



Appeal Decision

Site visit made on 22 May 2023

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 May 2023

Appeal Ref: APP/D0840/W/22/3308449

Penhellick Barn, Access to Penhellick Farm, St Columb TR9 6DZ

- 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 Messrs Clark against Cornwall Council.
 - The application Ref PA22/04487, is dated 11 May 2022.
 - The development proposed is siting of three 'glamping' units for short-stay holiday letting purposes.
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Decision

1. The appeal is dismissed and planning permission for siting of three 'glamping' units for short-stay holiday letting purposes is refused.

Background and Main Issues

2. As set out in the banner heading above, the Council failed to determine the application to which this appeal relates within the prescribed period. Since the appeal has been made, the Council has provided reasons that they would have refused planning permission for, had they retained jurisdiction to do so. The appellant has had the opportunity to respond to these in their final comments therefore, they would not be prejudiced by my taking these into account and forming the main issues. With these reasons for refusal in mind, I consider the main issues to be:
 - whether the location of the development accords with policies that seek to promote tourism development in locations that minimise a dependency on private vehicle;
 - the effects on the character and appearance of the area; and
 - the effects on the River Camel Special Area of Conservation (SAC).

Reasons

Location of development

3. Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) outlines the Council's spatial strategy. It sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing jobs in a proportional manner based on the role and function of each place.
4. LP Policy 5(1.c) seeks to ensure business space and employment uses in the countryside is of a scale appropriate to its location. LP Policy 5(3) refers to

tourism accommodation. This states that *'The development of new or upgrading of existing tourism facilities through the enhancement of existing or provision of new, high quality sustainable 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. Proposals should provide a well-balanced mix of economic, social and environmental benefits'*.

5. Although the National Planning Policy Framework (Framework) supports a prosperous rural economy, it seeks developments to exploit opportunities to make a location more sustainable, and encourages development directed to sites that are physically well-related to existing settlements.
6. The appeal site is located in open countryside, outside of any settlements, with the nearest settlement that provides a range of services and facilities being St Columb Major, noted by the appellant as being some 3.5km from the appeal site.
7. At my site visit I observed the surrounding highway and footpath network. The most direct route to St Columb Major utilises part of the B3274 to the south of the appeal site. I noted that this route includes long distances lacking pedestrian footways or street lighting, and also features the typical character of a rural road with high hedges and lack of any pedestrian refuge along part. Furthermore, the distance to St Columb Major is not insignificant. I also observed the minor road to the north of the site as well as footpath 432/12/2 which connects to the village of Rosenannon.
8. It appeared that the minor road is little used, although this would not provide a direct route to St Columb Major without returning to the highway network described above, and would also extend the distance to be travelled. While the footpath to Rosenannon could be used by walkers, this village does not provide a range of services and facilities. Furthermore, although there is a bus stop, noted in the evidence as being some 400m from the appeal site (as the crow flies), the very infrequent service would restrict the use of this form of public transport by future occupants of the proposal.
9. Consequently, while I accept that some private vehicle usage is required for tourists in rural areas, I find that walking or cycling, is unlikely to be preferential to the use of private vehicles to many individuals, particularly outside of daylight or during inclement weather. There would be nothing to prevent individuals from driving to and from the appeal site and opportunities to access the site by a range of transport modes would be somewhat limited. It is therefore reasonable to expect that the majority of trips taken by users of the site would be made via private car to access services and facilities as well as surrounding tourism attractions.
10. The appellant has stated they would provide occupiers with access to electric bicycles and a visitor information pack to allow a sustainable transport option, as well as highlighting the prevalence of electric motor vehicles on the roads, and the option for visitors to travel by taxi from Newquay airport, or by train to Roche.
11. Even if it is the case that visitors would utilise other modes of transport, such as electric bicycles, the method of transport that future occupiers choose to travel to, or while at, the appeal site is not a matter that could be effectively

controlled by a planning condition. Furthermore, while I accept the benefits of electric bicycles and the potential for occupiers to utilise them, especially for recreational purposes, for the reasons given above, I do not agree that it would be highly likely that visitors would utilise this option for travel to services, facilities or visitor attractions.

12. While the Council contends that policies concerning housing are relevant, noting the proposed units would exhibit all the characteristics of a dwelling, the appellant asserts that the units are mobile units defined as caravans intended for tourism accommodation and nothing within the evidence leads me to a differing conclusion. The future occupancy for tourism purposes could be ensured via the imposition of an appropriately worded condition were the proposal found to be acceptable as a whole.
13. However, I conclude that the location of the development conflicts with LP policies 1, 2 and 5 which seeks, amongst other things, to promote sustainable tourism development. The proposal would also be contrary with policies C1 and T1 of the Climate Emergency Development Plan Document (February 2023) which seeks, amongst other things, to locate new development in order to minimise the need to travel and maximise the sustainable and active modes of transport in all developments. There would also be conflict with the provisions of the Framework in relation to promoting sustainable transport.

Character and appearance

14. The appeal site is within Landscape Character Area LCA14 Newlyn Downs (LCA), the key characteristics of which include open, gently undulating plateau with shallow valleys, fields of pasture or arable, low Cornish hedges and hedgerows and dispersed settlement clusters with estate farms. I observed these characteristics to be present within the surrounding area.
15. The appeal site is a gently sloping paddock, located to the north east of Penhellick Barn and an existing manege and bound with Cornish hedges to the west and north, thereby being broadly consistent with the wider landscape character described within the LCA.
16. The proposed glamping units would be relatively long and narrow single storey timber clad structures, with a 'green' flat roof, a relatively large expanse of glazing to one elevation and an overall contemporary appearance. The three units would be spread within the site to the west of a granite gravel pedestrian and service track with planting to segregate the units and provide screening.
17. I observed, that despite the proximity to the minor road to the north, minimal nearby public views of the proposal would be available, aside from through the access to the highway, due to the low road level, and high surrounding hedges. I did however observe that long distance views would be available of the site from the A39 to the west, although within these views, the site would be seen in conjunction with sporadic development, including tourism development at the Retallick Resort.
18. The proposal would inevitably introduce built form into a site which is essentially open and natural. However, while the contemporary design may differ from the traditional appearance of some buildings in the locality, flat and mono pitch roofs are utilised on nearby utilitarian buildings, as well as the contemporary designs of some buildings at the nearby Retallick Resort which

are also seen within the landscape. Furthermore, given the lack of nearby viewpoints, the modest scale, low roof heights and materials would result in the proposal being unobtrusive within the landscape

19. Consequently, I find that the proposal would not harm the character and appearance of the area and therefore accords with LP policies 12 and 23 which, amongst other things, seek to ensure development achieves high quality design that protects Cornwall's natural environment.

Special Area of Conservation

20. The northern part of the appeal site is within the hydrological catchment of the River Camel which is a SAC as designated under the Habitats Regulations 2017 for its range of important habitats and species. In April 2021, Natural England highlighted to the relevant authorities the extent of the designated site which is in an 'unfavourable' condition due to various reasons, including poor water quality relating to elevated phosphate concentrations.
21. Significant effects from forms of overnight accommodation in the hydrological catchment area, both individually and cumulatively with other schemes, cannot be ruled out owing to the likelihood of additional phosphates within the catchment area of the river.
22. However, the proposal would install a Package Treatment Plan (PTP) outside of the hydrological catchment area with foul water from all three proposed units pumped to the PTP and disposed of to ground outside of the catchment area. The Council, via appointed consultants, have concluded that there is no likely significant effect on the SAC as the proposal will drain outside of the catchment area. On the evidence before me I see no reason to disagree.
23. Furthermore, the appellant has confirmed that the PTP could be wholly accommodated within the appeal site and no substantive evidence has been put before me as to why this could not be achieved. Therefore, if the proposal were to be acceptable in other matters, I find that a planning condition could be imposed in order to secure the PTP, maintenance plan and ongoing monitoring.
24. Consequently, I find that sufficient details could be secured via a suitably worded planning condition and the proposal would not result in any likely significant effect on the SAC. In respect of this main issue, the proposal would accord with LP policies 22 and 23 which seek, amongst other things, to mitigate the impacts of development on European Protected Sites and protect the natural environment.

Other Matters

25. I have been referred to a number of other planning permissions and appeal decisions by the appellant. Full details of the other cases have not been provided to me within the evidence. While I note the Officer report quotes and commentary supplied within the evidence, it is not clear the spatial relationship those sites have within the surrounding area, range of services available or wider material factors which influenced the judgements reached. Moreover, the current appeal proposal has its own circumstances, and I have determined it on its own merits taking into account the site-specific factors.

26. Reference is made to a fallback position of an 'exemption certificate' under the auspices of the Public Health Act 1936 and Schedule 2, Part 5, Class C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO). Even if it is the case that the GPDO permits a temporary use of the site, given the transient nature of any caravans or tents using the site under any such certificate, I do not find that such a temporary use as a fallback position outweighs the conflict with the development plan I have identified.
27. The appellant has provided thorough details of benefits of the proposal including those economic benefits relating to income and employment opportunities, as well as potential environmental benefits from biodiversity net-gain and landscaping, and social benefits including relieving pressure on local housing stock to provide tourist accommodation and providing visitors with the opportunity to enjoy the countryside. The economic benefits as outlined in the evidence, and partly gained by the appellants experience in operating tourism accommodation, would flow to the wider economy as visitors are likely to make use of local services and facilities and other attractions thereby helping to support the viability the local economy.
28. Although some environmental benefit may come from landscaping and biodiversity net-gain associated with the proposal, no substantive evidence is before me to indicate that the proposal would directly relieve pressure on housing stock, thus minimising the weight I afford to this particular benefit.
29. However, having regard to all of the above matters, and given the scale and scope of the proposed development relating to three units, I find that the benefits of the appeal scheme would be modest. Such benefits either individually or in combination do not outweigh the above identified harm from the proposal in this location, and the associated development plan conflict to which I attach significant weight.
30. An interested party has raised concerns relating to civil matters however such matters are outside of the planning system and the remit of this appeal.

Conclusion

31. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR