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## Appeal Decision

Hearing held on 20 April 2023

Site visit made on 20 April 2023

**by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 May 2023**

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**Appeal Ref: APP/D0840/W/22/3307064**

**Land southwest of Joannies Avenue, Halsetown Road, St Ives, Cornwall TR26 2HW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Walker Developments (SW) Ltd against the decision of Cornwall Council.
  - The application Ref PA20/09716, dated 3 November 2020, was refused by notice dated 21 March 2022.
  - The development proposed is demolition of existing structures and development to provide an 80 bedroom hotel with associated facilities, 63 holiday villas, a community hub (providing reception facilities and an ancillary shop), associated infrastructure, landscaping, access and parking.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was made in outline with permission sought for access and layout. As the matters of landscaping, scale and appearance are reserved for future consideration, I have treated any details provided on the plans as indicative. Insofar as detailed consideration has however been given to the way in which the development would interact with the surrounding landscape, I have attached significant weight to the material provided, whilst recognising scope for variation.
3. The application was partly refused on grounds that the development would result in significant loss of Grade 3a agricultural land. This is amongst the best and most versatile agricultural land (BMV). The appellant has however carried out soil testing which indicates that land within the site should be considered Grade 4 or Grade 3b at most, neither of which qualify as BMV. The Council confirmed at the Hearing that it did not wish to challenge the evidence. I shall therefore consider this matter no further.

### Main Issue

4. Whether the site is a suitable location for the proposed development having regard to its effects on the character and appearance of the area, including the St Ives, Carabis Bay and Lelant Area of Great Landscape Value (AGLV), and the setting of the West Penwith Area of Outstanding Natural Beauty (the AONB).

## Reasons

### *Background*

5. Policy 2 of the Cornwall Local Plan 2010-2030 (the Local Plan) sets out the Council's spatial strategy, and Policy 3 the spatial hierarchy. These together seek to achieve a sustainable distribution of development. Within this context the site occupies a countryside location just beyond the southwestern edge of the named settlement of St Ives with Carbis Bay. Neither Policy 2 nor Policy 3 specifically prevents development within the location in question. Relevant spatial objectives however include maintaining and respecting the special character of Cornwall, having regard to considerations including the landscape, and the character and setting of settlements.
6. Within this context the Council has identified conflict with Policy 7 of the Local Plan, which restricts housing development within the countryside. It has however placed greater weight on its assessment of the scheme against Policy 5 of the Local Plan, which addresses tourism development. Locational considerations set out within Policy 5 are more limited than in Policy 7 but include the requirement for development to be of an appropriate 'scale' to its location. Scale in this context can be reasonably considered to include the extent and physical/visual presence of development. A greater range of landscape-based considerations are set out within Policy GD1 of the St Ives Area Neighbourhood Development Plan 2015-2030 (the NP), which, read in relation to Policy LED 8, is supportive of catered holiday accommodation on the edge of settlements only where this is reflective of character. In this regard the Council's concerns relate solely to the effects of the development on the character and appearance of the area, with particular emphasis on that of the landscape.

### *Assessment*

7. The site consists of a group of irregularly shaped agricultural fields containing grazing land, which are enclosed and subdivided by long established Cornish hedges. These fields form an appreciable component of the lower slopes of Carnstabba, or Penbeagle Hill, which rises to an attractive high point within the immediate landscape setting of St Ives.
8. As ground levels rise within and across the site, many parts of it stand at a higher level than land outside. This lends the site a degree of prominence and exposure within external views. Whilst the site is immediately appreciable from the B3311 which runs along its western side, and from Joannies Close to the northeast, it is most directly viewed from publicly accessible land higher up Carnstabba/Penbeagle Hill towards the south. It is also prominent within the forward view approaching St Ives along the scenic B3306, and from Rosewall/Buttermilk Hill which forms another high point towards the west. Within all these views the site is simply perceived to comprise traditionally laid out agricultural land, which is consistent in character with that present within the broader landscape.
9. Though existing development is also visible to a varying extent within views of the site, its presence is modest given that the vast majority of St Ives is concealed. Moreover, whilst residential development forming the southwestern edge of St Ives partly bounds the site, and its northern part in particular, considered as a whole, the site is however neither physically nor visually

'contained' by existing development. The southernmost field is indeed chiefly bounded by other fields and open spaces.

10. Insofar as existing development adjacent to the site includes a ribbon along Towednack Road towards the west, this is itself only loosely attached to the rest of the settlement, forming a distinct incursion into its landscape setting. Even development immediately to the north of the site is somewhat modest in extent, forming part of a relatively narrow band, either side of which open countryside is visible from Carnstabba/Penbeagle Hill.
11. The character of adjacent development is otherwise both clearly and obviously distinguishable from that of the agricultural land comprising the site, and made more so where the settlement edge is strongly defined, as is the case to the rear of plot boundaries in Rosewall Close. Though boundaries are weaker in some other locations, and the site is informally used by local residents for dog walking, neither this nor the simple presence of development nearby causes the site to appear as a 'suburbanised' space, or part of the 'landscape of the town'. Nor is it a part of the 'urban edge', but a series of spaces which lie beyond it. The site as such clearly forms a distinct component of the attractive landscape setting of the settlement.
12. The site falls within the locally designated AGLV. This chiefly functions to provide buffering between the settlement and the AONB, the boundary of which lies a reasonably short distance to the west of the site. The AGLV is briefly described in the supporting text of saved Policy CC-5 of the Penwith Local Plan (PLP), in relation to which the site forms part of the 'starker upland landscape above St Ives'. This forms a key component of the AGLV. Aside from the proximity of urban development, there is little to visually differentiate this from the landscape within the AONB towards the west. Each complements the other within views in either direction, as is particularly appreciable from Rosewall/Buttermilk Hill. Insofar as the AGLV serves to highlight the quality and sensitivity of the landscape that it contains, I share the view expressed by both parties that the AGLV should be considered as a 'valued landscape'. Indeed, on the above basis it clearly has attributes which take it out of the ordinary. Given its character and visibility, as well as the role that it plays within views, the site makes a positive contribution to the broader AGLV, as well as to the setting of the AONB.
13. In view of the above I am mindful of paragraphs 174(a) and 176 of the National Planning Policy Framework (the Framework). These state that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes, and that development within the setting of AONBs should be sensitively located and designed to avoid or minimise adverse impacts.
14. The development would entail the introduction of built form across the site, and would inevitably entail some engineering of levels. As the site boundaries do not wholly correspond with those of the fields it contains, this would see some existing Cornish hedges demolished or severed, with a new boundary formed along a large part of the southern edge of the site.
15. To the extent that the development would fall between Joannies Avenue/Rosewall Close and the B3311, it would consolidate the existing narrow band of development to the north, and the ribbon to the west. Regardless of the way in which the reserved matters were handled, including the potential

staggering of building heights and use of green roofs, this would significantly increase the physical and visual presence of development both within a peripheral settlement edge location, and within the views considered above. The latter would also be true in relation to the southernmost field, at which point the development would be most distinctly perceived to spill into the landscape setting of the settlement. Both here and elsewhere the settlement edge would be pushed out and uphill, further eroding the character and openness of Carnstabba/Penbeagle Hill. This would harm the positive contribution that the site makes to the AGLV, and setting of the AONB, and in each regard the scheme would be at odds with paragraphs 174(a) and 176 of the Framework.

16. Existing housing adjacent to the site at Joannies Avenue/Rosewall Close is conspicuous within external view, given both its elevated position and palette of materials. Its resulting visual incongruity does not however serve to justify further development that would be incongruous for both similar and for other reasons, or the cumulative harm that this would cause.
17. Penbeagle Industrial Estate also stands at a relatively high level on the north-eastern slope of Carnstabba/Penbeagle Hill. Whilst this is again not obviously an example worthy of promotion, it does not in any case have prominence within the views considered above. Its existence does not therefore provide a basis upon which to consider that the effects of the appeal scheme would be acceptable.
18. The development has been partly promoted on the basis of scope to improve the settlement edge, or rather, to provide a new 'transitional' edge which is better than the existing. This would be more 'regular' in nature, arising from the consolidation of adjacent development as outlined above. As at present, the submitted layout shows that the edge provided by the development would be formed by a combination of boundaries running along roads and to the rear of the relatively shallow plots on which the proposed villas would be positioned. As such, where utilising existing Cornish hedges, as in the southernmost field, the outcome would be little different to the existing arrangement to the rear of plots adjoining the site in Joannies Avenue/Rosewall Close. As noted above, in other locations new Cornish hedges could be built, however these would inevitably lack the character of the long-established hedges which are a current feature of the site and its boundaries. Whilst it is furthermore unlikely that they would be capable of supporting substantial vegetation of the type which appears to be indicatively shown on the plans given the exposure, this would not in any case be characteristic of the surrounding landscape. The provision of a new edge would therefore offer little if any benefit and would certainly not outweigh the harm otherwise caused by the development.
19. For the reasons outlined above I conclude that the development would cause unacceptable harm to the character and appearance of the area, including the AGLV and the setting of the AONB. It would therefore conflict with Policy 23 of the Local Plan, which seeks to secure development that sustains local character and distinctiveness, including by maintaining the character and distinctive landscape qualities of AGLVs; Policy OS1 of the St Ives Area Neighbourhood Development Plan 2015-2030 (the NP) which likewise seeks to conserve and enhance AGLVs, as well as the surroundings of AONBs; saved Policy CC-5 of the PLP which seeks to protect AGLVs from significant harm; Policies 2 and 5 of the Local Plan as outlined above; Policy 3 of the Local Plan which provides

support for development within the setting of the AONB only where it is in accordance with other policies; Policy BE16 of the NP, which requires preservation of Cornish hedges; Policy OS9 of the NP which seeks to secure development that would not compromise identified views; Policy GD1 of the NP, which generally supports the above objectives; and Policy LED 8 of the NP, on account of conflict with Policy GD1, as again outlined above.

## **Other Matters**

20. The development has been partly promoted on the basis of the economic benefits that would arise from spending during the construction and occupation phases, and from the provision of jobs, some of which could potentially be non-seasonal. Economic benefits would indeed arise. However, no attempt at quantification has been made, and it is unclear how the development would complement the established tourist economy and related jobs market in St Ives. Whether or not this is an explicit policy requirement, the absence of such evidence means that the scale, quality, nature and long term deliverability of such benefits is uncertain. It is additionally of relevance that the delivery of benefits of the type claimed has not been shown to necessitate development within the location in question. I can therefore attach no more than limited weight to the claimed benefits as a consideration in favour of the development. This is insufficient to outweigh the harm I have identified above.
21. The parties dispute whether the development would result in 'net gains' for biodiversity. This is notwithstanding agreement between the parties that a financial contribution is necessary for off-site mitigation, addressed within a submitted Section 106 agreement (the S106). Moreover, insofar as the most ecologically notable features of the site are the ancient, wildflower-rich Cornish hedges that it contains, losses would clearly cause harm that could not be directly or instantly compensated for by building new hedges, no matter what their total length. Indeed, though new hedges and other new habitat types could be provided on site, any notional gain would inevitably be less than could be delivered by improving management of the site in its current state. I therefore attach little weight to the claimed benefits to biodiversity, and this does not affect my findings above.
22. Though the appellant states that the Council provided supportive pre-application advice, it is far from clear that the pre-application advice was in fact supportive. It is not in any case binding. Again therefore, it attracts little weight, and does not affect my findings above.
23. The appellant has also drawn attention to the Council's positive assessment of a previous scheme of development which related to both the site and to further land outside it. Given that this scheme comprised a mix of market and affordable housing it clearly differed from that subject of the current appeal. It was also called-in by the Secretary of State. Notably, the latter only occurs where planning issues of more than local importance are involved. It furthermore remains the case that the application was withdrawn and thus never determined. The above being so I cannot attach any weight to the Council's assessment of this previous scheme.
24. Aside from contributions in relation to biodiversity, the S106 submitted in relation to the appeal would also secure contributions towards necessary off-site highways works, including new signage. Had I been minded to allow the appeal these obligations would have required further scrutiny. However, as I

am dismissing the appeal for other reasons, no further consideration is necessary.

**Conclusion**

25. For the reasons set out above the effects of the development in relation to the character and appearance of the area would be unacceptable, giving rise to conflict with the development plan. There are no other considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

*Benjamin Webb*

INSPECTOR

## **APPEARANCES**

### **For the Appellant**

|                |                 |
|----------------|-----------------|
| David Harris   | Hutchinsons     |
| Gareth Pinwell | Ashfords        |
| Paul Reynolds  | Tapestry        |
| Mark Scoot     | Maypool Estates |

### **For the Council**

|                  |                                       |
|------------------|---------------------------------------|
| Peter Blackshaw  | Principal Development Officer Appeals |
| Chantal McLennan | Development Management Group Leader   |

### **Interested parties**

|                     |                                                    |
|---------------------|----------------------------------------------------|
| Lucy Beaghen        | Local resident                                     |
| Marcia Bell         | Local resident                                     |
| Becky Borman        | Local resident                                     |
| William Corbett     | CPRE                                               |
| Ingrid Hoffman      | Local resident                                     |
| Linda Hutchinson    | Local resident                                     |
| Liz Langley         | Local resident                                     |
| Guy Litchfield      | Local resident                                     |
| Rupert Manley       | St Ives Community Orchard and Nature Reserve Group |
| Ken Messenger       | Local resident                                     |
| Andrew Mitchell     | Local Councillor                                   |
| Peter Nason         | Local resident                                     |
| Matti Pochee        | Local resident                                     |
| Demelza Rouncefield | Local resident                                     |
| Amanda Susini       | Local resident                                     |
| Davis Worrell       | Local resident                                     |

### **Documents presented at the Hearing**

Printout of Cornwall Council Intranet Mapping Agricultural Land Classification