The Planning Inspectorate

Appeal Decision

Site visit made on 14 March 2023

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 29th March 2023

Appeal Ref: APP/D0840/D/22/3310918
Ganges, Freathy Cliff, Military Road, Torpoint, PL10 1JT

- 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 Dr Anne Ashman against the decision of Cornwall Council.
- The application Ref PA22/04916, dated 5 July 2022, was refused by notice dated 6 September 2022.
- The development proposed is to build a small porch constructed of the same material as the existing chalet i.e block and then timber walls, tiled roof and external composite cladding to match the current chalet.

Decision

1. The appeal is allowed and planning permission is granted for erection of a small porch constructed of the same material as the existing chalet i.e block and then timber walls, tiled roof and external composite cladding to match the current chalet at Ganges, Freathy Cliff, Military Road, Torpoint, PL10 1JT, in accordance with the terms of the application Ref PA22/04916, dated 5 July 2022, and the plans submitted with it, subject to the following 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: block plan, Ganges01, Ganges02, Ganges03 and Ganges04.

Main issue

2. I consider that the main issues in this case are its effect on the character and appearance of the area.

Reasons

3. The description of the proposal above is as it appears in the decision notice and is a summary of that contained in the original planning application. I consider that it is an accurate description of the proposed development.

4. Ganges is a small single storey chalet located within a group of similar properties off Military Road on the cliff side above the beach at Whitsand Bay within the Area of Great Landscape Value. In common with many of the other chalets, it is on a small level plot cut into the cliff.

5. I consider that the relevant policies in this case include policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (the 2016 local plan) and

saved policies CL9 and W1 of the Caradon Local Plan 2007 (the 2007 local plan). Policy 23 promotes the protection of the natural environment and local distinctiveness and character across the County, while policy CL9 more specifically addresses Areas of Great Landscape Value. Policy W1 sets out restrictions on development which affects the Whitsand Bay Chalets, including any extension or replacement which would increase the floor area.

6. There is disagreement between the appellant and the Council as to the size of the present, replacement chalet compared with the original built in 1948. The appellant states that the latter was larger, with an outside toilet, but has been unable to find archive records to support this view. The Council relies on plans in its records relating to planning permission granted in 1994 for the present replacement chalet which indicate that there was an increase in floor area exceeding the size allowed for in the criteria set out in policy W1 at the time.

7. Ganges is one of an informally grouped number of chalets, most of which are small and of a similar size to Ganges, with a low profile and set within natural landscape. Some have been extended in the past and some are considerably larger. Ganges is not readily visible from the road and although visible from the footpath, it does not appear particularly prominent within its setting.

8. The porch, which is required to improve access and security and prevent a recurrence of storm damage to the entrance door, would be on the northwest elevation of the chalet. This elevation is visible from the private steps which provide access to the chalet but only partially visible from the public footpath below as it is the side elevation. The porch would be very small, both in itself and in proportion to the existing chalet, with materials to match the existing.

9. In my view, this landscape is one where the small, low profile buildings blend in with the predominantly informal and wild vegetation of the cliff side and where the feature which most draws the eye is the expanse of sea beyond. On the basis of the Council's calculations, the proposed porch would not comply with the restrictions set out in policy W1. However, I consider that its modest size and unobtrusive location and the use of matching materials are such that it would be in keeping with the pattern of development in the chalet complex and it would not have any adverse cumulative impact on the landscape.

10. I conclude that it would not materially harm the character and appearance of the Area of Great Landscape Value and that in this respect it is consistent with the aims of policy 23 of the 2016 local plan and CL9 of the 2007 local plan which focus on protecting the overall character of particular areas.

11. For the reasons given above, the appeal is allowed.

Conditions

12. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt.

PAG Metcalfe

INSPECTOR