



Appeal Decision

Site visit made on 28 May 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2024

Appeal Ref: APP/D0840/W/24/3337060

Land adjacent to 109 Gwithian Towans, Gwithian, Hayle, Cornwall TR27 5BU

- 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 Mrs Davina Samann, Moss Rock Ltd against the decision of Cornwall Council.
 - The application Ref is PA23/02221.
 - The development proposed is One bedroom timberframe holiday chalet.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address in the banner heading above has been taken from the appeal form and decision notice as this more clearly identifies the site than that given on the application form.

Main Issues

3. The main issues are:
 - whether the appeal site is a suitable location for the proposed development having regard to development plan policies;
 - the effect of the proposal on an existing informal pathway and access to dune habitat; and,
 - the effect on the character and appearance of the area.

Reasons

4. The appeal site currently comprises an area of land partly consisting of sand and grassland surfacing adjacent to a wider area forming protected coastal sand dune habitat and chalets forming part of Gwithian Towans, a Holiday Chalet Village located outside of the settlement of Gwithian.

Whether suitable location

5. Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) set out a hierarchical strategy for development. Gwithian and Gwithian Towans are not locations named within the settlement hierarchy of Policy 3(1) and therefore Policy 3(3) provides that, outside of the larger named settlements, housing growth is to be delivered through the identification of sites through Neighbourhood Plans; rounding off of settlements and development of

previously developed land (PDL) within or immediately adjoining settlements; infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside; and rural exception sites for the provision of affordable housing. The proposal is not for the provision of affordable housing and is not on PDL.

6. With regard to identification through a Neighbourhood Plan, the Gwinear-Gwithian Parish Neighbourhood Plan (2016-2030) (NP) identifies the settlement boundary for Gwithian under GGP Policy 6 and states that development will be permitted within the boundary. The appeal site clearly lies some distance outside of the settlement boundary and as a result does not gain support from GGP Policy 6.
7. While Policy 3 of the CLP supports proposals through rounding off of settlements and infill schemes, the NP post-dates the CLP and has identified the local settlements in its plan area and excludes Gwithian Towans. In light of this I do not find Gwithian Towans to be a settlement in terms of Policy 3 and due to the separation from the settlement boundary, the proposal does not comprise rounding off of a settlement or an infill scheme.
8. The NP contains GGP Policy 8 specifically related to Gwithian Towans and references it as a Holiday Chalet Village. This policy allows some chalet development within the identified boundary shaped by a Design Guide. The policy supports the development of replacement chalets and the extension of existing chalets within the identified boundary. The policy does not provide specific support for new chalets which are covered under GGP Policy 10. While I acknowledge that a draft version of the NP contained wording to GGP Policy 8 supporting new chalet development, this is not the final adopted wording of the Policy or NP and is not therefore determinative in relation to this appeal. The definition of the Holiday Chalet Park as a 'settlement' in the Gwithian Towans Design Study and Character Appraisal does not change the NP formal designation of the settlement boundary that the site falls outside of. Furthermore, from the plans before me, a small part of the north-eastern part of the appeal site falls outside of the identified boundary for the Holiday Chalet Village. As a result, the proposal does not gain support from GGP Policy 8.
9. As stated above, GGP Policy 10 of the NP deals specifically with new holiday accommodation. 10.1 of the Policy is relevant in this instance and states that proposals for new holiday accommodation should demonstrate a need that cannot be met by existing facilities and prioritise the conversion or replacement of existing buildings well related to an existing settlement and accessible by a range of transport modes. This is similar, but not identical, to Policy 5 of the CLP that states that new tourism 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. Policy 5 further states that proposals should provide a well balanced mix of economic, social and environmental benefits.
10. As GGP Policy 10 states that it prioritises, rather than restricts development to, the conversion and replacement of existing buildings, it does not specifically exclude new build holiday accommodation. Furthermore, in light of the evidence from the appellant, Forever Cornwall and Millerson a need can be demonstrated for additional holiday accommodation. I acknowledge representations from interested parties questioning this evidence, but I have little reason to believe that there would be no demand for an additional small

chalet. It is noteworthy that the Council do not question the need for additional holiday accommodation and that Policy 5 of the CLP does not require new proposals to demonstrate need.

11. In light of the above, I have assessed if the proposal is of an appropriate scale to its location, is well related to an existing settlement and accessible by a range of transport modes.
12. As stated above, the site is not within or at the edge of the closest defined settlement of Gwithian as defined in the NP. Furthermore, the NP is clear in the Background to GGP Policy 10 that Gwithian Towns will be treated as being outside of settlement boundaries. The description of the site in the NP as a 'Holiday Chalet Village' does not change this. While I acknowledge the presence of existing services and facilities in the form of cafes and beach side facilities including surf hire and public toilets between the site and near the beach at Three Mile Beach and The Rockpool, access to a wider range of services is reliant upon the use of the car or via Gwithian.
13. I note the presence of a Church, public house and bus service in Gwithian. However, access to Gwithian other than via the convoluted long access road and B3301 that are not attractive for cyclists or pedestrians due to their narrow unlit nature without pavements, is only available via the public right of way across the dunes. In light of the sandy, undulating unlit nature of this terrain, it would not be attractive to use at night or at colder and wetter times of the year. Furthermore, from the evidence before me, while the bus operates 5 services a day and connects to Hayle where there is a greater range of services and facilities, the bus service only runs between the end of May and the start of September with no bus services for the remainder of the year. As a result, despite the proposal being of an appropriate small scale as it is only for one additional small chalet and acknowledging that opportunities to maximise sustainable transport are more limited in rural areas, the appeal site would not be well related to an existing settlement or accessible by a range of transport modes as required by GGP Policy 10 of the NP. While I note that Policy 5 of the CLP relates location and accessibility to scale, the NP post-dates the CLP and despite the small scale of the proposal, its accessibility to a range of transport modes is limited.
14. Given the small scale of the proposal, any economic, social and environmental benefits would be limited. Furthermore, for the same reason, any support from it towards the vitality of the rural community or support for services in nearby villages as detailed in paragraph 83 of the National Planning Policy Framework (the Framework) would also be very limited.
15. It follows from the above that the appeal site is not a suitable location for the proposed development having regard to development plan policies. As such, it conflicts with CLP Policies 1, 2, 3, 5 and 7 of the CLP and Policies C1 and T1 of the Climate Emergency Development Plan Document (2023) (DPD). Amongst other things, these state that planning applications that accord with policies in the Local Plan will be regarded as sustainable, provide homes based on the role and function of each place, support new tourism accommodation where they would be of an appropriate scale to their location and to their accessibility by a range of transport modes, only permit housing in the countryside in special circumstances, maximise the ability to make trips by public transport, sustainable and active modes of transport and support a modal hierarchy which

prioritises walking, then cycling, then public transport, then car clubs, electric vehicles and lastly private fossil-fuelled vehicles. The proposal would also be contrary to the Framework where it supports sustainable transport and promotes opportunities for walking, cycling and public transport use and sustainable rural tourism.

Effect on pathway

16. The Council's second reason for refusal states that there would be no direct loss of irreplaceable dune habitat but that there would be indirect impacts due to the blocking of an informal existing pathway. The Council state that the blocking of this footway would force people to create other routes across the dunes with resultant recreational damage.
17. The Block Plan submitted with the application does not detail any boundary treatment enclosing the chalet. It shows the existing pathway immediately to the side of a proposed treatment plant and car parking space. Although immediately adjacent to the pathway, the Block Plan shows that the treatment plant and car parking space would not block pedestrian access to the informal pathway. Furthermore, the parking and turning of vehicles close to the pathway can already occur. As a result, and subject to a condition to control the position of any boundary treatment to ensure access is retained to the pathway should I allow the appeal, the existing pathway would not be blocked and consequently there would be no need for the creation of other routes and no additional harm to the wider dune habitat.
18. In light of the above there would be no harm from the proposal on an existing informal pathway and access to dune habitat. In this regard, the proposal would not conflict with Policies 1 and 23 of the CLP, Policy 13 of the NP, Policy C1 of the DPD or the Framework. Amongst other things these state that applications that accord with policies in the Local Plan will be regarded as sustainable development, protect and where possible enhance Cornwall's natural environment and assets, not permit development where it would harm the nature conservation or geological interest of areas of Special Scientific Interest, and conserve and enhance the natural environment.
19. Despite not forming part of the Council's reason for refusal, and although the main parties agree that the site does not fall within the coastal sand dunes Priority Habitat with no objection from Natural England to the proposal, I note the evidence from a number of interested parties in relation to this. This evidence indicates that some of the site, including part of the proposed chalet, falls within a Coastal Sand Dunes Priority Habitat with subsequent harm caused. This is supported by comments from the Council's Ecologist stating that 'The proposals for a new cabin are located within an area identified as Priority Habitat (coastal sands dunes) on available mapping data...' with likely harm resulting and the comments from Natural England stating that the Council should consider the impacts on any priority habitats.
20. I further note that part of the appeal site may fall outside of the red line delineated on Map 7 of the NP with GGP Policy 13 stating that development outside of the red-line that would harm nature conservation will not be permitted unless the benefits clearly outweigh any adverse impacts. Although I note that the appellants Ecology report concludes no harm to the sand dune habitat, in light of the above, if I were minded to allow the appeal, this matter would require further information and clarification to establish the position.

Character and appearance

21. Although the proposal would result in the development encroaching into the countryside, a significant part of the site falls within the boundary of Gwithian Towans as defined in the NP and has the appearance of being part of the Holiday Chalet Village given its associated use for parking and turning. Furthermore, there is no dispute between the main parties that the proposal complies with the Gwithian Towans Design Guide. As a result, and given that the chalet would be viewed, both from within the Village and from the public right of way to the north in association with the existing chalets that have irregular boundary lines and would be of a similar height and footprint, there would be no harm to the character and appearance of the area.
22. In relation to this main issue, I conclude that the proposal would not harm the character and appearance of the area. As such, it complies with Policy 23 of the CLP and Policy C1 of the DPD. Amongst other things, these seek to sustain local distinctiveness and character, conserve and enhance the natural environment and increase built environment distinctiveness through locally distinctive, high quality and sustainable design.

Other Considerations

23. My attention has been drawn to two other planning permissions¹ granted by the Council at Three Mile Beach. However, I do not have full details of these proposals with the first application pre-dating the adoption of the NP and the second having a considerable planning history. As such I cannot be sure that they are directly comparable to the appeal proposal. Furthermore, I am required to consider the current appeal on its merits.
24. I acknowledge that the proposal would provide benefits in the form of additional single bedroomed tourist accommodation, associated tourist spending and construction jobs, reduce pressure on the housing stock and represent an efficient use of land. However, given the very small scale of the proposal, the benefits would be limited and do not outweigh the concerns raised above.

Conclusion

25. Although I have found no harm with regard to the effect on the pathway or the character and appearance of the area, I have found that the appeal site is not a suitable location for holiday accommodation. In my view, this is the prevailing consideration, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.
26. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR

¹ PA16/09938 and PA22/07309