



Appeal Decision

Site visit made on 20 March 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2023

Appeal Ref: APP/D0840/W/22/3304088

Shalimar, Road From Barkla Shop To Higher Mithian Farm, Mithian Downs, St Agnes TR5 0PY

- 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 and Mrs A Mansell against the decision of Cornwall Council.
 - The application Ref PA21/08261, dated 12 August 2021, was refused by notice dated 2 February 2022.
 - The development proposed is change of use of land to provide 23 pitch seasonal camping pitches with associated erection of toilet/shower building and administrative/service building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the development from the appeal form, as it more fully and accurately describes the proposal than that given on the application form.

Main Issue

3. The main issue is whether the site is suitable for the proposal, bearing in mind the policies of the development plan, the accessibility of services, and its effect on the character and appearance of the countryside.

Reasons

4. The appeal site is a grass paddock approximately midway between the A30 to the east and St Agnes to the west. The village of Mithian lies approximately 1 kilometre to the north. There is a scatter of dwellings and other buildings in the immediate locality, but the surroundings are predominantly agricultural fields, and the site therefore lies in the countryside. It is proposed to use the field for 23 seasonal camping pitches, and to construct a toilet/shower block and a reception building with a small office and shop.
5. Policy 5 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) is supportive of new, or upgraded, high quality sustainable tourism facilities where they would be of an appropriate scale to their location and to their accessibility by a range of transport modes. It does not elaborate on what level of accessibility by sustainable means should be available, and it does not require developments to be near settlements containing everyday services and facilities. The requirement is that the scale of the proposal is commensurate with the accessibility of the site.

6. Policy 19 of the St Agnes Parish Neighbourhood Development Plan 2018-2030 (the Neighbourhood Plan) is more specific, in that it requires proposals for new tourist accommodation to be accessible to the widest range of transport modes available in the area, as well as being appropriate in scale and character to their setting and location. The Neighbourhood Plan has become part of the development plan more recently than the Local Plan. Therefore, in accordance with Section 38(5) of the Planning and Compulsory Purchase Act 2004 (as amended), any conflict between the two policies should be resolved in favour of the Neighbourhood Plan.
7. The site lies in the countryside, distant from any settlements that are served by railway stations. It is therefore likely that almost all holidaymakers attracted to the site would arrive by private car. The nearest settlement that contains a range of facilities is St Agnes. Accessing the shops and other facilities here would involve a trip of over 3 kilometres by road, largely along lanes with no street lighting, footways, or cycle lanes. It is therefore unlikely that tourists would regularly walk or cycle into St Agnes to obtain day to day goods and services. There is a petrol station with a small convenience store at Chiverton Cross, however it is almost 3 kilometres away. Although it has been pointed out to me that the road from the site to this facility is generally wide enough for two vehicles to pass, it is, nevertheless, unlit and unsegregated, and the B3277 carries fast-moving vehicles. Consequently, it is not suitable for pedestrians and is not conducive to all but the most confident cyclists.
8. In view of the above, it is unlikely that most occupants of the site would access everyday goods and services by foot or bicycle. It is suggested that bus services between St Agnes and Truro are available within a reasonable distance of the site. However, the nearest bus stop to the north is about 1.5 kilometres away at Barkla Shop, and is accessed via narrow, unlit lanes. That to the south is close to the petrol station at Chiverton Cross, so would involve the same pedestrian route that would be necessary to reach the convenience store, and which I have already found to be inconducive to walking and cycling. It is, therefore, unlikely that buses will be a regular mode of transport for users of the site to obtain daily services or to access tourist sites and facilities. Consequently, a large proportion of trips to and from the site would, in all likelihood, be by private vehicles.
9. I am mindful that the St Agnes to Threemilestone Saints Trail has been partially laid out. Notwithstanding current funding issues, once completed, it would be available for use by occupants of the site. The appellants have also indicated that they intend to provide bike hire opportunities to guests in the form of both electric and traditional bicycles to reduce car use. However, I have found that the distance to facilities, combined with the nature of the roads around the site, means that cycling is not an attractive option for obtaining day to day services. Consequently, even if these facilities were provided, it is unlikely that there would be a significant reduction in the use of private cars as the primary means of accessing goods and attractions.
10. It is also stated that the proposed on-site shop would enable guests to buy everyday items such as local meat, eggs, burgers, and barbeque items. This may go some way towards reducing the number of trips to and from the site, but, with 23 pitches, it is unlikely that such a small facility could provide for the daily needs and varied requirements of all occupants. Consequently, even if there were a mechanism to ensure that this facility was provided and

maintained, it would be unlikely to staunch the flow of private vehicles to and from the site to a significant extent.

11. It is stated by the appellants that the proposal is relatively small-scale. However, at 23 pitches, it would be a substantial concentration of activity and a significant generator of private vehicles in an area that is not well-served by alternative transport modes. The examples of recent approvals for holiday provision in the locality that have been drawn to my attention are of a much smaller scale, each being for two units of accommodation. One of them preceded the adoption of the Local Plan and the Neighbourhood Plan. Neither is comparable with the scale of the appeal scheme.
12. The other case that has been highlighted by the appellants, at Primrose Farm, is of a comparable scale. However, I note from the plans supplied that, in that case, the site is accessed directly off the A390. It is therefore likely that bus stops would be more conveniently located than is the case for the appeal site. It is also likely that a wider range and frequency of bus services would be provided along this route. There is, therefore, a significant difference between the two sites in terms of their accessibility to a range of transport modes.
13. The appeal site is a level field surrounded by hedgerows, so is enclosed from the surrounding landscape, which is also relatively flat. The pitches would be seasonal, so would only be occupied when the hedges are in full leaf. Consequently, they would not be widely visible. The administrative/service building would be tucked behind an existing outbuilding, so would be largely concealed in views through the access. It would also be adjacent to a garage building, and would be of a similar scale and height. Thus, it would be closely associated with a group of structures within the courtyard, and would have no discernible impact on the character and appearance of the countryside.
14. The toilet/shower block would be more isolated from the existing cluster of buildings, but it would be adjacent to a hedgerow to the west, and a line of trees to the north. Whilst it may be visible beyond the existing buildings, when looking through the access, it would not be a prominent feature in the landscape. Overall, therefore, neither the use of the land, nor the erection of the buildings, would result in significant harm to the character and appearance of the surrounding countryside. The proposal would, therefore, respect the landscape of St Agnes, and would accord with Policy 19 of the Neighbourhood Plan in this regard.
15. However, for the preceding reasons, I have found that the site is not well served by a range of transport modes. Visitors would, therefore, be reliant on the use of private vehicles during their stay. The scale of the proposal would not be commensurate with this restricted level of accessibility to services. The development would, therefore, be contrary to Policy 5 of the Local Plan and Policies 13 and 19 of the Neighbourhood Plan, which seek to ensure that new tourist accommodation is accessible to the widest range of transport modes available in the area, and is of a scale appropriate to the level of accessibility.

Other Matters

16. In arriving at this conclusion, I have had due regard to the Department for Levelling Up, Housing and Communities Chief Planner Newsletter dated 31 May 2022, which encourages local planning authorities to take a positive approach in dealing with applications to extend a tourism site for longer than

the permitted 28 days. I am also mindful that spending by holidaymakers attracted to the site would help to support local businesses. However, the policies of the development plan seek to achieve a balance between supporting new tourism development and avoiding harm to the environment. I have found the proposal to conflict with these up-to-date policies. In such circumstances, Paragraph 12 of the National Planning Policy Framework says permission should not usually be granted.

17. Whilst not forming part of the Council's reason for refusal, the effects of increased recreational activity upon the Penhale Dunes and the Fal and Helford Special Areas of Conservation (the SACs) has been referred to in its statement of case. The evidence indicates that the appeal site lies within the zones of influence of the SACs. The Cornwall European Sites Mitigation Supplementary Planning Document (July 2021) (the SPD) identifies that increases in population are placing greater pressure from recreational activity on the features of interest for which the SACs are designated. It sets out mitigation strategies through strategic access management and monitoring, which are to be funded by contributions from new development. The SPD clarifies that mitigation is required for all tourist accommodation, as the evidence shows that holidaymakers visit the SACs for recreational purposes.
18. The SPD indicates that mitigation can be secured through a financial contribution, which may be submitted with the planning application, or via a legal agreement linked to a planning permission. Alternatively, the SPD indicates that a negatively worded condition could be imposed to prevent development from commencing until a scheme to secure mitigation of the impact has been submitted to, and approved by, the Council.
19. In this case, although the appellants have indicated a willingness to provide the necessary financial contribution, no such payment has been made, and no legal agreement has been completed. In these circumstances, the Council has suggested that a planning condition is used to secure the necessary mitigation. The Planning Practice Guidance advises that negatively worded conditions to require a planning obligation should only be used in exceptional circumstances. Had I been minded to allow the appeal, I would have had to consider whether such exceptional circumstances applied in this case. However, as I am dismissing the appeal for other reasons, harm to the SACs will not ensue. Therefore, it is not necessary for me to consider this issue any further.

Conclusion

20. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR