



Appeal Decision

Inquiry held on 25 March 2025

Site visit made on 26 March 2025

by J Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2025

Appeal Ref: APP/D0840/W/24/3355461

An Mor Hotel, Hartland Terrace, Bude, Cornwall, EX23 8JY

- 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 Churchill Retirement Living Ltd against the decision of Cornwall Council.
 - The application Ref is PA24/03683, dated 3 May 2024, was refused by notice dated 8 November 2024.
 - The development proposed is the demolition of the existing building and redevelopment to form 39 retirement living apartments for older persons including communal facilities, car parking and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing building and redevelopment to form 39 retirement living apartments for older persons including communal facilities, car parking and landscaping at An Mor Hotel, Hartland Terrace, Bude, EX23 8JY in accordance with the terms of the application, Ref PA24/03683, dated 3 May 2024, subject to the following conditions on the attached schedule A.

Preliminary Matters

2. The application was refused planning permission for three reasons. Reason for Refusal 1 (RfR1) concerned the scheme's failure to provide infrastructure provision, namely affordable housing (AH), public open space (POS) and public healthcare (PH) provision. RfR2 concerned whether the proposal would have acceptable coastal protection during the lifetime of the development. RfR3 concerned whether the proposal would incorporate acceptable energy consumption and renewable energy measures.
3. Since the Council's decision, a viability assessment has been agreed between the main parties and updated Environment Agency (EA) data provided relating to coastal erosion rates. The EA data indicates coastline erosion at a slower rate than that previously indicated. Given this, the Council is no longer defending the RfR 1 - 3, albeit its revised position, is subject to the provision of a viability mechanism that would clawback additional profit for infrastructure contributions, if viability improved following permission.
4. Notwithstanding the Council's revised position on RfR 1-3, the issues will be considered within my reasoning in this decision. There have been third party comments on these issues. A completed and executed section 106 (s106)

agreement dated 3 April 2025 relates to the provision of a viability review mechanism which will be assessed in this decision.

5. Section 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 requires, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At the Inquiry, there were a significant number of third party representations commenting on character and appearance matters and this issue will be considered as a main issue. The description of the site was agreed between main parties at the Inquiry.

Main Issues

6. The main issues are (a) whether the provision of infrastructure, namely AH, POS and PH provision would be justified, having regard to the viability review mechanism obligation within the s106 agreement, and (b) the effect of the proposal on the character and appearance of the area, having regard to the Bude Conservation Area.

Reasons

Local Infrastructure

7. Under Cornwall Local Plan (LP) Strategic Policies 2010-2030, Policy 3 states appropriate AH will be provided in Bude in accordance with the requirements of LP Policy 8. LP Policy 6 further states proposals should seek to address AH need and demand. LP Policy 8 states proposals must contribute towards AH need but, subject to the provisions of LP Policy 10, should achieve an AH target of 30%. LP Policy 10 states where AH cannot be provided without affecting viability and the application scheme proceeding, it will consider 'other options', such as the consideration of an off-site contribution for AH on another site. If 'other options' are not possible, the policy states that the Council will seek 'other mechanisms' to secure the planning gain, including the deferment of AH obligations, the re-appraisal of the scheme's future phases or at commencement to allow viability to be reassessed.
8. Turning to POS, LP Policy 13 requires development to provide for different types based on local need. LP Policy 16 requires the improvement of people's health and well-being by the provision of flexible community open spaces, that can be adapted to the local needs of the community and encourage social interaction. LP Policy 25 states development should contribute to an enhanced network of habitats, open spaces and waterscapes, by providing accessible and good quality open space. Bude-Stratton Neighbourhood Development Plan (NP) 2016-2030 Policy 24 requires existing specified POS to be preserved and enhanced.
9. LP Policy 28 states developer contributions will be sought for physical, social, economic and green infrastructure, and contributions will be sought to provide or enhance infrastructure, if it is not possible to deliver on the site. NP Policy 6 requires developers to work closely with infrastructure providers so that the infrastructure requirements arising from the development are fully met.
10. The Council has identified substantial AH need within the local area through its policies and Strategic Housing Market Assessment (SHMA) 2016. For POS, it has identified requirements relating to enhancements at Bude Recreation Ground and

the creation or improvement of open space within Bude Parish. Nevertheless, no justification has been provided arising from the needs of future residents taking into account the existing POS provision in the area. The local NHS trust has identified a need for additional healthcare provision due to the development's new residents and identified projects at Neetside Surgery and Ruby County Medical Practice. Third parties, including a doctor from the Neetside Surgery, have commented upon the shortage of AH for local people and appointments for patients, and the adverse effects of increased demand on health services, such as increased waiting times and prolonged illness.

11. However, the appellant's April 2024 Viability Review (VR)¹ indicates that the inclusion of infrastructure contributions would render the proposal financially unviable. Furthermore, it indicates future rises in build costs² would rise faster than sales, based on most lenders and property portal sites.
12. The Council has agreed the VR and the key variables within it. For the appeal scheme, sales values are comparable to a similar scheme in Bude, taking into account index linking, and the greater and more attractive unit sizes of the appeal scheme. Build costs have also been undertaken in accordance with industry recognised costings whilst the selling programme and unsold unit costs are based on the appellant's particular experience of selling retirement homes. Profit would reflect the greater risk associated with retirement home developments, such as providing accommodation tailored to elderly residents compared to conventional homes. Finally, the hotel has been professionally valued and a reasonable incentivised selling value added. Whilst the added incentivise value is largely a matter of judgement, the value would be appropriate given the hotel's profitability, the owner's investment into it, and its capacity to grow through greater use of its restaurant, bar and function room.
13. Having assessed the VR, there are no reasons for me to reach alternative conclusions, especially as there is no comparable alternative evidence before me. Consequently, infrastructure provision cannot be justified on the basis of the VR as it would otherwise put at risk the development coming forward.
14. Notwithstanding this, the s106 agreement details a VR reappraisal mechanism whereby, if the development has not reached a 'Shell and Core Finish'³ stage within 36 months of planning permission being issued, an updated VR shall be carried out. If the review demonstrates improved viability, the developer shall pay one or all AH, POS and PH contributions. based on a proportion of additional profit. The PPG⁴ details that plans should set out circumstances where review mechanisms may be appropriate, as well as a clear process and the terms of engagement regarding how and when viability will be reassessed over the lifetime of the development.
15. Turning to LP Policy 10, AH cannot be provided without affecting the viability and the scheme proceeding, based on the VR, and the Council has discounted 'other options'. The Council has therefore considered 'other mechanisms' to secure planning gain under the policy, namely the reappraisal of the scheme to allow viability to be reassessed. In support, the Council's Housing Supplementary

¹ Report on Affordable Housing and Viability, An Mor Hotel, Hartland Terrace, Bude, EX23 8JY, April 2024.

² British Institute of Chartered Surveyors (Quarterly Briefing) March 2024.

³ Defined as buildings comprising the development having been constructed, to include all structural walls and roofs completed, and ready to be fitted out internally.

⁴ Planning Practice Guidance: Paragraph 009 Reference ID: 10-009-20190509

Planning Document (SPD)⁵ 2020 states where a reduced percentage of AH or financial contribution below the full policy equivalent is accepted, based on economic viability, the Council reserves the right to implement an economic viability review mechanism.

16. However, the SPD is not policy, and the LP policy does not detail clear process and terms of engagement. The scheme would not be multi-phased or prolonged in construction given the scale, single building form and size of the plot. LP Policy 10 contains no policy wording detailing when VR appraisal would need to take place for schemes, such as this, and how it will be reviewed by parties. Furthermore, the appellant has demonstrated that the 36 month clause would not be relevant given nature and length of the construction, as evidenced in the VR⁶. Therefore, the policy and scheme circumstances would not justify a VR reappraisal. For all these reasons, the need for a VR reappraisal has not been demonstrated and the obligation would not meet the statutory tests within Regulation 122 of the Community Infrastructure Regulations (2010) as amended and it would not be lawful to take it into account.
17. In conclusion, the proposal would not make provision for infrastructure. However, for AH provision, there would be no conflict with LP Policies 3, 6, 8 and 10 because they allow for exemptions from requirements through policy wording, the use of the word 'seek' and how they cross-refer to one another. In this regard, LP Policy 6 requires proposals to seek to address AH whilst LP Policy 10 indicates that the Council will seek 'other mechanisms', including the reappraisal of schemes, when schemes are not viable and other options are not feasible. In terms of policy interrelationship, LP Policy 3 cross-refers to LP Policy 8 which in turn cross-refers to LP Policy 10.
18. In terms of POS, there would be no conflict with LP Policies 13, 16 and 25, and NP Policy 24 because there is no justification provided for the proposal. For general infrastructure provision, including PH, LP Policy 28 further states developer contributions will be sought and therefore, with this flexible policy wording, there would be no policy conflict given the VR. However, there would be conflict with NP Policy 6 because it states, more prescriptively, infrastructure requirements are to be met fully. The weight to be given to this policy conflict will be considered further in the reasoning for this decision.

Character and appearance

19. The appeal site comprises the An Mor Hotel, a four storey hotel, which has its top floor within a mansard roof. It has been significantly extended and altered to the rear and side, and is finished in light grey painted render and slate roof tile. The hotel lies at the end of Hartland Terrace and faces onto street parking areas, a public parking area, and a recreational amenity area serving Adventure Bude, formerly the Grenville Hotel. To the southwest of An Mor Hotel, there is a beach car park, dunes and beach at a substantially lower ground level. The appeal site and its surrounding area, including parts of the beach, a harbour and a canal, are located within the Bude Conservation Area.
20. Bude dates to the 12th century but it was during the 16th century, the town was transformed, rebuilt, particularly around its harbour, and the port developed,

⁵ Paragraph 83, page 20, Cornwall Council, Housing Supplementary Planning Document, 2020.

⁶ Paragraph 6.30 of the Report on Affordable Housing and Viability, An Mor Hotel, Hartland Terrace, Bude, EX23 8JY, April 2024.

transporting goods and materials from Bristol and Wales. This continued with the building of a canal, alterations to the River Neet channel, and the construction of a sea lock during the 19th century. The gradual development of the town as a tourist destination occurred during the 19th and early 20th century. During this period, housing was constructed along the road network expanding from its centre, including along Hartland Terrace. It remains a popular tourist destination with associated accommodation, cafes, restaurants, shops and activities.

21. The An Mor Hotel, formerly known as Hartland House, was built in the 1850s-1860s as the summer residence of the Penarvour family from Bristol and later George Croydon MP. As the town expanded, Hartland Terrace was subsequently built to provide homes for wealthy ship owners and the house visually formed the western end of the terrace, with its associated grounds extending westwards. In the 1930's, the house was converted into a hotel and it was extended during the 20th century. During the Second World War, the hotel was requisitioned by the government to provide officer accommodation from the nearby Cleeve Camp, and boarding school accommodation for evacuees from Clifton College, Bristol.
22. Within the Conservation Area, the appeal site and its immediate surroundings lie within Character Area 2 (the Leisure Area) of the Bude Conservation Area Appraisal (CAA) 2010. It has a distinctive seaside resort character, with its sea views, beach, hotels, guesthouses and holiday apartments. The predominant building type in the area is terraced, with Hartland Terrace described as sharing a consistent design of rubblestone walls with smooth banding decorating the facades and many have dormers inserted within the roof. Together with Adventure Bude, these terraces are visible built forms within the town, especially due to the topography of the town which slopes down to the River Neet and beach car park.
23. There is no predominant architectural style, with variety reflecting the evolution and development of the area. Similarly, there is no single predominant roof type, with gable ends, hipped and deep mansards, and window types, with sash windows and double bays, including canted windows. There is also a range of construction materials, though slatestone and slate, and brick are the prevalent roof materials. Brick is used for chimneys and decorative elements, such as window surrounds and windows, and other materials used, include red clay tiles decorative terracotta ridge tiles, key stones and cream ceramic-type bricks. Decorative joinery comprises bargeboards, keystones and terracotta work. There are also individual buildings that refer to one another through design features resulting in identifiable association and connection. The CAA refers to the An Mor Hotel being designed with a prominent mansard roof similar to the Grenville Hotel (Adventure Bude) which makes reference to the French chateau style of architecture.
24. Within the Conservation Area, the evolution of buildings and places, is of great value to understanding its importance. Such buildings and spaces, together with high quality design and use of materials, reflecting Victorian and Edwardian periods, results in a highly attractive seaside character and appearance. It is these historic and architectural qualities that contribute to the significance and special interest of the Conservation Area.
25. The An Mor Hotel has historic interest through its use and development over time, and visibly continues Hartland Terrace. However, it has undergone significant extensions and alterations. Historic photographs show the hotel's south elevation with windows either side and above a central doorway and porch, and at its

southwest corner, a two storey bay, and a main pitched roof. These features have been mostly lost, with the legibility of its former appearance much reduced, and it does not retain any great integrity through its fabric by reason of significant extension, alteration and refurbishment. For all these reasons, it would make a neutral contribution to the character and appearance of the Conservation Area.

26. The existing hotel would be demolished and replaced with a retirement living development, comprising four storeys, with the top storey contained within a mansard roof. The new building's footprint would extend westwards over an existing car park area, sheds and decking, associated with an outside bar. Between the rear of the new building and an unnamed road (exiting the beach car park), there would be parking and to the west of the site, there would be a landscaped private space.
27. The replacement building would be larger in extent than the existing hotel but its width would not be dissimilar to the terraces on Summerlease Crescent, located nearby to the north west of the appeal site. It would also be narrower than the Adventure Bude building. Its height would not be significantly higher than the existing hotel⁷ and although its façade would be angled, this would not be out of keeping with the area given the curved façades of the Summerlease Crescent terraces and the similarly angled façade of the much larger Adventure Bude building. It would also be designed with façade setbacks, bay windows and varied materials, brick and render, to physically articulate its elevations. To its west side and rear, the building would be visually more coherent and attractively designed compared to the existing haphazard mix of flat and pitched roofed hotel extensions and outbuildings, including those for the outside bar.
28. The building would be elevated and visible from its surroundings, when viewed from public areas close to the site, mainly footways sloping down to the beach car park. However, Bude's topography, results in buildings being elevated and visible, such as the Adventure Bude building, Summerlease Crescent terraces and the former hotel, and this is not an unusual feature of the area. Furthermore, beyond such immediate areas, in medium and long distance views, such as from the beach car park and from areas between the River Neet and canal, the appeal building is seen against the backdrop of existing built development.
29. At the Inquiry, photomontages from a local resident⁸ and the appellant⁹ showed the development within its context. The former shows viewpoints from the beach car park and the unnamed road, whilst the latter shows viewpoints from dunes adjacent to the beach carpark and from near Bude Methodist Church. The third party evidence shows greater development prominence compared to that of the appellant. However, the appellant's evidence is more compelling because it contains greater photomontage verification rationale and justification. In particular, their photomontages incorporate design features of the appeal scheme, namely the new building's height being similar to the existing hotel and the western ground floor being set at a lower level than the adjacent grassland private space. The appellant's photomontages do show that a new building would result in townscape change but having inspected the site and its surroundings, this would not be dominating or overpowering given its built-up context.

⁷ At the Inquiry, the appellant clarified the maximum height of the retirement home and existing hotel would be approximately 30.65 metres and 30.52 metres above ordnance datum, respectively.

⁸ Photograph Montagues, An Mor Hotel, D Thorn, 25 March 2025.

⁹ Visually Verified Montages, An Mor Hotel, NPA Visuals, Nicholas Pearson Associates, 25 March 2025.

30. There is currently a view looking down Hartland Terrace where open sky is visible. The residential development would be located on one side of this terraced road but despite its angled extension beyond the existing hotel, there would only be a small encroachment into this view given the wide expanse of sky that would remain. There would be no loss of sea view because none exists presently, as the end of the road is substantially elevated up above the beach, dunes and associated car park.
31. The scheme's window types, including bay windows, and spacing, would result in a generally evenly balanced and spaced fenestration. Most dormer windows would be similar in size and position to those windows below. Such design marries in with the traditional fenestration found in Victorian and Edwardian buildings in the area, including the Summerleaze Crescent terraces. The western landscaped space would be retained and enhanced, through Biodiversity Net Gain (BNG) planting and management, contributing to the seaside character of the Conservation Area. As such, there would be no adverse loss of seaside character and appearance.
32. There is a statutory heritage presumption in favour of preservation and under the National Planning Policy Framework (the Framework) great weight should be attached to this. Nevertheless, the scale, height, bulk, massing and design of the building would not adversely affect the significance or special interest of the Conservation Area for the reasons indicated. Historic England¹⁰ commented that the scheme would result in change but not harm. For all these reasons, the proposal would preserve the character and appearance of the Conservation Area as a whole.
33. The appeal site is located close to Bude Coast Area of Great Landscape Value covered by LP Policy 23. Under the County Council Landscape Character Assessment 2010, the site is within the CCA37 Bude Basin Character Study area, that includes low cliffs, long sandy beaches, with exposed geological formations, outstanding coastal views, the settlement of Bude within the steep confines of the landscape, Conservation Areas and a rural character and tranquillity surrounding Bude. Nevertheless, by reason of its urban containment sited away from countryside areas, there would be no significant adverse landscape or visual effects once the development is completed and established. Such a view accords with the appellant's Landscape Visual Impact Assessment (LVIA)¹¹. This details operational effects for year 15 on landscape character and designations, and visual points, as no greater than neutral to minor adverse.
34. The development would be located a substantial distance, approximately 2km, from the Hartland National Landscape designation, and sited within an urban area. Therefore, there would be no harm arising from the proposal on the appreciation of its landscape and scenic beauty, if the appeal was allowed.
35. For all these reasons, there would be no harm to the character and appearance of the area. Accordingly, the proposal would comply with Policies 12, 23 and 24 of the LP, Policy ENV1 of the North Cornwall Local Plan 1999 (LP99) and Policy 23 of the NP, which collectively and amongst other matters, require high quality design, the management of the natural, historic and cultural assets for future generations, the maintenance and enhancement of distinctive and natural

¹⁰ Historic England response dated 29 July 2024

¹¹ Landscape and Visual Impact Assessment, An Mor Hotel, Hartland Terrace, Bude, Green Landscape Studio Limited, February 2024.

landscape character of areas, including Areas of Great Landscape Value, and the demonstration of how proposals enhance the heritage and conservation of Heritage Assets.

Other Matters

Coastal protection and erosion

36. Under the Climate Emergency Development Plan Document (DPD) 2023, a Cornwall Coastal Vulnerability Zone is designated around the Cornish Coast, based on National Coastal Erosion Risk Mapping (NCERM) predictions. The latest NCERM prediction is up to 2105, with either Shoreline Management Plan (SMP) or No Active Intervention (NAI) taking place, subject to 5% probability, and this shows coastal erosion in a small southwest part of the site outside the footprint of the building. An additional 10m buffer zone would cover part of the footprint of the new building.
37. There is an encroachment into the buffer zone and previously, the Council's Coastal Protection Officer (CPO) has raised concerns due to the challenging nature of accurately making predictions about coastal erosion. However, the existing NCERM predictions have now been updated and the building and most of the site would still be outside the NCERM prediction zone, whether it be with SMP in place or NAI taking place. It is also an existing developed site. As a technical consultee, considerable weight is attached to the CPO's comments now raising no objections. For all these reasons, there would be no adverse risk to people and property during the lifetime of the development and compliance with DPD Policies C1 and CC1, which collectively and amongst other matters, require development to be mitigated and resilient against the effects of climate change, regenerate, improve or maintain the natural functioning of coastal processes, be safe through its planned lifetime, without increasing risk to life or property, and take account of coastal management strategies.

Energy consumption and renewable energy

38. DPD Policy C1 additionally details that proposals should make the fullest possible contribution to minimising greenhouse gas emissions. DPD Policy SEC1 requires proposals to achieve Net Zero Carbon and submit an Energy Statement to demonstrate compliance with thresholds for heating, energy consumption and the matching of on-site renewable generation with on-site energy consumption. The appellant's Energy Statement¹² (ES) details that the proposal would meet the threshold for heating but not for energy consumption, and there would be no matching of on-site renewable energy with energy consumption.
39. Where economic or technical constraints prevent this matching of renewable energy with energy consumption, DPD Policy SEC1 further states proposals should strive to meet the heating and energy consumption thresholds. The proposal includes improved insulation for building fabric above building regulation requirements and renewables, but further solar panels would be visually intrusive within a Conservation Area, and together with Mechanical Ventilation Heat Recovery and Air Source Heat pumps, costly, further affecting viability. In such a scenario, the policy indicates a contribution to the Council's Offset Fund, as far as economic viability allows. Given the VR, economic viability does not permit such a

¹² Energy Statement, An Mor Hotel, Planning Issues Ltd, April 2024.

contribution. For all these reasons, there would be no conflict with DPD Policies C1 and SEC1.

Other third party representations

40. For highway matters, the fallback position is the existing hotel and the appellant's Transport Statement (TS)¹³ demonstrates that the retirement home use would generate no overall increase in traffic vehicular trips. Traffic movements for the hotel will vary over the year, with a smaller number of trips during the winter. However, the TS shows trips for retirement homes, based on empirical data for similar developments, would be small in any case because they generate less trips than conventional housing. The development would provide a total of 15 car parking spaces for the 39 retirement homes but this provision is for specialised accommodation with lower parking requirements than conventional housing. The provision would also be higher than provision in other retirement home developments implemented by the appellant. There are also nearby public car parking areas available for visitors.
41. A traffic survey was undertaken in January and not in the busy summer season. In the summer, traffic speeds would be slower given the busy nature of the tourist season and measuring them at this time would result in shorter visibility requirements not appropriate for when traffic is faster at other times of the year. The accuracy of a swept path analysis plan for a fire tender is based on a topographical survey plan and in the absence of a survey to the contrary, there is no comparable evidence to doubt its accuracy.
42. Poor transport accessibility to services has been cited outside of Bude, including to hospitals, but the town has a range of facilities and services, many within short walking time of 10 minutes of the development, such as a supermarket, post office and pharmacy. Based on my site visit observations, walking to these facilities would not be up or down particularly steep inclines. There are also nearby bus stops offering services to nearby settlements, including Okehampton with a train service. The TS indicates bus services to local villages are every 45-60 minutes and at more regular and frequent intervals to larger settlements during the week. Under LP Policy 2a, Bude is allocated further housing, and the policy identifies the town as a place best meeting need, sustaining the role and the function of community and its catchment. Bude is identified in the top hierarchical tier of settlements under LP Policy 3 which are identified for further development. For all these reasons, the development would not result in unacceptable harm to highway safety, would be highly sustainable in transport terms, and would provide acceptable car parking. Such a view concurs with the highway authority, a technical consultee on such matters.
43. In relation to neighbouring property on Hartland Terrace, the appeal building would have no directly facing overlooking windows. It would project behind the rear of the neighbouring terrace, but it would not project significantly more than the existing hotel and would be stepped back from the common boundary at this point. Consequently, there would be no significant loss of privacy or light, nor any adverse overbearing impact. The building would appear in the line of sight of residents looking out from properties on Summerleaze Crescent but such a loss of view would not be a reason to turn down the appeal. Given the separation distance

¹³ Transport Statement, AWP, April 2024.

between these terraces and the development, there would be no overbearing adverse impact.

44. The retirement home would be close to Adventure Bude which is used recreationally by young people. However, there is no evidence that the sensitivity of the elderly persons accommodation would be different to the previous use and there are no significant records of complaints before me generated by the hotel use. There would be the loss of a hotel and the energy used to construct the building would be forfeited. However, there are no development plan policies that cover such matters. Indeed, DPD Policy TC3 states that new development should be provided through redevelopment of buildings and does not consider retention of existing buildings for embodied energy reasons. Local dentists are reported to be closed to new patients but there is no representative body detailing the justification for any objection. For all these reasons, none of these considerations would merit the refusal of the proposal.

Benefits of the proposal

45. The Council has a deficient 5 year housing land supply (5YHLS) of 3.8 based on the recent revision to the Framework. Deficient levels of housing supply have been previously identified in the Council's publication Securing Homes for all: A Plan to Respond to Cornwall's Housing Crisis 2021. To support the Government's objective of significantly boosting the supply of homes, paragraph 61 of the Framework requires sufficient land and variety of land to come forward. The preparation of new policy to address the deficiency in housing supply is at an early stage. The proposed 39 homes would make a much needed contribution to housing supply and for all these reasons significant weight is attached to this benefit.
46. The proposed development would contribute to the delivery of specialised older persons accommodation. At paragraph 61 of the Framework, the needs of groups with specific housing requirements are required to be addressed. The Council's SHMA indicates a significant increase in the age 65 population group over the LP period. The appellant's market housing retirement housing assessment¹⁴ identifies a need of just over 5,000 market retirement/sheltered housing units in 2026, which has not disputed. LP Policies 2a and 6 require the provision of older persons bed spaces, including specialist accommodation, and developments to respond to the requirements of a changing population and particular groups by increasing supply. Accordingly, significant weight is attached to the benefit of the provision of elderly persons accommodation.
47. The development would result in the reuse of a developed site. Paragraph 125 c) of the Framework indicates substantial weight should be given to the value of using suitable brownfield land within settlements for homes. LP Policy 21 encourages sustainably located proposals to ensure the reuse of land. The development would be in a highly sustainable site with access to facilities and services in Bude attracting moderate weight. Effective and efficient use of land would be made in accordance with paragraph 135 e) of the Framework which requires decisions to optimise the potential of a site to accommodate appropriate development and support local facilities and transport networks. Such a consideration attracts moderate weight.

¹⁴ Assessment of need for market retirement housing in Cornwall in 2026, 2028 and 2030, Three Dragons, February 2025.

48. There would be financial benefits arising from the construction of the building, through employment, purchase of materials, and new residents' spending. A 2021 Homes and Later Living group report Silver Saviours for the High Street identified significant spending by residents of retirement homes that would contribute to keeping shops open. As such, these financial benefits would attract significant weight. Retirement housing provides a specialised age friendly environment aiding the mental health of residents and reduce demands exerted on Health and Social services, attracting small weight. Similar weight would be attached to the environmental benefits of BNG, the use of renewable energy and water consumption efficiency in compliance with DPD Policies G2 and G3.

Ecological Assessments

49. The site lies approximately 0.3km from the Tintagel-Marsland-Clovelly Special Area of Conservation (TMCSAC), 0.7km from the Bristol Channel Approaches Marine Components (BCA) SAC and possible BCASAC, and 0.09km from Hartland Point to Tintagel Marine Conservation Zone (MCZ).
50. The qualifying features for TMCSAC selection are the Vegetated Sea Cliffs of the Atlantic and Baltic Sea Coast, Old Sessile Oak woods and European Dry Heaths. The National Site Network (NSN) objective is to ensure the integrity of the site is restored as appropriate and ensure that the site contributes to Favourable Conservation Status of its qualifying features, in terms of qualifying habitats, having regard to their extent, distribution, structure, function and supporting processes. Those qualifying features for the BCASAC and possible BCASAC, are the Harbour porpoise and to ensure favourable conservation status, the NSN objectives are to ensure the porpoise is a viable component, there is no significant disturbance of the species, and the condition of supporting habitats and processes and the availability of prey is maintained.
51. As detailed in the appellant's Habitats Regulations Assessment (HRA)¹⁵, the potential threats to the qualifying and protected features of the Habitat Sites and MCZ are the spread of invasive non-native species, pollution, foul water, and air pollution. The hotel redevelopment, involving building demolition, could result in accidental spillages from diesel/oils, surface water run-off and dust from construction activities affecting a marine environment. During the operational phase of the development, surface water runoff, with sediment, could similarly affect the marine environment. The acceptability of foul water discharge into the existing sewer has been confirmed but not for surface water discharge. The TS has confirmed no overall increase in traffic generation, given the existing use as a hotel, and therefore, there would be no increase in air pollution, including nitrogen deposition. There are no records of invasive species on the site and BNG planting on the site would not contain invasive species.
52. Consequently, the proposal could have a likely significant effect on the Habitat Sites, having regard to pollution of the water environment for the reasons indicated, and an Appropriate Assessment (AA) is required in respect of each Habitat Site. In terms of each AA, planning conditions would be put in place to ensure the implementation of an approved Construction Environmental Management Plan (CEMP) and an approved surface water management scheme (SWMS) to prevent

¹⁵ Report to Inform Habitats Regulations Assessment Stage 1 Screening Assessment and Stage 2 Appropriate Assessment, Tetra Tech, October 2024.

the pollution of the water environment. Natural England (NE) has raised no objections to the proposals on Habitat Site integrity grounds, subject to these mitigation measures being appropriately secured. As a statutory consultee on ecological matters, significant weight is attached to such views and for all these reasons, the integrity of the Habitat Sites, taken individually, would not be adversely affected.

53. MCZ are designated under s116(1) of the Marine and Coastal Access Act (MCAA) 2009. For the MCZ, the protected features are the coastal salt marshes and saline reedbeds, differing rock, sediment and sand formations and sea invertebrates. The conservation objectives are that so far as already in favourable condition, protected features, remain in such a condition, and in so far as not in a favourable condition, be brought into such condition and remain in such condition. Given the pollution risk to the marine environment, an adverse effect on the MCZ could occur as detailed in HRA.
54. A MCZ assessment is different to an AA under the Habitat Regulations. S125(2) of the MCAA obliges a decision-maker to exercise its functions in the manner which best furthers the conservation objectives stated for the MCZ or if this is not possible, exercise them in the manner which causes least hindrance to the achievement of those objectives. Even if it is not possible to further the MCZ conservation objectives, planning permission with CEMP and SWMS conditions would cause least hindrance to the achievement of those objectives. NE has raised no objection to the proposal given the proposed pollution measures would mitigate any adverse effects. There is no significant risk of the development hindering the achievement of conservation objectives stated for the MCZ under s126(6) of the MCAA and there would be no harm to the MCZ.

Development Plan and Planning Balance

55. The proposal would not secure AH, POS or PH infrastructure. However, by reason of the lack of viability, there would be compliance with LP Policies 3, 6, 8 and 10 in respect of AH. For POS provision, there would be no conflict with LP Policies 13, 16 and 25 and NP Policy 24.
56. For infrastructure in general, including PH, there would be compliance with LP Policy 28 but there would be conflict with NP Policy 6. The more prescriptive wording of this policy is not in accordance with the Framework policy that is more permissive of development coming forward. To support the Government's objective of significantly boosting the supply of homes, the Framework requires sufficient land and variety of land to come forward and for the needs of groups with specific housing requirements to be met. The Council has a deficient 5YHLS and the preparation of new policy to address is at early stages. Consequently, the weight to be attached to the policy conflict is limited.
57. There would be no harm to the character and appearance of the area and the proposal would comply with LP Policies 12, 23 and 24, LP99 Policy ENV1 and NP Policy 23. For coastal protection and sustainable energy use, there would be compliance with DPD Policies C1, CC1 and SEC1.
58. LP Policy 1 indicates a positive approach to development proposals which reflects the presumption in favour of sustainable development within the Framework. No infrastructure provision would be made but there would be compliance with LP policies. The proposal would provide much needed homes contributing to the

housing requirement under the LP Policy 2. Responding to the LP Policies 2a and 6 requirements for older persons specialist accommodation, it would provide specialised retirement homes in a County where there is a significant need. It would make use of previously developed land and would make effective use of land for housing. The location of the site would be highly sustainable having regard to services and facilities. Such benefits would be in accordance with LP Policy 21. There would also be financial benefits to the local economy and environment benefits.

59. The proposal would result in a sustainable approach to accommodating growth, providing a well-balanced mix of economic, social and environmental benefits in compliance with Spatial Strategy LP Policy 2. In accordance with the positive approach of LP Policy 1, reflecting the presumption in favour of sustainable development, any adverse effects of granting planning permission would not significantly and demonstrably outweigh the benefits, for all these reasons. There would be compliance with LP Policy 1.
60. The above referenced LP, LP99, DPD and NP Policies are central to the consideration of the appeal proposal. The policy conflict with NP Policy 6 would be limited and there would be compliance with the other LP, LP99, DPD and NP Policies. No inconsistencies with Framework have been identified with these other policies and the compliance with these other policies attracts far greater weight in favour, especially those relating to housing given inadequate supply. Accordingly, the proposal would comply with the development plan taken as a whole. There are no material considerations of sufficient weight or importance that determine that the decision should be taken otherwise than in accordance with the development plan and therefore, planning permission should be granted.

Conditions

61. Suggested conditions have been considered in light of the tests of paragraph 56 of the Framework and the PPG. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the tests and the guidance. There are pre-commencement condition requirements for the approval of details where they are a pre-requisite to enable the development to be constructed.
62. A condition requiring that the development to be carried out, in accordance with the details shown on the plans, is necessary in the interests of proper planning and for the avoidance of doubt. For the sake of highway safety, a condition requiring the implementation of a Construction Traffic Management Plan is required. In the interests of the ecological importance of the Habitat Sites and MCZ, conditions are required to secure acceptable CEMP and SWMS. For the sake of biodiversity, conditions requiring the implementation of wildlife measures and lighting are necessary. In the interests of the character and appearance of the Conservation Area, conditions requiring acceptable roof materials and landscaping are necessary. A condition ensuring compliance with an approved plan is necessary to secure the highway layout, vehicular access, turning and carparking. To safeguard water in accordance with DPD Policy SEC1, water consumption should be limited. In the interests of public health and the environment, a contamination condition is necessary. To ensure the provision of elderly persons accommodation, an age restriction on future occupiers is required.

Conclusion

63. For the reasons given above and having regard to all other matters raised, the appeal should be allowed.

Jonathon Parsons

INSPECTOR

Schedule A: Attached 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: 10130BD – PA00 rev A; 10130BD – PA01; 10130BD – PA02; 10130BD – PA03; 10130BD – PA04; 10130BD – PA05; 10130BD – PA06; 10130BD – PA07; 10130BD – PA08; 10130BD – PA09 rev A; 10130BD – PA16 rev A; 10130BD – PA17 rev A; 10130BD – PA20; 10130BD – PA21; 10130BD – PA22 and 10130BD – PA25.
- 3) No development (including demolition) shall take place until a Construction Traffic Management Plan and programme of works has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period.

The Plan shall provide for:

 - i) construction vehicle details (number, size and type);
 - ii) vehicular routes and delivery hours;
 - iii) the parking of vehicles of site operatives and visitors;
 - iv) loading and unloading of plant and materials;
 - v) storage of plant and materials used in constructing of the development;
 - vi) wheel washing facilities and
 - vii) measures to control the emission of dust and dirt during construction.
- 4) No development (including demolition) shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include measures to detail how:
 - i) risk assessments and toolbox talks are to be carried out for contractors during any refuelling activities;
 - ii) bunding of refuelling areas are to take place;
 - iii) an emergency incident strategy would be put in place, if necessary;
 - iv) site spill kits are to be made available;
 - v) the signage on contractor's compound(s), relating to the sensitivity of Habitat Sites, would be detailed;
 - vi) Waste disposal plan indicating where all waste generated will be stored prior to removal;
 - vii) earthworks and exposed areas/soils are to be vegetated;
 - viii) bulk cement and fine powder materials are to be delivered in enclosed tankers and stored in silos;
 - ix) dust creating construction activities are managed during dry periods, such as water assessed dust sweepers on access roads;
 - x) vehicles are covered, including details of the securing of dust prevention sheets, when entering and leaving the construction site; and
 - xi) the roles and responsibilities of suitably trained operators, to prevent pollution, are to be managed.

The approved CEMP shall be adhered to throughout the demolition and construction period of the development.

- 5) No development shall take place until details of a scheme for the provision of Surface Water Management Scheme in accordance with the AWP Flood Risk Assessment Project No. 1620 (dated April 2024) has been submitted to and approved by the local planning authority. The details shall include:
- i) A description of the foul and surface water drainage systems operation;
 - ii) Details of the final drainage scheme including calculations and layout;
 - iii) Details of any reuse, refurbishment, replacement or abandonment of the existing drainage systems;
 - iv) A Construction Phase Surface Water Management Plan;
 - v) A Construction Quality Control Plan;
 - vi) A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features;
 - vii) A timetable of construction; and
 - viii) A plan for the future management and maintenance of the drainage systems and overland flow routes. The plan must include a drawing which clearly indicates the management responsibility for each drainage element, and a schedule of maintenance.

The surface water drainage systems shall fully manage surface water flows resulting from the developed site up to the 1 in 100-year peak rainfall event plus a minimum allowance of 50% for the impacts of climate change. Flows discharged from the site will be unrestricted but will be no greater than 36.6 l/sec (brownfield flow rate) for all rainfall events.

The approved scheme shall be implemented in accordance with the timetable so agreed, and the scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.

- 6) No development shall take place until a scheme for the incorporation of bat and bird boxes, and bee bricks has been submitted to and approved in writing by the local planning authority. Such details shall include the location and specific details of each feature. The boxes and bricks shall be installed prior to the occupation of the final dwelling and shall thereafter be retained and maintained as such.
- 7) No development shall take place above damp proof course level until samples of roof materials have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.
- 8) No development above damp proof course shall take place until full details of hard landscape proposals have been submitted to and approved in writing by the local planning authority. These details shall include, where appropriate: proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures (e.g. furniture, signs, lighting, refuse or other storage units, proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc). Thereafter, the development shall be carried out in accordance with the approved details.

- 9) No development above damp proof course shall take place until an external lighting scheme has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and thereafter retained in accordance with the approved details.
- 10) Prior to the first occupation of any dwelling, the access, turning and parking areas shown on drawing number 10130BD-PA01 must be constructed. Thereafter, these areas must be maintained for the lifetime of the development, kept free from obstruction and available for the purposes as specified in that approved plan.
- 11) No dwelling shall be occupied until it has been designed and built to comply with the Building Regulations Optional requirement of 110 litres/person/day.
- 12) The soft landscaping and planting scheme shall be carried out in accordance with the details shown on drawings/details GLS_110_147_1200 REVA, GLS_110_147_1300 REVA and GLS_110_147_1500 REVA. The approved scheme shall be implemented in full during the first planting season (November – March) following commencement of the development or within a timescale to be agreed in writing with the local planning authority. If, within a period of 5 years from the date of planting, the tree or shrub (or any tree or shrub planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, seriously damaged or defective, another tree or shrub of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or shrub, unless the local planning authority gives its written consent to any variation.
- 13) In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the local planning authority. Development must be suspended, and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes must be submitted to and approved in writing by the local planning authority. The approved remediation and verification schemes must be carried out before the development is resumed or continued.
- 14) Each dwelling hereby permitted shall be occupied only by: (i) a person aged 60 years or over; (ii) a person aged 55 years or older living as part of a single household with the person in (i); or (iii) a person aged 55 years or older who were living as part of a single household with the person identified in (i) who has since died.

APPEARANCES

FOR THE APPELLANT

S White KC

Instructed by M Shellum

He called:

M Shellum

Planning Director - Planning Issues

BSc (Hons) DipTP MRTPI

R Jackson

Design Director - Planning Issues

BArch MArch RIBA ARB

FOR THE LOCAL PLANNING AUTHORITY

O Bradbear

Solicitor to Cornwall Council

He called:

J Lee

Cornwall Council

A Williams

Cornwall Council

R Hawkley

Cornwall Council

M Billing

Cornwall council

P Minshull

Cornwall Council

INTERESTED PARTIES

Dr P Anthony

Neetside Surgery

N Coley

Local Resident

P Currie

Director, Adventure Bude

V Herbert-Coulson

Local Resident

C Pringle

Local Resident

Councillor T O'Sullivan

Bude and Stratton Town Council

P Haines

Local Resident

M Newson

Local Resident

Councillor La Broy

Cornwall Council

R Golden

Local Resident

J Miller

Local Resident

A Marsh

Local Resident

E Richens

Local Resident

P Richens

Local Resident

C Bray

Local Resident

A McGrath

Local Resident

G Downey

Local Resident

K Colwill

Local Resident

J Dempster

Local Resident

Mr Jennings

Local Resident

INQUIRY DOCUMENTS

1. Appellant's Opening Statement, 25 March 2025.
2. Local planning authority's Opening Statement, 25 March 2025.
3. Local planning authority's statement clarifying Coastal Protection matters following Inspector's request, 25 March 2025.
4. Dr P Anthony statement, Neetside Surgery, 25 March 2025.
5. N Coley statement, 25 March 2025.
6. P Currie statement, Adventure Bude, 25 March 2025.
7. D Thorn statement, with photomontage of development within its context, 25 March 2025
8. Councillor T O'Sullivan statement (Bude and Stratton Parish Council), 25 March 2025.
9. C Pringle, 25 March 2025
10. V Herbert-Coulson, 25 March 2025,
11. R Golden Statement, 25 March 2025,
12. Newson Statement, 25 March 2025.
13. Councillor La Broy (Cornwall Council), 25 March 2025.
14. E Richens, 25 March 2025.
15. Mrs C Bray, 25 March 2025.
16. G Downey, 25 March 2025.
17. Visually Verified Montages, An Mor Hotel, Hartland Terrace, Bude, NPA Visuals, Nicholas Pearson Associates, March 2025.
18. Appellant's Closing Statement, 25 March 2025.

Post Inquiry Documents

1. Appellant's confirmation of pre-commencement conditions, 26 March 2025.
2. S106 Agreement dated 3 April 2025.
3. Appellant's confirmation of Habitat Site pre-commencement conditions, 4 April 2025.
4. Evidence of title, 4 April 2025.
5. Confirmation received s106 agreement is true copy, 4 April 2025.