



Appeal Decision

Site visit made on 5 March 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal Ref: APP/D0840/W/23/3319993

Kerthen Gar, Townshend, Cornwall TR27 6AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Sam Rainbow against the decision of Cornwall Council.
 - The application Ref is PA22/08646.
 - The development proposed is use of rewilded land for the siting of 6 off-grid shepherd huts to provide for active holidays.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address provided on the application form refers to 'Street Record, Godolphin Bridge'. I have therefore used the appeal site address as it appears on the appellant's appeal form in the banner heading above, as this provides an accurate description.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties have had the opportunity to comment on the implications of this change and no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issues

4. The main issues are:
 - whether the appeal site would provide a suitable location for the proposal, having regard to the local development strategy and the accessibility by a range of transport modes; and
 - the effect of the proposal on the character and appearance of the area, with reference to the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS).

Reasons

Location

5. 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.

6. Tourism development is addressed by LP Policy 5. Amongst other things, it states that high quality sustainable accommodation will be supported where it would be of an appropriate scale to its location and to its accessibility by a range of transport modes. Proposals should provide a well-balanced mix of economic, social and environmental benefits.
7. The appeal site is located outside of, but in close proximity to the settlement boundary of Townshend as defined within the Crowan Neighbourhood Development Plan 2018-2030 (NP). Townshend, whilst a defined settlement, notably does not contain a range of services and facilities. The nearest facilities as stated within the appellant's Travel Plan (TP) are a farm shop (stated to be some 15 minutes walking distance), and a café/bistro (stated to be 5 minutes walking distance). However, to access these facilities, visitors to the appeal site would need to travel along the B3280 highway. I observed the route along the B3280 to the farm shop or café/bistro would not be conducive to safe pedestrian use due to a lack of pavements and safe refuge along significant sections of the route resulting in possible conflict with vehicles.
8. Therefore, occupiers of the proposal are unlikely to access the services and facilities which are closest to the appeal site directly by foot. However, Townshend does contain a bus stop on a bus route which is stated within the TP to encompass 25 buses a day to the wider area including Penzance, Helston and Cambourne, and associated further public transport links including train stations.
9. Pedestrian access to the bus stop from the appeal site would also be predominantly via the B3280. However, I observed that this route is within an area of the highway that is subject to a 30 miles per hour speed limit, traffic calming measures, as well as lanes and gateway features that encourage cycling.
10. Notwithstanding, there is a lack of pedestrian pavement on part of the route on the B3280 closest to the appeal site, and although a vegetated raised verge could be used for refuge, walking on the carriageway on this section of the route would not be attractive for pedestrians. Furthermore, bus timetables within the TP indicates that there is no public transport service beyond early evening. In combination, I find that the above matters would limit the use of public transport by future users of the proposal.
11. The appellant states the proposal is fundamentally targeted towards those seeking active holidays, including cyclists, walkers and those looking for experience holidays and cultural visits. The TP outlines that cycling will be the key attraction and mode of transport to and from the appeal site, and outlines measures, including various incentives and fee discounts to encourage alternative transport modes.
12. However, there is no certainty that any future operators of the appeal site would retain a similar business model. Additionally, even if the TP could be the subject of a planning condition which would meet the tests as outlined within the Framework and Planning Practice Guidance, it would only seek to encourage use of a range of transport modes, as opposed to ensuring that alternative transport modes can, and are utilised.
13. Moreover, whilst monitoring forms a part of the TP, it indicates that if targets are not being met, a review of measures and changes or new measures would

be introduced to help reach targets. Whilst this may be so, there is no certainty that any measures, whether part of the existing TP or new, would be effective or viable for the business, or that the TP would result in a reduction in movements of private vehicles attracted to the site.

14. The appeal site is in close proximity to bridleways and the public footpath network. Nevertheless, even if it is the case that visitors would utilise other modes of transport, such as walking, bicycles and electric vehicles, 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.
15. Consequently, there would be nothing to prevent individuals from driving to and from the appeal site in private vehicles. Given the limitations of access to public transport and nearby services and facilities described previously, I find that walking, cycling or public transport is unlikely to be preferential to the use of private vehicles to many individuals, particularly into the evening or during inclement weather.
16. I therefore conclude that the appeal site would not provide a suitable location for the proposal, having regard to the local development strategy and the accessibility by a range of transport modes. The proposal would conflict 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 AG1, C1 and T1 of the Climate Emergency Development Plan Document (February 2023) which seeks, amongst other things, to locate new development in order to reduce emissions and 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.
17. NP Policies HT1 and EP2 are cited within the Councils reason for refusal. However, these are permissive policies relating to proposals within settlement boundaries and are therefore not directly relevant to the proposal the subject of this appeal.

Character and appearance

18. The appeal site is an area of land currently used for small scale forestry and incorporates a workshop building and storage containers. The site is within the WHS and landscape Character Area CCA06: Hayle to Helston Hinterland (LCA). The appeal site and surrounding area displays a number of characteristics of the CCA including being near a dispersed pattern of rural villages and former mining locations and being within a mixed farming landscape with small to medium scale irregular field patterns. The site therefore contributes to the surrounding rural agricultural character.
19. The WHS comprises ten areas across Cornwall and West Devon with the site being within the Tregonning and Gwinear Mining Districts area. The statement of Outstanding Universal Value (OUV) states that the remains of mines, engine houses, smallholdings, ports, harbours, canals, railways, tramroads, and industries allied to mining, along with new towns and villages reflect an extended period of industrial expansion and prolific innovation. It adds that the ten areas form a unified, coherent cultural landscape and share a common identity. The Framework says that World Heritage Sites are heritage assets of the highest significance, which are internationally recognised to be of OUV.

20. The site lies close to the former Wheal Osborne mine. The appellant puts to me that the land has only ever served as agricultural land, referring to historic mapping. However, the appellant's Heritage Impact Assessment (HIA) indicates the sites close association with Wheal Osbourne, as well as a former above ground building, surmised within the HIA to be an engine house, and a below-ground feature in the form of an air shaft. Notwithstanding, despite the site being seen in conjunction with the surrounding relict mining landscape, there are no visible above ground remains of mining activity at the site and the visual appearance of the site gives little indication of any industrial history.
21. The proposal would result in 6 units dispersed around the appeal site with an existing container being utilised for toilets and shower. The site is surrounded by high levels of vegetation and tree planting and is well screened. Whilst views into the site are possible through the site entrance, due to the proposed location of the units, these would not be widely visible from nearby public vantage points.
22. The proposal would result in activity and articles at the site associated with a tourism use although the modest number of units proposed and their positioning around the site, which could be secured via a planning condition, would limit any harm. In combination with the minimal views into the site available and the use of an existing container, the proposal would have little visual impact on the wider area and a neutral effect on its character.
23. Moreover, given the lack of visual indication of any industrial history, the small scale of the proposal, and lack of intervisibility between the proposed units and any above ground remains or the wider relict landscape, there would be a neutral effect on the authenticity or integrity of the OUV of the WHS. Whilst I note concerns that the proposal could result in further pressure for more intensive tourism use of the site, I must assess the current appeal on the basis of the merits of the proposal that is before me.
24. For the above reasons, I conclude that the proposal would not harm the character and appearance of the area, with reference to the WHS. The proposal would therefore accord with LP policies 23 and 24, NP policies EP3 and HLE2 and policies C2 and C9 of the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025. These seek, amongst other things, for development to be of an appropriate scale, mass and design that recognises and respects landscape character and conserves the historic environment. The proposal would also accord with the provisions of the Framework in relation to ensuring development is sympathetic to local character and landscape setting and conserving and enhancing the historic environment.

Other Matters

25. Benefits would flow from the proposal including economic benefits relating to employment opportunities and support of other local businesses. The proposal would also result in social benefits due to providing visitors access to heritage, including a modest interpretation board, as well as supporting people's health and wellbeing by providing active outdoor holidays. Notwithstanding, the benefits of the proposal would be limited given the scope and scale of the development.

Conclusion

26. 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