
Appeal Decision

Site visit made on 7 February 2023

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 06 March 2023

Appeal Ref: APP/D0840/W/22/3301811

Land North of Nanturras Way, Goldsithney TR20 9DG

- 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 M Moth against the decision of Cornwall Council.
 - The application Ref.PA21/05742, dated 27 April 2021, was refused by notice dated 8 March 2022.
 - The development proposed is the change of use of land to campsite and the erection of one ablutions block.
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Preliminary Matter

1. An application for costs was made by the appellant against the Council. This is the subject of a separate decision.

Decision

2. The appeal is allowed, and planning permission is granted for the change of use of land to a campsite and the erection of one ablutions block on Land North of Nanturras Way, Goldsithney TR20 9DG in accordance with the terms of the application Ref.PA21/05742, dated 27 April 2021, subject to the conditions listed at Annex A to this decision.

Main Issue

3. This is the effect of the proposal on the character and appearance of the area.

Reasons

4. The starting point is the policy context for dealing with the appeal. Policy 5 of the Cornwall Local Plan (CLP) supports the provision of new, high-quality, sustainable tourism facilities where they would be of a scale appropriate to their location, and accessible by a range of transport modes. In this context, the Council accepts that the appeal site enjoys relatively easy access to the facilities and services in Goldsithney, and that the site is served by a bus route which gives wider access. Further, the Council accepts that the proposal is of a scale appropriate to its location. As such, according to the Council, the proposal accords with CLP Policy 5. The Council also accepts that tourism plays an important part in the local (Cornish) and the national economy. I have no good reason to disagree with any of those points.
5. The Council's concerns are centred around CLP Policy 12 that deals with design and says, amongst other things, that development must ensure Cornwall's enduring distinctiveness and maintain and enhance its distinctive natural and

historic character. Development should demonstrate a design process that has clearly considered the existing context, and how the development contributes to the social, economic and environmental elements of sustainability through fundamental design principles. Under the subheading 'character', the policy requires development to create places with their own identity and promoting local distinctiveness while not preventing or discouraging appropriate innovation and to be of an appropriate scale, density, layout, height and mass with a clear understanding and response to its landscape, seascape and townscape setting.

6. Alongside that, Policy 23 expects development proposals to sustain local distinctiveness and character, biodiversity, ancient woodlands and veteran trees. Landscape character is to be recognised and reflected in all development using guidance from the Cornwall Landscape Character Assessment.
7. All this is in clear accord with the approach of Government policy in the National Planning Policy Framework (the Framework).
8. The site is an open field, screened by mature trees and hedgerows, on the eastern lower slopes of a dry valley, about 150m from the edge of north-eastern edge of Goldsithney. The site is largely undeveloped and laid to rough pasture. It is axiomatic that developing the site for the purposes of a campsite would bring a fundamental change in character from something that generally accords with the characteristics of the Landscape Character Area (CA06 Mounts Bay East) that it lies within, to something with a more developed air.
9. Clearly, if the intrinsic character and beauty of the countryside is to be recognised, as well as trees and woodland, which is the approach of CLP Policy 23, and the Framework, then the change involved would be a negative one. That cannot be the end of the matter, however. Considering the CLP as a whole, and Policy 5 in particular, as well as the Framework in its entirety, the central question is whether the character and appearance of the area is being asked to pay too heavy a price for the economic benefits the proposal would bring forward.
10. The layout of the proposed campsite respects the relatively narrow, linear nature of the site. The proposed car park has been located close to the entrance, which minimises the extent of any hard surfacing, and the adjustments to the entrance to provide the requisite visibility splays have been arranged in a sensitive manner. The ablutions block is relatively modest in scale, and carefully designed to appear as a simple agricultural-style building.
11. Above all that, the site is well screened by mature trees, some of which are to be protected by a Tree Preservation Order. The layout is respectful of those trees, and there is little in the way of tree removal proposed. The trees would provide a substantial degree of screening at the times when the campsite is most likely to be in use, and this screening could be augmented by a well-designed landscaping scheme. Such a landscaping scheme could be secured by condition.
12. Points have been made about the lack of screening in the winter months. I saw at my site visit that even when the existing trees are not in leaf, the screening would remain appreciable, and largely effective. For that reason, I see no reason to impose a condition that prohibits camping on the site in the winter months, as the appellant has suggested.

13. In short, I am content that the scheme is a well-designed one that is respectful of the existing site, using its essential characteristics to good effect, in accordance with CLP Policy 12. On that basis, it is my conclusion that the impact the proposal would have on the character and appearance of the area is within reasonable bounds, and there is accord with the development plan, read as a whole.

Other Matters

14. Reference has been made to the location of the site within Area 3 (Tregonning and Gwinear) of the Cornwall and West Devon World Heritage Site (WHS). This part of the WHS is described as a rural mining area with extensive mineworker's smallholdings and settlements, dispersed or in groups. As the Council points out, while there are reminders and remains of mining activities in the area, there are no above ground, or other, indications that the site was a miner's smallholding. For that reason, the Council is satisfied that the proposal would cause no harm to the Outstanding Universal Value of the WHS. I agree and as a result, the proposal does not fall foul of the development plan in this regard, or the WHS Management Plan.
15. Concerns have been raised about highway safety. However, the entrance to the site is intended to be widened and would provide adequate visibility splays in either direction. A condition can be applied to ensure that these are in place before the development is brought into use and retained afterwards. In this way, there need be no harmful impact on highway safety. I saw for myself the excessive speed of some vehicles passing the proposed entrance to the site. The presence of an obvious access/egress point as a result of the proposal, with vehicles slowing to enter the site, or emerging on to the road from the site, might well serve to discourage those excessive speeds.

Conclusion and Conditions

16. For all those reasons, I conclude that the appeal should be allowed, subject to conditions.
17. Helpfully, the Council suggested a series of conditions that should be applied if planning permission is granted. I have considered those in the light of advice in paragraph 56 of the Framework. I have taken the lack of comment on this matter from the appellant to mean that there is no objection to those conditions that are pre-commencement in nature.
18. Conditions are of course required to deal with the commencement of development, and to set out the approved plans.
19. The main parties have proceeded on the basis that what is proposed is, in essence, a campsite designed to accommodate tents on thirty designated pitches. I have dealt with the identified main issue above on that basis.
20. Having said that, I do have concerns that the term 'campsite' which is used in the description of development, could also be taken to mean that caravans, camper vans, or other motorised accommodation, could be stationed, or parked, on the site, for the purposes of 'camping'. This form of camping would have a significantly greater impact on the character and appearance of the surrounding area. This Council has sought to head off this possibility through suggested condition no.4. This is a difficult area I accept but I have my doubts about whether this suggested condition is sufficiently precise to achieve that.

21. I have modified the suggested version in my condition 3 so that it achieves the intended purpose. A further condition is required to make sure that the tents are used for holiday purposes only and not as permanent residences.
22. A condition is required to ensure that the works to provide adequate visibility splays, that I have referred to above, are completed before the campsite is brought into use, and retained free of obstruction thereafter. A similar condition is required in relation to the vehicular access and parking area.
23. Given the importance of the trees and hedgerows on the site, it is necessary to apply a condition to ensure that the development is carried out in accordance with the Arboricultural Method Statement. Issues around the drainage of the site can be addressed through a suitably worded condition, and the same goes for its archaeological potential.
24. Limitations on any additional fences, walls or other means of enclosure are necessary and the Council needs to be able to exert control over any external lighting. Finally, given the importance of the existing trees and hedgerows, and their suggested augmentation, a condition is required to secure a scheme of landscaping.

Paul Griffiths

INSPECTOR

Annex A: Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: 18189-PL-00-01 A: Site/Location Plan; 18189-PL01-01: Proposed; 18189-PL-00-03 H: Proposed; EV-3500-B-TPP: Proposed; and EV-3500-B-TPP-AMS: Submitted Plan.
- 3) The use of the campsite permitted herein for camping shall be limited to tents on the thirty pitches identified on drawing no. 18189-PL-00-03 H. Overnight stays shall only take place on those thirty pitches. No additional form of camping, whether in tents, caravans, camper vans, or any other form of accommodation, motorised or otherwise, is permitted.
- 4) The thirty tent pitches permitted herein shall be occupied for holiday purposes only and shall not be occupied as a person or persons' sole or main residence. The site operator shall keep an up-to-date register of the names of all owners/occupiers of individual tent pitches, their main/home addresses, and the duration of their stay, and shall make this information available to the local planning authority at all reasonable times.
- 5) Before the campsite permitted herein is first brought into use, the visibility splays shall be completed in accordance with the details shown on drawing no. 18189-PL-00-03 H and they shall be retained as such thereafter. The visibility splays shall be kept free of obstructions to visibility above the height of 0.9 metres.
- 6) Before the campsite permitted herein is first brought into use, the vehicular access and parking area shall be completed in accordance with the details shown on drawing no. 18189-PL-00-03 H and they shall be retained as such thereafter.
- 7) The development permitted herein shall be carried out in accordance with the details set out in the Arboricultural Method Statement ref. EV-3500-B-TPP-AMS and the associated plan EV-3500-B-TPP.
- 8) No development shall take place until details of the following have been submitted to, and approved in writing by, the local planning authority: (1) the final drainage schemes including the layout and relevant calculations; (2) results of further on-site percolation testing to BRE365 to confirm the use of soakaways at the southern end of the site; (3) confirmation from South West Water that the foul network has sufficient capacity to cater for the development; (4) a construction surface water management plan; (5) a construction quality control plan; (6) a plan indicating the provisions for exceedance pathways, overland flow routes, and proposed detention features; (7) a timetable for construction; and (8) confirmation of who will maintain the drainage systems and a plan for its future maintenance and management, including responsibilities for the drainage systems and overland flow routes. Development shall be carried out in accordance with the approved details. Any proposed variation(s) from the approved details shall be submitted to and approved in writing by the local planning authority before implementation. The surface water drainage systems shall fully manage surface water flows resulting from the developed site up to the 1 in 100 year peak rainfall event plus a minimum allowance of 40% for the impact of climate change.

- 9) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and (1) the programme and methodology of site investigation and recording; (2) the programme for post investigation assessment; (3) provision to be made for analysis of the site investigation and recording; (4) provision to be made for publication and dissemination of the analysis and records of the site investigation; (5) provision to be made for archive deposition of the analysis and records of the site investigation; and (6) nomination of a competent person or persons/organisation to undertake the works set out in the Written Scheme of Investigation. No development shall take place other than in accordance with the Written Scheme of Investigation.
- 10) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. The archaeological recording condition will only be discharged, normally, when all elements of the Written Scheme of Investigation, including the on-site works, analysis, report, publication (where applicable) and archive work has been completed.
- 11) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting the Order with or without modification), no gates, fences, walls, or other means of enclosure, other than those expressly authorised by this permission, shall be erected.
- 12) No external lighting shall be put in place until details of that lighting, including light levels, timing, and predicted lighting contours, have been submitted to and approved in writing by the local planning authority.
- 13) No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land indicating which are to be retained and those to be removed together with additional landscaping/planting. The development shall be carried out in accordance with the approved details and any new planting shall be carried out in the first planting and seeding season following first occupation of the development. No tree or hedge shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan that has been approved by the local planning authority. The landscape details shall include a landscape management plan, management responsibilities and maintenance schedules for all landscape areas. The landscaping scheme shall be implemented in accordance with the approved details.