



Appeal Decision

Site visit made on 11 April 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 June 2024

Appeal Ref: APP/D0840/W/23/3333773

Acland Cottage, Road from Junction Southwest of Fern Cottage to A390, Three Burrows, Blackwater, Cornwall TR4 8HX

- 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 Brett O'Grady against the decision of Cornwall Council.
 - The application Ref PA23/03778, dated 5 May 2023, was refused by notice dated 7 November 2023.
 - The development proposed is change the use of the identified land to form an area for a maximum of ten bell tents around the field and an associated shower/toilet facility located to the west. An amount of planting of local species will be undertaken to provide additional privacy and to encourage further biodiversity of the site along the north boundary of the proposed glamping field. The car parking will comprise of an allocated grassed area close to the entrance of the site.
-

Decision

1. The appeal is allowed. Planning permission is granted for change the use of the identified land to form an area for a maximum of ten bell tents around the field and an associated shower/toilet facility located to the west. An amount of planting of local species will be undertaken to provide additional privacy and to encourage further biodiversity of the site along the north boundary of the proposed glamping field. The car parking will comprise of an allocated grassed area close to the entrance of the site at Acland Cottage, Road from Junction Southwest of Fern Cottage to A390, Three Burrows, Blackwater, Cornwall TR4 8HX in accordance with the terms of the application Ref PA23/03778 dated 5 May 2023 subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of the proposal differs on the application form to that on the Council decision notice. That on the application form adequately and fully describes the proposal and I have considered it on this basis.

Main Issues

3. The main issues are whether the site is suitable for the proposed development having regard to accessibility to services and facilities and the effect of the proposal on the character and appearance of the area as well as the effect of the proposal on the living conditions of the occupiers of Acland House with regards to noise and disturbance.

Reasons

Accessibility to services and facilities & character and appearance

4. The appeal site is situated within a primarily rural location; however it is only a short distance from the A390 and A30. At the time of my visit there were substantial road works being undertaken some of which appear to be in conjunction with the Saints Trail. Although not open at the time of my visit, a bridge was under construction across the A30 to carry the cycle trail which will enable the wide range of services and facilities within St Agnes to be accessed via lanes and cycleways with only modest inclines and declines. There were also a range of retail and café facilities available close to the junction of the A390 and A30.
5. There are bus stops which are not a significant distance away from the site on the A390. Whilst I accept that having to cross the road for any eastbound services would not be ideal, and that the bus network from these stops is not extensive, there does appear to be the option of using a bus during daytime hours to access Truro and other towns. Truro is located on the main railway line from London to Penzance.
6. Consequently, the available links are notable, considering the rural location. Whilst of course many may choose to use a private car, the available transport links offer the real option of an alternative to car use for future users of the site. Within the context of this location, I therefore consider that the site is located such that access to services and facilities could be sensibly achieved by means other than private car.
7. Attractive countryside extends southwards down into the Valley away from the A390. However, the proposed site is sandwiched between the residential properties and gardens both at the appeal site and Acland House to the north and bears a close association with the busy A390 environment as opposed to the more open and peaceful surrounding countryside.
8. Whilst noting the pressure on the landscape identified within the character assessment¹ for area CCA09 from campsites, there is hedgerow and tree screening to most of the boundaries and plans for further screening. Visibility from the A390 would therefore be limited and the prominence of the site from the access track to the west would be limited as it would be set back from that behind boundary planting and a further small parcel of intervening land. There are domestic and other types of outbuilding in the vicinity, meaning that the site would not be out of place within an area that is not devoid of buildings. The proposal would therefore have no significant adverse impact on the character and appearance of the area.
9. There would therefore be no conflict with policies 1, 2, 5, 12, 23 or 27 of the Cornwall Local Plan (2016) (CLP). Amongst other things these policies require well designed development that sustains local distinctiveness and character and which are located so that the use of sustainable transport modes can be maximised. Amongst other things the development of new tourism facilities will be supported where they would be of an appropriate scale to their location and to their accessibility by a range of transport modes.

¹ Cornwall Character Area Description CCA09/CCA15.

10. There would be no conflict with policies E1, EJ1 or T2 of the Truro & Kenwyn Neighbourhood Plan (2023) (TKNP). Amongst other things these policies seek sustainable development and employment development that is linked well with local facilities as well as development sites that are well served by public transport, walking and cycling routes. There would be no conflict with Policy T1 of the Climate Emergency Development Plan Document (2023) which amongst other things states that development should be designed to connect to and benefit from cycling networks.

Living conditions

11. The rear garden area of Acland House is substantial, which within itself incorporates various planting and screening. Given the close proximity of the A390 the occupiers of the property are already likely to suffer some degree of impact on their living conditions as a result of noise and disturbance.
12. Whilst there will inevitably be some noise associated with the use of the site, there is a good separation between the field and the house itself which is surrounded by quite substantial garden areas. Having regard to the existing particular environment around Acland House and whilst noting the use of bell tents and that a good level of time may be likely to be spent outside by future holiday makers, I do not consider that the use of the site would be likely to have a significant adverse impact on the living conditions of the occupiers at Acland House.
13. The proposal would therefore cause no significant harm to the living conditions of the occupiers of Acland House with regard to noise and disturbance. There would therefore be no conflict with policies 5, 12, 13 and 16 of the CLP nor policy E1 of the TKNP. Amongst other things these policies require such proposals should be well designed, of a scale appropriate to its location should avoid adverse impacts resulting from noise.

Other Matters

14. The proposal would not harm the significance of the Cornish Mining World Heritage Site. There appears to be sufficient space at the entrance to the track adjacent to the main road such that two vehicles could pass. Although this may mean vehicles occasionally waiting across or close to the cycle lane, I do not consider that there would be any significant adverse impact on highway safety as a result of the proposal. Foul sewage would be disposed of via septic tank and there is nothing to indicate that this would be unsuitable for such a proposal.
15. I note the conclusions of another Inspector in relation to the appeal APP/D0840/W/22/3312887. However, that appeal relates to a point in time nearly a year ago and it is likely that the cycle links in particular may have progressed since that time and that decision does not draw me to an alternative conclusion on this scheme.
16. The evidence indicates the site is within the zone of influence of the Penhale Dunes and Fal and Helford SACs. The proposal would involve the provision of tourist accommodation within proximity to the sites and could therefore result in impacts on the designated sites arising from increased recreational disturbance. An impact pathway is therefore present.

17. Therefore, adopting the precautionary principle, and in the absence of any evidence to the contrary, I consider that as a result of the proposal, likely significant effects on the protected habitats sites cannot be ruled out.
18. I am therefore required to carry out an Appropriate Assessment. Increases in recreational pressure would be likely to have a detrimental impact on wildlife populations present as a result of disturbance to habitat. As such, the favourable conservation status of the species present would not be likely to be maintained. The development would be likely to have a detrimental impact on the delivery of the sites objectives, adversely affecting their integrity.
19. However, the evidence indicates that there is a tariff system in place to pay into a mitigation scheme relating to such potential impacts. The Council have confirmed that the relevant payment has been made and given that this has been secured, any potential impacts would be adequately mitigated.

Conditions

20. The standard time limit and plans conditions along with conditions 5 and 6 are necessary to define the development. Conditions 8, 4 and 3 are necessary in the interests of the character and appearance of the area. Condition 7 is necessary in the interests of the proper drainage of the site.

Planning balance and Conclusion

21. The proposal would not conflict with the development plan and there are no other considerations, including the provisions of the Framework or Planning Practice Guidance which indicate the proposal should be determined otherwise than in accordance with it. Therefore, the appeal is allowed.

T Burnham

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: Drawing No: 23.296-02, Drawing No: 23.296-03A, Drawing No: 23.296-04 & Drawing No: 23.296-05.
3. A maximum of 10 (ten) individual camping pitches shall be provided within the identified site area and each shall contain one bell tent only.
4. The site shall be used only for the accommodation of bell tents and no camper vans/motor homes or static caravan shall be stationed thereon at any time.
5. 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 occupiers of each individual unit on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

6. The toilet/shower block building hereby approved shall be used solely in conjunction with the 10 camping pitches and shall not be used for any other purpose.
7. 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.
8. In the event of the cessation of the use of the site for tourism accommodation purposes, all of the bell tents and shower/toilet facilities hereby permitted, and any associated paraphernalia, shall be permanently removed from the site, and the land shall be restored to its former condition and use.