



Appeal Decision

Site visit made on 12 December 2023

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 January 2024

Appeal Ref: APP/D0840/W/23/3318940

First View, Lamorna, Penzance, Cornwall TR19 6XQ

- 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 Seamus Shanks against the decision of Cornwall Council.
 - The application Ref PA22/03329, dated 04 April 2022, was refused by notice dated 27 September 2022.
 - The development proposed is demolition of a pair of existing single-storey garage buildings and creation of a holiday letting unit in their footprint.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the application form. However as '*The planning submission is for*' is not an act of development, I have removed this element.
3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONB) in England and Wales became "National Landscapes". The legal designation and policy status of AONBs are unchanged, but I have replaced reference to the Cornwall AONB with the Cornwall National Landscape (CNL) in my decision to reflect this change.
4. Following the Council's determination of the application the subject of this appeal, the Council adopted its Climate Emergency Development Plan Document (CEDPD). This document forms part of the development plan and I have had regard to it as such. The Council have identified policies within this document in their appeal statement which they consider relevant, and the appellant has had opportunity to comment on this during the appeal process.
5. During the course of the appeal the revised National Planning Policy Framework (Framework) was published. The main parties have had the opportunity to comment on the implications of this change and where comments have been received, I have taken them into account.

Main Issues

6. The main issues are:
 - whether the appeal site would be a suitable location for the proposal, with specific regard to the Council's settlement strategy; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location of development

7. 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.
8. Whilst the appeal building would be for holiday accommodation, the proposed plans show that it would be self-contained and, as such, it appears that the building would provide to those who used it, the facilities required for day-to-day private domestic existence. The appeal building would not lose that characteristic if it was occupied for only part of the year, or at infrequent intervals, or by a series of different persons. Consequently, the proposed accommodation unit exhibits the characteristics of a residential dwellinghouse.
9. LP Policy 3 sets out a hierarchical strategy for the delivery of new housing. Lamorna is not a location named within Policy 3(1), and therefore Policy 3(3) provides that, outside larger named settlements, housing growth is to be delivered through, amongst other means, rounding off of settlements and infill schemes that do not physically extend the settlement into the open countryside. LP paragraph 1.68 further notes that *'the settlement should have a form and shape and clearly definable boundaries, not just a low density straggle of dwellings'* and in terms of rounding off *'It should not visually extend building into the open countryside'*.
10. Lamorna consists of a main grouping of buildings, including a public house, located some distance to the north of the appeal site. There is sporadic dispersed built form outside this main grouping which is more akin to a low-density straggle of dwellings. A further smaller grouping of buildings is found at Lamorna Cove, however the appeal site also visually appears divorced from this smaller grouping. Consequently, I do not find that the appeal site is within or adjacent the main identifiable form of a settlement. As such the appeal site is within the countryside for planning purposes and would not accord with the provisions of LP Policy 3.
11. LP Policy 7 concerns housing in the countryside and provides that such development will only be permitted where there are special circumstances. Those special circumstances refer to certain exceptions to restricting development in the countryside. However, the proposal does not meet with any of those special circumstances or exceptions as provided for under LP Policy 7.
12. LP Policy 5 relates specifically to business and tourism development and states that the provision of new tourism accommodation will be supported where it will be of an appropriate scale to its location and to its accessibility by a range of transport modes. There is no requirement for new tourism facilities to be within or adjacent to a settlement, so whether the building falls within a settlement is not determinative of the proposal's compliance with the Policy.
13. However, with regard to accessibility, I observed that the surrounding highway network, in common with other rural lanes, is narrow, unlit, lacks pavements and is bounded on both sides by high hedges. Accordingly, whilst I acknowledge that the settlement is within a reasonable distance of the site,

and cycle storage could be provided, walking and cycling would be unattractive options for a large number of people, particularly in poor weather conditions. I am also mindful that the settlement contains limited facilities, and I find it likely that occupiers would need to travel further afield to access a greater range of services.

14. Consequently, taking all of this together, whilst the scale of the development, being a modest single unit of holiday accommodation is commensurate with its location, it is 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.
15. As such, taking into account that the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between rural and urban areas, the proposal would not be easily accessible by a range of transport modes and cause some, albeit limited, environmental harm as a result of increased private vehicular journeys.
16. For the above reasons, I conclude that the site would not be a suitable location for the proposal, having regard to the Council's settlement strategy. The proposal would conflict with LP policies 1, 2, 3, 5 and 7 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. Whilst not cited in the reasons for refusal given the date of adoption, the proposal would also be contrary with policies C1 and T1 of the CEDPD 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 tourism and transport.

Character and appearance

17. The appeal site is a steeply sloping wooded valley side, with two modest single storey garage buildings abutting the roadside frontage and is located within the West Penwith section of the CNL. The Framework identifies that great weight should be given to conserving and enhancing landscape and scenic beauty in such landscapes, which have the highest status of protection in these regards.
18. The surrounding area exhibits a number of identified landscape characteristics¹ including woodland cover confined within steep narrow valleys and small villages of granite and slate, usually in vernacular style. Whilst there is existing built form on the appeal site, these garages are modest in scale and of utilitarian appearance which, whilst of little architectural merit, do not draw the eye or detract from the attractive natural enclosure and rural characteristics of the wooded valley.
19. The proposal would introduce a new single storey building in the place of the existing garages, although due to the steep topography, would be stepped down the valley side. The design would maintain a visual separation between the main living part of the building and the sleeping area between two distinct built forms, one with a gabled roof and slate finish, the latter being timber clad with a shed roof. The two would be joined by way of a glazed circulation area.

¹ As identified within LCA Area CCA01 of the Cornwall and Isles of Scilly Landscape Character Study.

Although of overall contemporary design, given the above design details, the roadside elevation would successfully be reflective of the massing and height of the existing buildings.

20. However, despite additional screening, the proposal would be noticeable when approaching the site on the highway, as well as from other glimpse viewpoints within Lamorna Cove, and the Southwest Coastpath. From these viewpoints, the contemporary architecture and scale would be evident on the upper slopes of the wooded valley, particularly at night due to lighting and the proliferation of glazing, and during winter months when foliage is not in leaf.
21. I acknowledge the proposal is of high-quality design, and the existing buildings on the site do not positively contribute to the character of the area. Nevertheless, and despite efforts to provide a 'light touch' design solution, the proposal would visually project additional contemporary residential built form into the countryside. This would appreciably diminish the strong rural character of the wooded valley at this location, thus harmfully changing the character of the landscape.
22. Consequently, I have found the proposal would harm the character and appearance of the area, detracting from the landscape and scenic beauty of this part of the CNL. This would result in a conflict with LP policies 1, 2 12, and 23. These policies seek to ensure, amongst other things, that development respects the surrounding area and enhances the quality of place and conserves and enhances the landscape character and natural beauty of the protected landscape. The proposal would also be contrary with the provisions of the Framework in relation to achieving well-designed places which are sympathetic to local character and conserving and enhancing landscape and scenic beauty.

Other Matters

23. Even if I were to agree the scheme would not lead to harm with regard to neighbouring occupiers living conditions, would conserve and support the geological value of the site, make effective use of land, respond to the challenge of climate change, or provide safe and suitable access, these are ordinary requirements for new development, and they would be a neutral factor in the planning balance.
24. I acknowledge that the proposal would provide benefits in terms of the contribution to the local economy from an additional unit of holiday accommodation, both during the construction phase and occupiers future spend within local services and facilities. Although the site appeared secure at the time of my visit, it is also put to me that the proposal would improve public safety due to the existing condition of the site. Further benefits have also been cited regards offering improved wildlife habitat and biodiversity by way of nesting opportunities, bat habitats and providing pollinators.
25. Notwithstanding, I find that the benefits of the proposed scheme would be limited in scope and scale. In my view, such matters either individually or in combination do not outweigh the identified harm and the associated development plan conflict described above.
26. A number of planning permissions have been cited as precedents by the appellant. However, full details of these other permissions are not before me. I am therefore unable to determine their equivalence to the current proposal.

Moreover, the current appeal proposal has its own circumstances, and I have determined it on its own merits.

27. I note the appellant's comments about the Council's handling of the application. This has little to do with the planning merits of the case, which I have considered on the basis of the evidence and the proposal before me.
28. While a screening opinion concluded that no Environmental Impact Assessment (EIA) was required, this does not mean that there would be no impact on the surrounding area. In fact, the screening opinion highlighted that there may be some impact as a result of the development, but not of a scale and nature likely to trigger a requirement for an EIA under the EIA Regulations. As such, the conclusions I have reached above are not inconsistent with the findings set out in the EIA screening opinion.

Conclusion

29. The proposal would conflict with the development plan, read as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

S Harrington

INSPECTOR