



Appeal Decision

Site visit made on 5 February 2024

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th February 2024

Appeal Ref: APP/D0840/W/23/3328106

Land East of Hotel California, Pentire Crescent, Newquay TR7 1PU

- 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 John Morgan against the decision of Cornwall Council.
 - The application Ref PA22/06713, dated 21 July 2022, was refused by notice dated 20 February 2023.
 - The development proposed is new detached 2 bed eco chalet as coastal path walkers accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the revised National Planning Policy Framework (Framework) was published. The main parties have had the opportunity to make comment on any implications of this change during the appeal timetable.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is a narrow strip of steeply sloping land on the northern side of the Gannel estuary located in close proximity to, but not within the Perranporth and Holywell Area of Great Landscape Value. The site runs from Pentire Crescent to the estuary foreshore and features mature vegetation including prominent trees. A public right of way footpath traverses through the site and has been approved as part of the King Charles III England Coast Path.
5. The site is also located within National Character Area 'NCA:152 Cornish Killas' (NCA), Cornwall Character Area 17: Newquay and Perranporth Coast and Character Area 15 (CA15), and directly adjacent Character Area 12 of the Newquay Character Study.
6. The National and Cornish Character areas are broad, limiting the equivalence of their characteristics to the appeal site. However, the NCA seeks to ensure that numerous recreational opportunities, such as the South West Coast Path continue to be enjoyed sustainably by the local community and visitors.
7. The immediately surrounding area exhibits some of the stated characteristics of CA15 such as a mix of architectural styles, and low buildings allowing views

over as well as between properties from the public street to the estuary. Nevertheless, the appeal site has a strong characteristic of being a largely natural Sylvan area blanketed with foliage, within a scenic estuarine valley that is an important part of a wider natural coastal estuary landscape.

8. Furthermore, the appeal site also falls within the locally valued landscape 'Gannel Estuary' (VL) as identified within the Newquay Neighbourhood Plan 2019 – 2030 (NP) and adjacent, but not within, the Trevean Green Local Green Space. The NP states that valued landscapes are those that are highly valued by the local community, with NP Policy LE2 seeking to avoid any development in these areas which reduce the visual and/or recreational amenity of the areas. Whilst the majority of the VL is at estuary level, the VL notably extends up to incorporate the appeal site, emphasising the value of the appeal site in the context of the estuary landscape. Analysis of the VL within the NP notes that it is important that development on the more urbanised Newquay North foreshore does not affect the open nature of the estuary.
9. The appeal site is nevertheless within close proximity to other built form, notably existing residential development and the vacant Hotel California, the site of which benefits from a planning permission for residential development. Additionally, there is some development in the form of a concrete base associated with an unbuilt tool and canoe shed within the appeal site. However, the site has the appearance of being undeveloped, particularly in views from within and across the estuary. In combination with dense vegetation and steep topography, it is seen as part of the natural landscape of the Gannel. The value of the site as an undeveloped area to the wider landscape character, is emphasised, as opposed to reduced, by the surrounding built form.
10. Despite being in close proximity to the proposal, walkers travelling down the footpath would first pass surrounding development and experience the proposal in this context. Furthermore, the traditional roof design and material, low height of the rear elevation and retained foliage, combined with views of the estuary beyond being experienced as the primary view over the proposal would limit the visual effect of the proposal from these northerly viewpoints.
11. The appellant's Landscape and Visual Expert Statement (LVES) also indicates that the proposal would introduce minimal change in important views from the south across the estuary, and the presence of mature vegetation around the site results in it being well screened, with the construction taking place without any significant loss of vegetation.
12. However, I was able to view the site from both banks of the estuary, including from position 12 as indicated within the LVES. The LVES 'photo 12' panorama indicate the site to be well screened from views across the estuary with foliage and mature trees in the summer months. Nevertheless, this does not accord with my observations of the site and the prominence of the appeal site and particular siting of the proposal from other viewpoints on the opposing side of the estuary.
13. At the time of my site visit in February, the site benefited from less foliage cover, and from a number of viewpoints further east the site of the proposal would be clear and not screened by the mature trees to the west of the site as is shown within LVES 'photo 12'. Furthermore, although there would be no need to remove trees to facilitate the development, the proposal would inevitably result in the loss of vegetation within the footprint of the build.

14. From my observations, this vegetation is part of an uninterrupted blanket of foliage which extends up the slope and would be disrupted by the proposed built form, thereby increasing the proposal's prominence. Additionally, given the steep topography the height of the proposed southern elevation is increased, thus increasing the visual scale of the proposal from southerly views. The remaining vegetation, or indeed any additional planting such as a Cornish hedge, is unlikely to provide meaningful screening due to this steep topography.
15. Whilst I acknowledge the existence of the concrete base at the appeal site, and other historic planning permissions may have previously been granted on the site for differing proposals within a differing local and national policy context, this does not in my view set a precedent for further development at the site. The site appears from more distant viewpoints, as largely undeveloped and natural. The proposal would inevitably introduce additional built form, albeit of traditional design, which would be of a scale prominent from southerly viewpoints, onto a site which is an important part of the wider estuary landscape. This would harmfully further prejudice the balance between built development and openness that would lead to material harm to the estuary's character and appearance.
16. I also observed that some modest built form already appears on the lower slopes of the estuary. Despite in some cases being of smaller scale than the proposal and partially screened by foliage, they are a noticeable projection towards the estuary from the dense built form on the upper slope and has resulted in harm to the visual character of the estuary.
17. The effect of these existing buildings is also recognised within the key design principles of CA15, which I am informed includes avoiding further development of buildings and substantial built structures within the cliffside gardens facing the estuary. The proposal does not relate to a garden building or landscaped area. However, I find that the principles of the reference within CA15 that the green steeply landscaped area is vitally important to the setting of the estuary and the edge of the settlement and can be affected in gradual increments by a build-up of garden structures is equally applicable to the appeal site and proposal. Therefore, the presence of other structures lower down the valley side elsewhere does not reduce or mitigate the harmful effect that the current proposal would have on the character of the area.
18. Consequently, I conclude that the proposal would harm the character and appearance of the area. This would result in a conflict with policies 2, 5, 12, and 23 of the Cornwall Local Plan Strategic Policies 2010 -2030 (LP), NP policies G2, D1 and LE2 and Policy C1 of the Climate Emergency Development Plan Document February 2023. These policies seek to ensure, amongst other things, that development is of high quality and appropriate scale that respects the surrounding area, enhances the quality of place and conserves and enhances landscape character and natural environment. 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

19. A number of planning permissions have been cited by the appellant including those relating to the Hotel California, 36 Pentire Crescent and the Former Woodlands Hotel (38-40 Pentire Crescent), and I note the Council's reasoning for the approvals. However, whilst full details of these other permissions are not before me, these permissions appear to differ from the current proposal in several ways. All the permissions, even if resulting in additional built form, relate to the redevelopment of significantly developed sites. Furthermore, the decision relating to 36 Pentire Crescent predates the valued landscape designation. Moreover, both 36 and 38-40 Pentire Crescent were approved prior to the adoption of the NP. Finally, the evidence before me also indicates that the cited permissions do not extend built form as far down the valley side as the appeal proposal. Moreover, the current appeal proposal has its own circumstances, and I have determined it on its own merits.
20. There is dispute as to if the appeal site is within the Newquay settlement boundary, or if the proposal relates to a dwellinghouse. The proposal is self-contained and, as such, 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.
21. Notwithstanding, the proposal is for a unit of tourism accommodation, which could be controlled by planning condition. Therefore, even if the appeal site is outside of the settlement boundary, tourism development such as that proposed is addressed by LP Policy 5 and NP Policies G1 and E3. 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 policies. Notwithstanding, LP Policy 5 also requires that proposals are of a scale appropriate to their location, whilst NP Policies G1 and E3 requires proposals to not conflict with other policies in the NP to which I have found conflict within the main issue above.
22. It is put to me that the scheme would not lead to harm to the ecological resource of the appeal site and would contain features which respond to the challenge of climate change. Moreover, I am informed that the proposal could provide an appropriate solution for foul and surface water drainage and would provide suitable management arrangements during the construction phase. However, these are ordinary requirements for new development, and they would be a neutral factor in the planning balance.
23. I acknowledge that the proposal would provide benefits in terms of the contribution to the local economy from an additional unit of holiday accommodation, which could be less seasonal than existing tourism offers. This benefit would be both short term during the construction phase and longer term through future occupiers spend within local services and facilities.
24. There would also be social benefit from the creation of employment, promotion of health and wellbeing and support for the use of the public right of way network, and the introduction of a high-quality tourism offer to the area. Further benefits have also been cited regards offering biodiversity

enhancements by way of the installation of bat and bird boxes, deadwood piles, native planting and eradication of invasive non-native species.

25. Notwithstanding, I find that the benefits of the proposed scheme would be limited in scope and scale due to the proposal relating to a single unit. 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. The appeal site is within close proximity to the Penhale Dunes Special Area of Conservation (SAC). The submission has been accompanied by an undertaking under Section 111 of the Local Government Act 1972 with an accompanying financial contribution to seek to mitigate recreational impact of the proposal on the SAC. If the circumstances leading to the granting of planning permission had been present, I would have considered the impact of the proposal upon the SAC, in accordance with the Conservation of Habitats and Species Regulations 2017. However, as I am dismissing the appeal on the main issue above, I have not found it necessary to consider such matters any further as this would not alter the outcome of the appeal.

Conclusion

27. 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