



Appeal Decision

Hearing held on 1 and 2 April 2025

Site visits made on 1, 2 and 3 April 2025

by Tom Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2025

Appeal Ref: APP/D0840/W/24/3355210

Dean Quarry, St. Keverne, Helston, Cornwall TR12 6NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended (the '1990 Act') against a refusal to grant planning permission.
 - The appeal is made by Wilderness Escapes/Hieronymus Gruff Ltd. against the decision of Cornwall Council (together the 'main parties').
 - The application is ref. PA22/09928.
 - The development proposed is described on the application form as: 'Change of Use application for the existing use of the site as a stone quarry to be rescinded and replaced by a holiday park for 53 eco-lodges, for holiday use only, together with a further 3 holiday eco-lodges for the sole benefit of charitable causes, in addition to the offer to build up to 20 affordable homes within the parish of St Keverne.'
-

Decision

1. The appeal is dismissed.

Costs

2. The appellant's application for an award of costs against the decision of the Council is the subject of a separate decision.

Preliminary matters

3. Relative to the description of development above, there are no affordable housing provisions in the bilateral agreement of 20 March 2025 under section 106 of the 1990 Act (the 'S106'). 3 lodges remain intended for the sole benefit of charitable causes, in which respect the appellant advanced an associated condition.

Main issue

4. The main issue is whether the appeal site is suitable for the development proposed.

Reasons

Dean Quarry

5. Dean Quarry is an opencast gabbro quarry of approximately 44ha. Beyond the south west coast path cutting through the site, it has a mile long foreshore down to mean high water. Dean Quarry and its wharf are safeguarded via the Cornwall Minerals Safeguarding Development Plan Document (adopted 2018, the 'MSDPD').
6. Some quarrying here began around the turn of the twentieth century. Some extraction continued until 2008, with blasting undertaken in 2016. Quarrying was

intermittent, Dean Quarry operating when the nearby West of England Quarry by Porthoustock was inactive. At one point the site was envisaged to supply rock for the Swansea Bay Tidal Lagoon, albeit that project foundered.

7. On account of years of inactivity, nature is reclaiming the site. It could be described as 'dormant' accorded its ordinary dictionary definition.¹ Nonetheless the site is not statutorily dormant; there is permission for minerals extraction under the Environment Act 1995 as amended, ref. NR/09/00504/ROMPS (the 'ROMP'). The ROMP is valid until 8 August 2035, which may change subject to future review.
8. The site might also, forgivably, be described as previously developed (as it is on several occasions in the appellant's evidence). Nevertheless minerals sites where provision for restoration has been made are excluded from the definition of previously developed land in the National Planning Policy Framework (last updated 7 February 2025, the 'NPPF'). Various ROMP conditions relate to restoration. There is nothing to substantiate that restoration is never likely to be implemented, although that may well not take the form currently envisaged.
9. There is an estimated remaining workable reserve of 6.3 million tonnes of gabbro hereabouts, a hard igneous rock suitable for various purposes including rock armour, gabion stone and railway ballast. Gabbro at Dean Quarry forms part of the Council's landbank for crushed rock. At the time of the hearing that landbank fell between 143.5 and 155.2 years, far exceeding a minimum 10 year supply with reference to NPPF paragraph 226.f).
10. Shire Oak Quarries Ltd. have owned Dean Quarry since 2014, the minerals rights owned by Dean Quarry Minerals Rights Ltd. The site has not been put to the open market since then. There is no evidence as to either the viability of continued quarrying or of the proposed holiday park. In the eventuality that this appeal is unsuccessful, it is the owner's intention either to restart quarrying or to sell the site to another operator.
11. The resumption of quarrying, along with indications of its likely intensity and effects, has been presented by the appellant as the 'fallback' position. That is despite quarrying representing the current authorised use of the site (and therefore there being a real prospect of quarrying resuming).

Surrounding context

12. As with over 30% of Cornwall, Dean Quarry is within the Cornwall National Landscape or Area of Outstanding Natural Beauty (the 'AONB'). It is part of an exposed, rugged, tranquil and dark coastal element thereof. There is limited appreciable development nearby. The site is part of, next to, or near various areas designated on account of their particular geodiversity or ecological value.
13. Dean Quarry is around a mile distant from St. Keverne, a village with a handful of services and facilities that can be reached by way of narrow winding roads, rural rights of way, or some combination thereof. St. Keverne is not a 'main town' as in

¹ It was described as such in the judgement in *Roskilly, R (On the Application Of) v Cornwall Council and Others* [2015] EWHC 3711 (Admin).

policy 3 of the Local Plan Strategic Policies 2010-2030 (adopted in 2016, the 'LPSP'), notwithstanding the appellant's description of it as a 'main settlement'.

14. Quarrying inevitably entails certain adverse effects locally, whether associated with the continuation of an historic use, or the establishment of a new one. In relation to the characteristics of the AONB as above, those are notably changes to the landscape itself, along with activity, noise and illumination.
15. The proposed holiday park would also entail adverse effects in those respects by virtue of the presence of lodges, their occupation, and on account of people travelling to and from them by whatever means. Even if external lighting were to be strictly controlled, there would inevitably be some illumination (including from headlights, torches or light spill when entering or exiting lodges).
16. Whilst conditions attached to permissions are capable of mitigating effects of either use to some extent, neither sits comfortably with seeking to further the purpose of conserving and enhancing natural beauty as it exists hereabouts.² Minerals can only be worked where they are found, as opposed to other uses including tourist facilities which are not so locationally constrained.

The proposal

17. The proposal is for a holiday park, described by the appellant as a business use within the ambit of LPSP policy 5. 56 lodges, intended to fall within the statutory definition of caravans and to operate year-round, would be installed with minimal physical interventions to the site. Lodges would be let or sold, albeit in the latter respect I was told that would not relate to a land transaction. They are not intended to be a person's sole or main place of residence. There would also be a reception facility and 132 car parking spaces. The main parties agree that the scheme would entail the creation of around 5,560 square metres of floorspace, albeit disagree as to whether that is an appropriate metric for caravans.

Mineral sterilisation

18. There is, however, an irrevocable flaw in the appellant's case. They argue that the scheme would not lead to sterilisation of the mineral resource. In that scenario quarrying could resume, whether under the provision of the ROMP or subsequent review (their fallback position).
19. That is not, however, consistent with much of the appellant's evidence. Paragraph 5.4 of the appellant's Landscape and Visual Impact Assessment ('LVIA') explains how overall moderate beneficial landscape and visual effects resulting from the scheme are said to be in part a consequence of 'the proposal seeking to replace the presence of the existing quarry use'. If sterilisation would not occur, any effects of the scheme should be added to those resulting from the resumption of quarrying rather than judged relative to the fallback position.
20. The appellant's position that the proposal would not sterilise the resource appears to be on the basis that the scheme is for the change of use of the land alone, or that minerals rights and surface ownership have been separated. There may also

² With reference to the duty under section 85 of the Countryside and Rights of Way Act 2000 as amended.

be a private agreement between the appellant and quarry or mineral rights owner in that regard.

21. Flatly, however, the site cannot be used both as a holiday park and for quarrying. The two are incompatible. Setting aside that the proposal is expressly to 'rescind' the ROMP, as set out in the Planning Practice Guidance ('PPG') mineral extraction cannot take place without planning permission.³ The scheme is also not for a temporary use.
22. Allowing the appeal would establish, in the public interest, that a holiday park would be suitable here. Were it thereafter proposed to resume quarrying, a determination as to whether planning permission for such should be granted would need to address any implications to the approved holiday park (including in terms of the agent of change principle currently articulated in NPPF paragraph 200).
23. It can only therefore be that the effect of allowing the appeal would be to sterilise the mineral resource by virtue of granting permission for non-mineral development, thereby justifying consideration of what may occur were the appeal to be dismissed. I note that certain individuals appear to object both to the development proposed via this appeal and to the resumption of quarrying.
24. Consequently, however, the scheme would conflict with MSDPD policy MS1. Although restoration provision in the ROMP would require the removal of the safeguarded wharf, it is in any event the appellant's position that gabbro could be exported by road. Notwithstanding the extent of any landbank, and other schemes in Cornwall,⁴ the PPG sets out that there is no maximum landbank level.⁵
25. The appellant furthermore acknowledged at the hearing that none of criteria a. to f. of MSDPD policy MS1, which allow for non-mineral development within mineral safeguarded areas in certain circumstances, are demonstrated. Policy MS1, criterion b. governs circumstances where the mineral resource 'is not of current or potential economic value...'.

Landscape effects

26. Given the exposed, coastal and rural setting to Dean Quarry, on account of the nature and scale of the proposal including relative to the modest extent of the nearby settlements of Rosenithon and Porthoustock, and given the potential for significant adverse effects to natural beauty alluded to above, in my view the scheme represents major development in the AONB within the terms of NPPF paragraph 190. Neither that the scheme would directly affect only 0.54ha of the site, nor that the lodges have been designed as relatively simple structures with a natural and muted palette of materials, alters that position.
27. On account of the proposed lodges themselves, activity and noise associated with their occupation, and on account of comings and goings, the proposal would represent a fundamental, permanent and harmful change to prevailing landscape

³ Reference ID: 27-001-20140306.

⁴ Including that to which appeal decision ref. APP/D0840/A/12/2170731, dated 24 August 2012 before the adoption of the MSDPD, relates. There, at Trevassack Quarry, instead of gabbro, a variety of serpentine had been quarried which was described by the Inspector as 'not ideal for building or other purposes as it shatters easily...'.

⁵ Reference ID: 27-084-20140306.

and scenic beauty. That is a position arrived at independently, having visited the site and its surroundings extensively.

28. Although no element of the English landscape has been unaffected by human activity to some extent, quarrying is not uncharacteristic of landscape character hereabouts. In the fullness of time its influence will also fade somewhat (whether or not resources are worked out and subject to restoration or neglect). Quarry working times are also limited under condition 4 of the ROMP, if not any transportation by sea dependent on the tides, in a way that use of the lodges could not be restricted.
29. Whilst any photomontages cannot comprehensively depict the future of a site, those before me are devoid of any residential paraphernalia, cars, or people. Planning or site licensing may only legitimately go so far in governing such things. Photomontages do not therefore fully reflect the visual change that would result, the kinetic experience of moving through the site, or the experiential dimension of the proposed use.
30. As such it is difficult to discern how a holiday park close to the south west path in an exposed, rugged and relatively tranquil location, which is visited by many to experience those very characteristics, would result in beneficial landscape and visual effects. As opposed to a 'substantial beneficial' effect in respect of LVIA viewpoint 8(a) in particular, there would be clear detriment. I therefore find that the proposal would conflict with the expectations of statute, and with relevant provisions of LPSP policy 23 (criterion 2(a)) and of NPPF paragraph 189.

Accessibility

31. There are occasional properties relatively near to Dean Quarry (notably Treglohan Minor, Higher and Lower Treglohan and Trythance). Change of use from agriculture to a seasonal campsite has also recently been permitted at Roskilly's, roughly midway between the main entrance to Dean Quarry and St. Keverne.⁶ Through various means the scheme aims to promote the use of modes of transport other than private vehicles. It would be possible to walk or cycle to St. Keverne, which benefits from some bus services to elsewhere.
32. As much of Cornwall is within protected landscapes or rural, or both, LPSP policy 5 is nuanced as to where tourist uses may be acceptable (a principle attested to by various appeals brought to my attention by the appellant). NPPF paragraphs 88 and 89 are also, in principle, supportive of all types of business in rural areas which may not be well served by public transport.
33. Nevertheless those travelling to or from the holiday park would, in all likelihood, be highly reliant on private means of transport (or would prefer to do so). That would entail implications both for tranquillity and vehicular emissions. It is a relatively lengthy round trip, some 2 miles, from the site entrance to St. Keverne and back.
34. Moreover certain lodges would be set close to the south west coat path where there would also be a fair distance to cover across the rising landform of the site to reach the entrance. As above, walking or cycling would be along narrow winding roads, rural rights of way or some combination thereof (regardless of whether such

⁶ Permission ref. PA24/00139.

roads might be termed 'quiet lanes'). The length and nature of that route, coupled with the comparatively limited nature of services and facilities at St. Keverne, is likely to deter many. That is likely, in particular, to be in respect of those who are differently abled, or during poor weather or darkness.

35. Traffic implications of the proposed holiday park would not be incomparable with the resumption of quarrying (even if Dean Quarry were to operate at levels anticipated by the appellant). The holiday park would likely result in more numerous trips by smaller vehicles, with individuals also likely to travel further afield than St. Keverne to reach a wider range of services, facilities and attractions.
36. In my view the scheme, which might at full occupancy accommodate some 200 people or so, would not be of an appropriate scale to its location and accessibility by a range of transport modes. The scheme would not accord with the relevant provisions of LPSP policy 5, criterion 3 in that respect. There would be conflict with policies C1 and T1 of the Climate Emergency Development Plan Document (adopted 2023, the 'CEDPD') which, in summary and amongst other things, seek to prioritise travel other than by private vehicle.
37. Recognising that circumstances are nuanced in LPSP policy 5 and NPPF paragraphs 88 and 89 as above, the proposal would nonetheless conflict with NPPF paragraph 110 which sets out how significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

Geodiversity and biodiversity

38. Implications of the scheme in respect of geodiversity and biodiversity would be more equivocal. Arrangements for improving access to and understanding of zeolite minerals could be made, thereby improving the current condition of a large part of the Coverack to Porthoustock Site of Special Scientific Interest. Notwithstanding my reasoning in paragraph 15 of this decision, a detailed lighting strategy and the use of automatic blinds could mitigate adverse effects of illumination to bats to large extent.
39. The S106 makes provision for contributions to offset any adverse implications for ecological integrity resulting from additional recreational pressure in relation to the Fal and Helford Special Area of Conservation in line with the Council's European Sites Supplementary Planning Document (adopted 2021). Theoretically a similar approach to mitigation could be taken, as necessary, in respect of ecological implications to the neighbouring Lizard Point Special Area of Conservation and the Manacles Marine Conservation Zone beyond mean high water, or conditions imposed related to ecological integrity in those respects.
40. That is notwithstanding that the appellant is of the view that the Lizard Point Special Area of Conservation is not vulnerable to increases in recreational pressure, given that it is not referred to as such in the Habitats Regulations Assessment related to main modifications in respect of the LPSP. I note that Natural England are of the view that the appellant's evidence is insufficient to establish whether likely significant adverse effects would result.⁷

⁷ With reference to the provisions of the Conservation of Habitats and Species Regulations 2017 as amended.

41. The scheme intends to provide 138% biodiversity net gain, albeit that not all of Dean Quarry has been assessed through the lens of the statutory biodiversity metric on account of the scale of the site, its ecological diversity and overlapping ecotones. Given the nature of the site it is, however, likely that significant biodiversity net gain could be achieved in one way or another.
42. Whether via the ROMP or future review, however, there is provision or would be provision to improve the condition of the Coverack to Porthoustock Site of Special Scientific Interest and in respect of biodiversity net gain by virtue of site restoration. In respect of bats specifically, the stringency of controls proposed appears an impractical arrangement; occupants would not have a view from their lodges outside of daylight despite the site's expansive coastal setting (unless they were to sit in the dark).
43. There are, moreover, various legislative provisions that apply to safeguard ecology in any eventuality.⁸ Various arguments advanced by the appellant as to the detrimental effect of resuming quarrying, or effecting restoration as currently envisaged via the ROMP, are without robust substantiation given those protections and in other respects.⁹
44. As such, on the basis of the body of evidence before me and taking account of all that I heard during the hearing, I have approached implications in respect of geodiversity and biodiversity as neutral for the purposes of determining the appeal. That is a position arrived at hypothesising what may be possible, noting that the onus falls principally on an applicant to substantiate their case.¹⁰

Other matters

45. Various benefits of the scheme are advanced. The appellant refers to the likely creation of 56 new jobs. That is not, however, incomparable with the 20 to 50 jobs estimated to result from quarrying, minerals having an economic value where they are used in addition to where they are extracted from (NPPF paragraph 224 setting out how great weight should be given to the benefits of mineral extraction, including to the economy).
46. The adverse implications of an over concentration of second or holiday homes are well documented and reflected in house prices, in the AONB in particular, and socially in terms of the fabric of communities. Whilst the scheme may have some beneficial effect in reducing pressure for second or holiday home ownership, there is no substantiation behind the appellant's position that each lodge sale would represent 'one less purchaser of a local residential house, cottage or flat...'.
47. Second or holiday homes are a different entity to caravans, notwithstanding that were I to follow the appellant's logic set out in paragraph 18 of this decision, occupants would need to vacate were quarrying to resume. Moreover paragraph

⁸ Notably under the Wildlife and Countryside Act 1981 as amended, including section 28E, section 40 of the Natural Environment and Rural Communities Act 2006 as amended, and section 125 of the Marine and Coastal Access Act 2009 as amended.

⁹ Notably that PPG Reference ID: 27-001-20140306 sets out how 'minerals extraction may only take place if the operator has obtained both planning permission and any other permits and approvals', with NPPF paragraph 201 setting out how 'planning decisions should assume that these [pollution control] regimes will operate effectively'.

¹⁰ Section 62(3) of the 1990 Act.

7.4 of the appellant's AONB Assessment of Need document states that 'Cornwall has received an ever increasing number of tourist visitors'. If that is the case, a statement not without challenge, that further qualifies the extent to which any broader housing or social benefits would result as opposed to addressing additional demand for holiday accommodation.

48. LPSP policy 5 sets out how proposals should 'provide a well balanced mix of economic, social and environmental benefits'. In that context the appellant has advanced the offer of 20 affordable homes within the Parish of St. Keverne. There is, however, no evidence before me of how that offer is intended to be fulfilled or achieved practically, of that being necessary to make the development acceptable in planning terms, or of that being directly related to it.
49. In any event, there is no mechanism before me to effect that offer. The PPG sets out that it would not be appropriate to modify the development in a way that makes it substantially different from that set out in the application.¹¹ There is no indication that the offer could be effected within the time-limit of the permission, such that a Grampian condition in that respect would not appear reasonable.¹² There is furthermore no policy requirement for contributions towards the various charitable causes to which 3 lodges would be reserved.
50. Whilst it is proposed to shore up Godrevy Tip, some 540,000 tonnes of quarry waste by the coast, there is no substantive evidence before me of its stability. There is also no evidence as to where any liability lies as to its current condition or implications for the condition of the south west coast path, or that any necessary stabilisation is fundamentally contingent on the scheme before me.
51. Whilst the proposal seeks to achieve exacting standards in terms of energy efficiency, that is fundamentally to minimise its environmental impacts rather than attracting weight in favour of allowing the scheme. Business rates are, simplistically, to fund services to business rather than representing a benefit of the scheme. Whilst the intended provision of a defibrillator and history interpretation area would be beneficial, there is no clear justification for either (both of which would represent artificial interventions in the landscape).¹³
52. The appellant has brought to my attention an unsuccessful application at Penhale Camp for a holiday park and a successful appeal at the Meudon Hotel.¹⁴ Neither are comparable. The former relates to a previously developed military site outside of the AONB, the latter to 10 holiday units within AONB but within the sloping wooded grounds of a hotel. There is moreover nothing to indicate that either are as distant from services and facilities at Holywell and Mawnan Smith respectively as the scheme before me is located in relation to St. Keverne.

Planning balance

53. I have reasoned above, notwithstanding the extensive Cornish landbank of crushed rock, that the proposal would lead to the sterilisation of the mineral resource in conflict with MSDPD policy MS1. Relative to eventual site restoration and aftercare

¹¹ Reference ID: 21a-012-20140306.

¹² With reference to PPG Reference ID: 21a-009-20140306.

¹³ Noting that there is an ageing interpretation board by the south west coast path near Lowland Point.

¹⁴ Ref. PA22/02896 and APP/D0840/W/24/3344255

or even perhaps neglect, the proposal would result in serious and permanent adverse landscape effects to the AONB in conflict with the expectations of statute and with relevant provisions of LPSP policy 23 and of NPPF paragraph 189.

54. As a result of its scale and location, the scheme would furthermore not accord with LPSP policy 5, criterion 3, and conflict with policies C1 and T1 of the CEDPD and NPPF paragraph 110. Whilst I have treated effects in respect of geodiversity and biodiversity as neutral, as a result the appeal site is not suitable for the development proposed.
55. As above, however, there are various benefits to the scheme. Nonetheless beneficial economic implications would be little different from resumption of quarrying (the extant use of the site, appellant's fallback position, and owner's intention in the eventuality this appeal were to be dismissed). In other respects the benefits of the scheme are without robust substantiation, relate principally to minimising the effects of the scheme, or are minor in nature. Collectively they cannot rationally be accorded more than moderate weight in favour of the scheme. No appeals identified elsewhere are directly comparable with circumstances here.
56. As such, and even were the scheme acceptable in all other respects including as regards traffic implications, other material considerations are clearly insufficient to justify allowing the appeal relative to the extent of harm that would result. That position would remain regardless of whether the scheme represents major development within the AONB or not.

Conclusion

57. Having considered the development plan as a whole along with all other relevant material considerations, I therefore conclude that the appeal should be dismissed.

Tom Bristow

INSPECTOR

SCHEDULE 1, APPEARANCES

For the appellant

Michael Shaw, Director, Hieronymus Gruff Ltd.
Steve Holloway, Director, South West Ecology Ltd.

For the Council

Peter Blackshaw, principal development officer
Peter Gregory, case officer
Ben Curnow, solicitor
Ellie Inglis-Woolcock, principal development officer (minerals)
Jim Wood, planning officer (Cornwall AONB Partnership)

Interested Parties

Alistair Thomson, Shire Oak Quarries Ltd.
Christopher Tofts, Cornish Chamber of Mines and Minerals
Linda Skeats, local resident
Alastair Cameron, local resident
Terry Moyle, local resident
William Teakle, local resident
Steven Gray, local resident
Anthony Turner, local resident
Ray Nixon, local resident
Sheila Richards, local resident

SCHEDULE 2, HEARING DOCUMENTS

1. Natural England report on proposed changes to south west coast path between Penzance and St. Mawes under section 51 of the National Parks and Access to the Countryside Act 1951.
2. Caravan Sites and Control of Development Act 1960 as amended.
3. Cornwall Council Site License Conditions for Static Caravans, based on model standards for holiday caravan sites 1989.