



Appeal Decision

Site visit made on 9 October 2023

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2023

Appeal Ref: APP/D0840/W/23/3314874

Land opposite Meadowside Farm, Goonhavern, Truro, Cornwall TR4 9FD

- 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 & Mrs M & S Roberts against the decision of Cornwall Council.
- The application Ref PA22/03295, dated 4 April 2022, was refused by notice dated 25 July 2022.
- The development proposed is the erection of two holiday letting units and associated works.

Decision

1. The appeal is allowed and planning permission is granted for the erection of two holiday letting units and associated works at land opposite Meadowside Farm, Goonhavern, Truro, Cornwall TR4 9FD in accordance with the terms of the application, Ref PA22/03295, dated 4 April 2022, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The application proposes two holiday letting units. Each unit of accommodation would have all the facilities of a dwelling and would allow for independent occupation. A permission could restrict occupation to holiday letting purposes, nevertheless, the accommodation would not lose its characteristics of a dwellinghouse and would allow those who used each unit the facilities required for day-to-day private domestic existence. I will, therefore, consider the proposal as being for two dwellings (within Class C3¹), albeit ones that could have occupation controlled to holiday purposes by way of a condition attached to any permission.
3. The second reason for refusal was on the basis that the site falls within the zone of influence of the Penhale Dunes Special Area of Conservation (SAC) and the Fal and Helford SAC and that the effect of the development could be to cause harm to these habitats sites. However, at the appeal stage, the appellant has submitted an agreement under s111 of the Local Government Act 1972 and paid the specified sum to provide mitigation. The Council has confirmed that this addresses this reason for refusal, and I will consider this matter later.

Main Issues

4. The main issues are:
 - whether or not the development plan would support the proposed holiday letting units in this location, having regard to the ability for occupants to access services and facilities by a range of transport modes, and

¹ Town and Country Planning (Use Classes) Order 1987 (as amended).

- the effect of the development on the character and appearance of the area.

Reasons

Location

5. The site is located beyond the edge of the settlement of Goonhavern in land that should be considered countryside for planning purposes. The scheme would not accord with the approach to the location of new dwellings in and adjoining settlements as set out in Policy 3 of the Local Plan Strategic Policies 2010-2030 (the Local Plan) nor with Policy 7 of the Local Plan for new dwellings in the countryside. However, the Council did not refuse the development proposal as being contrary to these policies and Policy 5 of the Local Plan, concerning business and tourism development, is the most relevant policy to judge the scheme against.
6. The principal test in Policy 5, which is applicable to this scheme, is, in summary, 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.
7. Goonhavern has a range of services and facilities, including a convenience store and post office, public house and café next to the garden centre. There are other facilities such as the play park that may be attractive to some children who are on holiday. There are public bus services that can be caught from a central area of the village, and which would allow travel to the beach and facilities at Perranporth, as well as some larger settlements in this part of Cornwall. Additionally for walkers and cyclists there is the Saints Trail, which is a recent, purpose designed footpath and cycleway that allows access to Perranporth, from Goonhavern, along part of the old railway line.
8. To access the central area of Goonhavern, from the appeal site, it would be necessary to pass along the road adjoining the site. There is no footway or street lighting for much of this section of road into the village. However, the width of the road is sufficient for traffic and walkers to have adequate space available to safely pass and for walkers to have an ability to step back from approaching traffic, if necessary, onto or towards a verge. The road is gently sloping and, with it being fairly straight, there is satisfactory forward visibility of approaching traffic. While only a snap shot in time, the road was not overly busy during my site visit, and I have no reason to believe that the situation I witnessed would be materially different on most other occasions. This view is supported by the representations of some local residents who comment that the road is a quiet lane and used by walkers.
9. At my site visit, I walked from the site to the centre of the village and consider that the combination of distance and road conditions, in this particular case, would not be off-putting for walkers to access the services and facilities available, and to connect with the local bus service, if required. The footpath access within the site to the corner closest to the village would be of assistance. Cycling from the site would be a practical option and this would allow connections to the wider area including the Saints Trail. I am satisfied that the road from the site to the centre of Goonhavern would provide a safe and suitable access for all users, if they chose to use it.

10. The private vehicle may still be the predominant method of transport for holiday makers staying on the site, especially when travelling further afield. However, as I have explained, there would be other transport modes available to provide occupants with genuine options for travel to local services and facilities and further destinations, other than by the private vehicle.
11. In terms of the other requirements of Policy 5 of the Local Plan, the units appear to be designed to provide a high standard of accommodation and would increase the type and range of local holiday letting available. The provision of two units of holiday accommodation on this site, and with the general relationship to the wider built development and village, would be of an appropriate scale to the location. As I have found that the occupants would have appropriate accessibility to services and facilities by a range of transport modes, there would be overall compliance with the relevant requirements of Policy 5 of the Local Plan.
12. The proposal on this site would also meet with the National Planning Policy Framework (the Framework) requirement that development seeks to promote sustainable transport solutions including promoting opportunities for walking, cycling and public transport, whilst acknowledging that those opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
13. Both main parties have submitted evidence of other sites in the locality and make comments and comparisons with the appeal site. Appeal decisions from other sites in Cornwall have also been submitted. I have taken all this information into account, however, all these other sites, even those reasonably close by, will have their own particular characteristics and circumstances and some involve different types of use. Accordingly, I attach limited weight to them, and I have considered this proposal on its merits, and I have come to the conclusions in the light of the above analysis.
14. Having regard to the above, I conclude that the development plan would support the proposed holiday letting units in this location, including because of the ability for occupants to access services and facilities by a range of transport modes. Accordingly, the scheme would comply with Policies 5 and 27 of the Local Plan and the Framework which set, in this respect, the approach to the location of business and tourism development across the plan area.
15. For completeness, I note that the emerging Perranzabuloe Neighbourhood Development Plan 2018-2030 (the NDP), while advancing through its various statutory stages, can, at this point, only be attributed limited weight. However, given my findings above, the proposal would, nevertheless, comply with the emerging Policy SD2 of the NDP which requires development proposals, amongst a list of criteria, to adopt walkable communities principles, with services and facilities associated with the users or occupiers of the development within easy walking distance.
16. Emerging Policy TO2 of the NDP is directly relevant to the appeal scheme. This policy concerns new build tourist and visitor accommodation. Having regard to the findings on the accessibility of the site, and those concerning the impact on the character and appearance of the area below, the proposal would comply with the requirements of this emerging policy. The compliance of the proposal with these emerging policies adds weight to a limited extent in support of the

scheme and reinforces the conclusion in terms of the compliance with the development plan in respect of this main issue.

Character and appearance

17. The appeal site lies to the broadly south east of the main core of the village where there is a patchwork of fields interspersed by built development. In terms of the Cornwall and Isles of Scilly Landscape Character Study, the site falls within Landscape Character Area 15 (LCA15) – Newlyn and Perranporth Coast). The general area, outside the settlement, displays some of the features of this character area including the small to medium scale field pattern with pastoral and arable land enclosed with Cornish hedges. There is also reference within LCA15 to the caravan and campsites that are scattered across the coast and hinterland, and the wider surroundings of Goonhavern are influenced by the presence of such development.
18. The appeal site also falls within the Undulating Land character area as identified in the Local Landscape Character Assessment². Some of the characteristics of this area, outside the settlements, include that buildings are generally isolated dwellings and farm buildings, and that there is a small scale field pattern in lower lying areas with larger fields on the higher more flatter land.
19. In the vicinity of the appeal site, there is more open countryside to the broadly south, however, there is also noticeable residential influences in this broad area. In particular, new build housing development appears to have spread out from the village along Bridge Road to the broadly north, north-east and east of the appeal site. This includes the new housing at Penrose Meadows, Hawthorn Close and Kerkin Close. To the general south east of Kerkin Close, there has been further residential development and, at my site visit, I saw that work was continuing on the construction of new housing. This new housing is extending development further away from the core of the settlement and, by comparison, would be further out than the appeal site.
20. The appeal site is somewhat separated from this residential development because it would be associated with a different road. Nevertheless, the presence and influence of the new residential development in this general area can be experienced in conjunction with the appeal site such that this location feels like an area of transition between the built up form of the village and open countryside.
21. The two units of accommodation would be sited within an area of overgrown grass land and there would be sufficient space to provide extensive landscaping to supplement the existing planting. There is an existing earth bund within the site which has largely blended into the landscape. With the extension to this bund as shown on the plans, together with the well-established hedge and tree boundary along the road side, the proposed buildings and residential activity would not be readily apparent from the road. Importantly, the road side vegetation would not be undermined by the proposal and the access would retain its modest proportions and be compatible with the rural character of the road.

² Local Landscape Character Assessment – Final Consultation Draft – Perranzabuloe Neighbourhood Development Plan.

22. Along the broadly northern section of the site, the existing bund in conjunction with the well-established hedge and tree planting would screen the site and its activities from this direction. To the broadly north east, 4 Kerkin Close is apparent and this provides a visual connection to this residential development and, therefore, the buildings would not appear in visual or character form to be especially isolated or separated in the countryside.
23. Along the south east boundary of the site, the public footpath provides a dividing line that separates the open countryside from the appeal site, although this land to the south east is fairly well screened by the good vegetative planting. At the present time, walkers using the footpath would be able to see into the appeal site and would be able to experience the character change that residential development for holiday use would bring. There would be paraphernalia, vehicles and activity in addition to the presence of the two units of accommodation. However, the view into the land would be softened by the intended addition of native planting along the boundary with the footpath and the proposed additional planting within other parts of the site.
24. Walkers would be moving through this area along the footpath and would experience the site in conjunction with the new housing towards the north eastern end of the right of way. In this context, with the development on the village side of the footpath, the addition of two modest and appropriately designed units of accommodation, in a generous plot and with a comprehensive landscaping scheme, would not be out of character with this location where there is a transition from the built up form of the village to more open countryside.
25. In these circumstances, while there would be a change to the character of this grassed area, the development would not cause unacceptable harm to the character and appearance of the surroundings in which the site was experienced, or erode the important characteristics of the LCA15 or the Undulating Land character area.
26. In this way, and with an appropriate and detailed landscaping scheme that could be made the subject of a planning condition in any approval, the proposal would meet with the Framework requirement to support a prosperous rural economy by providing a sustainable rural tourism and leisure development which respected the character of the countryside.
27. Accordingly, I conclude that the proposal would not unacceptably harm the character and appearance of the area and would meet with the requirements of Policy 23 of the Local Plan and the Framework which, amongst other things, requires that development should be of an appropriate scale, mass and design that recognises and respects landscape character.

Legal Agreement

28. The completed agreement provides a payment, in accordance with the Cornwall Council European Sites Mitigation – Supplementary Planning Document – July 2021, to mitigate the recreational impacts on the Penhale Dunes SAC and the Fal and Helford SAC. In these circumstances, the proposal, either alone or in combination with other schemes, would not have a significant or adverse effect on the integrity of the habitats sites. When undertaking an appropriate assessment, I am satisfied that the scheme would accord with the requirements of the Conservation of Habitats and Species Regulations 2017.

The scheme would, therefore, also comply with Policy 22 of the Local Plan which concerns mitigating the recreational impacts from development on European Protected Sites.

Other Matters

29. The report accompanying the previous decision for holiday accommodation on the site indicated that the site could fall within the best and most versatile category of agricultural land. However, the land is not presently in productive agricultural use. With the bund and the size of the site, its contribution to farming could only be very limited in any case and the scheme would not involve the significant loss of agricultural land. The economic and other benefits that would result from the scheme would outweigh the loss of this agricultural land and this matter should not weigh against the proposal.

Conditions

30. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. I have amended the wording where necessary in the interests of clarity or to meet the tests in the Guidance. The statutory time limit is required and a condition specifying the approved plans is necessary in the interests of certainty.
31. A condition is necessary to restrict occupation of the units to holiday accommodation to accord with the terms of the application and the planning policies applicable to the proposal. Open market housing would not be policy compliant. A condition is necessary to ensure the provision of a satisfactory system for the disposal of foul and surface water in the interests of preventing flooding and pollution.
32. Exceptionally, the removal of extensive permitted development rights are necessary in this case. This is because of the simplicity and acceptability of the design of the units which would likely be lost with the addition of extensions or alterations. Works that could take place under permitted development rights within the curtilage could undermine the character and appearance of this rural site and compromise the effect and merits of the landscaping scheme, all which could be partially visible from the adjoining public right of way.
33. The submission, agreement and implementation of a landscaping scheme is necessary to ensure that this site is sympathetically planted and laid out so as to protect the character and appearance of the area. In this case, it is necessary for the landscaping requirement to be a pre-commencement condition. This is to secure the protection of the existing and important vegetation that is to be retained before any building works commence on site.
34. A condition controlling external lighting is necessary to ensure that such lighting does not undermine the distinctive night time qualities of the general rural surroundings.
35. The application was accompanied by an assessment of the potential contamination of the site. This concluded that there was a low/medium risk of heavy metals being present on the site and that, if permission was to be granted, an Intrusive Site Investigation should be undertaken to assess the level of potential contaminants. The report further indicates that once on-site testing has been completed, and if contamination has been identified, a remediation strategy would be required and a demonstration that the site can

then be safely developed. The Council's Environmental Protection Team recommended a series of conditions to address this, if permission was to be granted.

36. While the Council in its appeal statement does not recommend such conditions, given the assessment report and the advice of the Environmental Protection Team, such conditions are necessary in the interests of human health and pollution control. It is essential that conditions requiring the assessment and mitigation works, if required, takes place at the outset before any other on site activities and, therefore, they need to be pre-commencement conditions.

Conclusion

37. The scheme would accord with the policies of the development plan when considered as a whole. There are no material considerations that indicate that a decision should be made otherwise than in accordance with the development plan. I therefore conclude that, subject to the specified conditions, the appeal should be allowed.

David Wyborn

INSPECTOR

Schedule of 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: Location Plan 1193.11A, Existing Block Plan 1193.12A, Proposed Block Plan 1193.13A, Proposed Ground Floor Plan Layout 1193.14 and Proposed Elevations 1193.15.
- 3) The development hereby permitted shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
- 4) The development hereby permitted shall not be occupied until the installation of a system to serve the development for the disposal of foul and surface water drainage has been completed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The details shall include a programme for maintaining the system if required. The system shall be retained and maintained thereafter in accordance with the approved details.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, C, D and E of Part 1 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission, namely:
 - The enlargement, improvement or other alteration of the dwellinghouse;
 - The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
 - Any other alterations to the roof of the dwellinghouse;
 - The erection or construction of a porch outside any external door of the dwelling;
 - The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.
- 6) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall provide planting plans with written specifications including details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development and the full schedule of plants, details of the mix, size, distribution and density of all trees/shrubs/hedges and the cultivation proposals for the maintenance and management of the soft landscaping.

The protection measures proposed shall be completed in accordance with the approved scheme before the development hereby permitted commences and shall thereafter be retained until it is completed.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants, which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted.

- 7) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before first occupation of the units hereby permitted. The lighting scheme shall be implemented in accordance with the approved details and retained as such thereafter.
- 8) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

The assessment shall include:

- i) a survey of the extent, scale and nature of contamination;
- ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 9) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in

writing by the local planning authority before the development or relevant phase of development is occupied.

- 10) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

End of Schedule