 m²) •six camping pitches •a composting toilet (1.6 m²) •a shower (3.3 m²) •extended hardstanding (85 m² and 3 x 11.5 m²).
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Appeal B Ref: APP/D0840/W/20/3264798

Field at Bokenver, St Martin

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Pete Buttery against the decision of Cornwall Council.
 - The application Ref PA20/08264, is dated 25 September 2020.
 - The development proposed is the change of use of 560 m² of the site (including 300 m² of hardstanding) to mixed use agriculture, forestry, temporary tourist accommodation (four glamping pitches) and ancillary facilities. Regularising the siting of: •one camping pod (10.8 m²) •a composting toilet (1.6 m²) •a shower (3.3 m²). Proposed siting of: •two camping pods (10.8 m²) •a shepherd's hut (10.8 m²) •a composting toilet (1.6 m²) •a shower (3.3 m²). Proposed engineering works: •extended hardstanding (85 m² additional to existing) •adjustment of 9m length of hedge bank at entrance to facilitate visibility •the levelling of land under the pods.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed and planning permission is refused.

Procedural Matters

3. During my site visit, I noted that one camping pod and a separate WC and shower block were already in situ on part of the site.
4. Appeal B was submitted against the failure of the Council to determine the application within the prescribed period. Since the appeal was lodged, the

Council has indicated that, had it been in a position to determine the application, it would have refused it for the same identical reason as Appeal A, which I have disaggregated into two reasons: the location of the development and effects on the character and appearance of the area. As the appeals are very similar save for the exclusion of the 6 no camping pitches and smaller site area in Appeal B, I largely deal with the two appeals together.

Main Issues

5. As above, the main issues, common to both appeals, are:

- whether the proposed holiday accommodation would be in a suitable location having particular regard to the accessibility of the site by a range of transport modes; and
- the effects on the character and appearance of the area.

Reasons

Location of development

6. The current development plan for the area includes the Cornwall Local Plan (adopted 2016) (CLP). Policy 1 encompasses the presumption in favour of sustainable development as set out in the National Planning Policy Framework (the Framework). Policy 2 sets the spatial strategy for the plan area, which is largely based on a dispersed pattern of development with the scale of provision of homes and jobs based on the role and function of the related settlements. Policy 3 provides more detail about the roles and functions of a range of places and the growth that they should receive, with the most growth directed towards the main towns and more limited development allowable elsewhere, subject to specific criteria.
7. Policy 5 of the CLP relates to business and tourism and explains that the development of high quality, sustainable tourism or enhancement of existing tourism facilities, attractions and accommodation will be supported where they would be of an appropriate scale to their location and to their accessibility by a range of transport modes. It also details that such proposals should provide a well balanced mix of economic, social and environmental benefits. Whilst the Policy appears to be generally permissive, it is caveated to direct development to where it can be accessed by a range of transport modes relative to its scale, with higher expectations on accessibility applicable to larger schemes.
8. Both Appeals A and B comprise new self-catering tourist accommodation with WCs and showers. Appeal A would comprise a range of 4 self-contained 'glamping' structures and 6 camping pitches; Appeal B would include the same glamping structures but without the camping pitches.
9. The location of the site, along a rural road near the south coast between Seaton and Millendreath, is clearly in the open countryside. The settlements closest to the site include: No Mans Land, some approximate 1.6 km to the north-west, which hosts a bus stop and small convenience shop; Millendreath, some approximate 2.5 km to the south-west, which is largely a collection of residences and a holiday park, beach and café; Seaton and Dowederry are two linked settlements arranged linearly along the coastline some approximate 2.5 km to the south-east of the site and together accommodate a small range of cafés, pubs and shops as well as recreational spaces, i.e. beaches and a

park. Looe is the closest town and lies some approximate 6km by road in a south-westerly direction.

10. In terms of public transport provision, Looe is the only relatively local settlement with a railway station, connecting with Liskeard which is on the main Paddington-Penzance Line. Liskeard (a main town) is approximately 12 km in a northerly direction. There is a bus service provision available from No Mans Land (1.6 km away) which offers six daily services to other settlements, including Liskeard.
11. The site is accessible by private vehicle, although the nature of the local road network along narrow, often steep, rural roads has the potential to make even short journeys quite cumbersome. The nature of the roads, absent of footways, streetlighting and lacking in sufficient width to conveniently accommodate pedestrians or cyclists in addition to vehicular traffic, is likely to deter many visitors from walking and cycling to or from the site to the nearest facilities.
12. Whilst the appellants may have a genuine interest in supporting the use of sustainable travel modes and have sought to offer financial incentives to guests opting to do so, I do not consider that the location of the site, the nature of the local road network or the site's setting between a range of settlements which themselves cannot be described as easily accessible, would be accessed by means other than private vehicle. Those wishing to walk or cycle to the nearest facilities, or use public transport after a walk or 'drop off' to the stop would be very few and far between. This would result in tourists arriving by car and taking all journeys for shopping trips or leisure purposes by car.
13. I accept that there may be a market for tourists who would prefer to enjoy the quintessential characteristics of the countryside, including its peacefulness, and that the appellant is aware of this from his previous experience of running a rural campsite. However, there appeared to be plentiful accommodation in the vicinity of the appeal site, varying from established caravan parks to farm B&B accommodation set in similar surroundings. The appellant also acknowledges the number of 'glamping' additions to existing tourism sites along Bucklawren Road in recent years, indicating that this type of accommodation is not unique.
14. In view of the above, my conclusion is that the site is not accessible by means other than private vehicle. Considered in line with the wording of the Policy, this suggests that no development should occur, or at best, extremely limited development should be permitted, which might include the retention of the single existing camping pod and shower/WC facilities. The provision of tourist accommodation of an amount proposed by either Appeal A or Appeal B, would not, in my view, accord with the thrust of CLP Policy 5 to locate development of a scale commensurate to its accessibility and, thus, both conflict therewith.
15. In reaching the above view, I have had regard to the decision of my colleague¹, in which he concluded that the small-scale scheme before him was situated where buses could be hailed at the site access and that future guests would not be wholly reliant on the private vehicle. I cannot reach the same view on the proposals before me.

¹ Appeal Ref: APP/D0840/W/17/3189025

Character and appearance

16. The appeal site comprises a field, bound by hedgerows which is adjoined by the rural road on its south-western side and slopes down into the river valley towards the north-east. It has many trees and scrubby areas on it at the present time, with some areas of interspersed managed grassland and a more formal growing area and polytunnel in its westernmost corner. A field gate adjoined by a flattened semi-hardsurfaced area marks the access point from the rural road. The site and surrounding area lie wholly within the Looe and Seaton Valleys Area of Great Landscape Value (AGLV).
17. The appellant's Landscape and Visual Impact Statement (LVS) details that the site's character and features are consistent with elements of both of the two landscape character areas (LCAs)² that it straddles, including its steep sided valley system and woodland, and pastoral farmland. The LCA22: South East Cornwall Plateau, is noted as being under pressure from changes related to tourism and coastal recreation. This was evident from passing through the area with very many tourism accommodation facilities apparent and even sporadically located farmsteads advertising tourist accommodation.
18. In terms of landscape character effects, the site would largely remain as a managed field used for cultivation of fruits and vegetables, albeit with a greater number of trees which would establish over time. An increased density of woodland would not be inconsistent with either character area. The introduction of small scale buildings, constructed from timber, and nestled on areas set down within the site and on natural bases, would not harmfully alter any landscape characteristics.
19. I concur with the LVS that the actual visibility towards the site is limited by topography, landform, boundary hedges and trees, both around and within the site. The modest scale and height of the proposed structures, combined with their siting, would not result in material visual change or harm despite the potential for longer distance views from the settlement of Widegates.
20. The more direct visual change could arise from the alterations to the visibility splays, extension to the parking area, and from the introduction of an increased number of cars, tents and associated camping paraphernalia. However, the access and car parking area already exist and the changes proposed would be both modest in scale and largely imperceptible. The tents and additional cars, whilst more visually incongruous, would again be few in number, temporary in nature and would benefit from a degree of screening from hedgerows and trees in the months when the use would be most intense.
21. Taking together all elements of either proposal in the context of the site's current condition, the overall impact on the landscape character and visual amenities of the area would be negligible, with the beneficial effects of enhanced management and tree planting offsetting the impacts of alterations around the access and glimpses of structures and transient elements. On balance, Appeals A and B would therefore comply with, in particular, Policies 12 and 23 of the CLP which seek to sustain local distinctiveness and character and protect Cornwall's natural environment, considering cumulative impact and

² LCA24: Seaton River Valley and LCA22: South East Coastal Plateau - Cornwall and Isles of Scilly Landscape Character Study (2007)

tranquillity. It would also comply with saved Policy CL9 of the Caradon Local Plan (1999) which specifically seeks to protect the AGLV.

Other Matters

22. I note the other appeal decisions for similar facilities based in other counties in the context of the respective development plan policies. Given the significant differences between the geographies and policy contexts, I cannot attribute these decisions more than limited weight. Similarly, differences in the way that support is given to enhancement of existing tourism facilities under the CLP, the location of which is an unchangeable aspect, or a previous development plan, are not directly comparable to the proposals.

Planning balance and conclusions

23. The appellant advances that travellers may be deterred from going abroad owing to the ongoing COVID-19 Pandemic. The proposals offer a small benefit in providing for the UK-based travel market in this context, and could negate some carbon emissions from global travel. Additional environmental benefits would result from the planting of trees and increased habitat diversification. The off-grid nature of the proposals and sensitive land management approach adopted by the appellant, including the growing of seasonal produce, have also not gone unnoticed.
24. The proposals would inevitably result in visitors spending money in the local area and create additional employment for the appellant, his family and possibly another worker. However, with the plentiful range of accommodation in the area and limited cogent evidence to suggest that demand outstrips such provision, it is hard to discern whether the visitors would be additional or just those diverted from other tourism facilities owing to an increase in choice. Nonetheless, I attribute some degree of weight to the likely economic benefits.
25. I accept that the Framework highlights the tension between promoting development in rural areas, including tourism, and real sustainable travel choices. The balance to strike is clearly a difficult one, but the Framework is only a material consideration that does not override the development plan as the starting point in decision making. The CLP is consistent with the Framework and the approach is to consider the scale and type of any new development relative to its accessibility. I have done so in this case and find that neither proposal is of an acceptable scale, relative to the absence of modal choice. This brings the schemes into conflict with the development plan, read as a whole.
26. Though I have attributed weight to the numerous benefits of the schemes, these do not lead me to conclude that decisions should be taken other than in accordance with the development plan.
27. For the reasons set out above, both Appeals A and B are dismissed.

Hollie Nicholls

INSPECTOR