



Appeal Decision

Site visit made on 11 December 2024

by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/D0840/W/24/3348625

Portholland West Car Park, West Portholland, Portloe TR2 5PU

- 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 Initial Parking Limited against the decision of Cornwall Council.
 - The application Ref is PA24/02508.
 - The development proposed is (retrospective) installation of 1x payment machine, 1x ANPR camera and 1x pole (for ANPR camera).
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Decision

1. The appeal is allowed and planning permission is granted for (retrospective) installation of 1x payment machine, 1x ANPR camera and 1x pole (for ANPR camera) at Portholland West Car Park, West Portholland, Portloe, TR2 5PU, in accordance with the terms of the application, Ref PA24/02508, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos:
 - Site/location Plan, Ref 129261-08
 - Proposed Elevations, Ref 129261-02
 - Proposed Elevations, Ref 129261-03
 - Proposed Elevations, Ref 129261-04
 - Proposed Site Plan, Ref 129261-10
 - 2) Within two months of the date of this decision, the existing camera support pole shall be painted black in accordance with approved drawing reference 129261- 04 and shall be retained as such thereafter.
 - 3) The camera housing and payment machine equipment shall be installed as black in colour to match the camera support pole. All of the equipment and supporting features shall be retained as such thereafter.
 - 4) Should the equipment no longer be required, or in the event of it not being used for a period of six months, it shall be dismantled and removed from the site within 3 months of the cessation of use.

Applications for costs

2. An application for costs was made by the appellant against the Council. This application will be the subject of a separate decision.

Preliminary Matters

3. Whilst the evidence suggests that additional equipment had previously been installed and since removed, it appeared that the supporting pole for the camera had already been installed and remained at the time of my site visit. On this basis, the development has already commenced, and this is reflected in the description of development.
4. Amongst other things, the appeal statement refers to 1 x high definition MAV PV dual lane camera and 1 x ANPR camera. It has been clarified that as per the submitted plans, one camera is proposed to be positioned on top of the supporting pole which would have the functionality to take ANPR images. I am clear that the proposal comprises a single camera to be positioned as shown on the submitted plans.
5. The revised National Planning Policy Framework was published on 12 December 2024. Whilst I have had regard to the Framework in reaching my decision, I have not sought the views of the parties on its implications given the minimal changes of specific relevance to the proposal.

Main Issues

6. The main issues are the effects of the proposal on the character and appearance of the area, including on the Cornwall National Landscape, and the effects on the significance of the grade II listed Lime Kilns adjacent to the site.

Reasons

Character and appearance

7. The site comprises a roughly surfaced area adjacent to West Portholland beach which is in use as a car park as confirmed by a Certificate of Lawfulness¹. The site falls within the Cornwall National Landscape (NL), the Heritage Coast and part of the northern boundary of the car park is formed by the two grade II listed lime kiln structures. The site also provides access to the South West Coast Path.
8. The proposal seeks to provide the minimum necessary infrastructure to facilitate the ongoing use of the site as a car park, on a paid-for basis. Advertisement consent for signs detailing the car park terms and conditions has already been granted².
9. As is fairly typical of a beach-fronting car park, even in a National Landscape, there are numerous man-made items and structures within and around the site, including electricity and telecommunication wires, other signs, a life-saving device, sea defence structures, moveable furniture and sections of fencing. As the structures adjoining the lime kilns are also in residential use, there are also items of domestic paraphernalia visible from within the car park, including furniture and a washing line. Even taken collectively, these features are minimal and do not detract from the overall high quality of the landscape or relatively unspoilt coastal hamlet of West Portholland.
10. Whilst the proposal would add what would appear as two further modern items to the collection described above, they would not result in the spoiling of the

¹ PA20/11298

² APP/D0840/Z/22/3291227

area through modern or alien features. Due to the limited number, size, location and colour of the features proposed, they would appear relatively inconspicuous and would not detract from the wider landscape setting. Their presence and appearance would be understood in context of the use of the site as a car park, with the addition of cars within views also affecting the scenic quality of the area, albeit in a transient and changeable way.

11. I also noted similar items of equipment in the Porthluney Cove and East Portholland car parks which were also limited in number and scale. The proposed features at the appeal site would have a more muted appearance than those aforementioned items of equipment and would be more logically sited in front of a substantial building. However, even taken collectively with those features at nearby car parks, the proposal would not materially detract from the intrinsic specialness or broader sense of remoteness of the area.
12. For the above reasons, the proposal would not materially harm the character or appearance of the area or wider Cornwall National Landscape, taking account of the need to further the purpose of conserving and enhancing the natural beauty³ of such. The proposal therefore complies with, in particular, Policies LA1 and LA2 of the Roseland Neighbourhood Development Plan 2015 – 2030 (RNDP), Policies 12 and 23 of the Cornwall Local Plan 2016 (CLP) and Policies PD-P1, PD-P2, PD-P11 and SCC P10 of the Cornwall National Landscape (AONB) Management Plan 2022-2027. These Policies collectively seek to ensure that new developments respond to local character and reflect the identity of the local surroundings based on the assessment of the Roseland Local Landscape Character.

Heritage significance

13. The statutory list (List Entry No 1219673) includes reference to the two grade II listed lime kilns as dating back to C18, irregularly L-shaped and built into the hillside from slatestone rubble. Their significance is primarily embodied within their archaeological and historical interest as part of the industrial heritage of Cornwall. The appeal proposal has the ability to affect the significance of the designated heritage asset through development within its setting, which engages S66 of the Listed Buildings and Conservation Areas Act 1990 (as amended). The ANPR camera and payment machine would be positioned immediately in front of the lime kilns, along with the separately approved advertisements relating to the same.
14. Relative to the scale and substantially built nature of the lime kilns, the camera, pole and payment machine would be modest and sufficiently different in character and appearance so as not to obscure them or appear as a related feature. The relatively de minimis items of equipment would form a modest part of the setting of the buildings and would not interrupt the appreciation of their historical and archaeological interest. As such, my view is that there would be no material effect on the significance of the assets.
15. For the above reasons, the proposal would not harm the significance of the designated heritage assets and would not conflict with Policy CV2 of the RNDP or Policy 24 of the CLP. These Policies seek to ensure that development respects the setting of listed buildings and has regard to scale, height, massing, alignment and use of appropriate materials.

³ Levelling-up and Regeneration Act 2023

Other Matters

16. I note that the Parish Council indicate that the site has been designated in some capacity as open space. I have limited evidence of this nature. Whilst the equipment is intended for use in association with the lawful use as a car park, the equipment proposed would not strictly preclude any alternative use of the site for open space in any event. Should the equipment cease to be required, a condition would require its removal from the site.
17. I note the large number of objections that suggest that people will be deterred from using the car park, leading to parking on the local roads with associated congestion. Whilst I understand the community's desire to maintain the ease of use of the space, it will still be available for parking, albeit on a paid basis. Those that live in the surrounding area need not necessarily use a vehicle to access the beach and community gathering need not be prevented by the need to pay a proportionate fee to park a vehicle for the duration of any relevant events. Overall, I do not consider that the need to pay to park would deter people such that the local roads will become congested.
18. Whilst a number of objections indicate that the car park capacity has been overstated, this is not a determinative factor. No delineation of the spaces is evident within the car park itself and such does not form part of my proposal. My view is that the equipment proposed is not excessive in scale relative to the size of the car park.
19. My attention has been drawn to an appeal decision for a domestic outbuilding⁴ but there are notable differences between that scheme and the proposal before me. Such features were visible from the car park in any event.
20. Local residents have also expressed a doubt about the income from the car park being used for its upkeep or for maintenance of the wider estate. However, this is not a decisive factor in my decision.

Conditions

21. In the interests of certainty, a planning condition is needed to specify the approved plans. Conditions are needed to ensure that the equipment is painted and retained as black in colour. Additionally, a condition is needed to ensure that all of the equipment is removed if it is no longer required or ceases to be used for its intended function.

Conclusion

22. The development complies with the development plan when taken as a whole. As there are no material considerations that indicate otherwise, a decision should be made in accordance therewith.
23. As such, the appeal should be allowed.

H Nicholls

INSPECTOR

⁴ APP/D0840C/17/3171319