Planning Inspectorate

Appeal Decision

Hearing held on 11 November 2025

Site visit made on 11 November 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/D0840/W/25/3360178
Land at Former Paradise Cove Hotel, Alexandra Road, Newquay TR7 3NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr Keith Jones (Living Quarter Properties (Porth) Limited) against the decision of Cornwall Council.
- The application Ref PA24/07791 sought approval of details pursuant to condition No 2 of a planning permission Ref 07/00913, granted on 2 August 2007.
- The application was refused by notice dated 4 December 2024.
- The development proposed is the demolition of existing hotel building and annexe and the construction of 7 linked holiday villas with car parking, and external stores for use 52 weeks per year.
- The details for which approval is sought relate to condition No 2 which states that:
  Prior to the commencement of works hereby permitted a detailed schedule for the cliff defence works shall be submitted and approved by the Local Planning Authority including the provision for their future maintenance to protect the development during its lifetime. The works shall be completed prior to the commencement of the development with the exception of the demolition works. Works and maintenance of the cliff defences shall be carried out in accordance with the approved details unless otherwise agreed by the Local Planning Authority.
- The reason given for the condition is:
  To ensure that the development is protected from cliff erosion for the life span of the building.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Keith Jones (Living Quarter Properties (Porth) Limited) against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matters

3. During the course of the appeal, the appellant submitted the results of an updated breeding bird check[1]. The Council has confirmed that this evidence overcomes the second reason for refusal on the decision notice.

Main Issue

4. The main issue is, therefore, whether the submitted scheme of cliff defence works would protect the development from cliff erosion for its lifetime.

[1] LC Ecological Services letter dated 17 February 2025

Reasons

5. The appeal site comprises approximately 0.25 hectares of land located on the cliff top overlooking Whipsiderry Beach, on the seaward side of Alexandra Road to the north of Porth. The site is about 30 metres above the beach. It was previously occupied by a hotel, which was demolished following the grant of planning permission for the development described in the banner heading. The permission was lawfully commenced, and remains extant. Two previous schemes for cliff defence works, pursuant to Condition 2, have been approved in the past. The first of these included spray concrete, rock armour, netting and bolting works, whilst the second included infilling sea caves at the base of the cliff.

6. A significant collapse of rock occurred in November 2023, resulting in a regression of part of the cliff by approximately 9.5 metres. The fallen material forms a scree pile at the base of the cliff. Consequently, the approved scheme of cliff defence work can no longer proceed. The scheme that is the subject of this appeal was accompanied by three expert reports. These comprised a Slope Stability Report that preceded the major rock fall[2], a second Slope Stability Report (the Second SSR) following the collapse[3], and a Geotechnical Interpretive Report (the GIR)[4]. The Second SSR identified that the collapse had provided benefits to the cliff's stability, as two of the sea caves had been removed, and the voids infilled with fallen rock. It concluded that infilling the caves was no longer needed, and that a scheme of rock bolting and meshing, with regular maintenance and renewal, would provide sufficient stabilisation to protect the development for at least 125 years.

7. The Council, however, is not satisfied that there is sufficient information to understand the status of the base of the cliff behind the scree pile, or to conclude that the caves no longer exist. The appellant highlights the difficulty of carrying out further investigations here, due to the risk to personnel from further rockfalls. However, having viewed the video of the November 2023 collapse, which is in the public domain, I find that it does not provide conclusive evidence that the caves have been completely removed or infilled. As it is common ground between the parties that the scree pile will be eroded during the lifetime of the development, exposing the base of the cliff to wave action, the lack of certainty on this issue is a significant gap in the evidence base to inform any scheme of stabilisation.

8. Furthermore, the Save Whipsiderry Community Group (the SWCG) has commissioned a number of reports from a suitably qualified expert to review the appellant's expert reports. One of these[5] reviews the Second SSR, and concludes that it fails to investigate the complex geological and geotechnical nature of the site. It identifies that the November 2023 failure was largely controlled by fault zones within the rock mass, and that similar low strength, persistent, zones of weakness remain present within the rock mass, which have not been investigated or considered in the appellant's reports.

9. Nevertheless, it is common ground between the main parties that the proposed use of rock bolting as a stabilisation measure is acceptable in principle. Indeed, the only alternatives identified by the experts at the Hearing were concrete facing, or a wave return wall at the base of the cliff, which would have much more

[2] AGS Ground Solutions Ltd – Slope Stability Report Number A3268, September 2023.
[3] AGS Ground Solutions Ltd – Slope Stability Report Number A3353, February 2024.
[4] AGS Ground Solutions Ltd – Geotechnical Interpretive Report Number A3404, June 2024.
[5] Parry Engineering Geological Services Expert Review of Reports – November 2024

significant environmental impacts. It is also not disputed by any of the parties that, without some stabilisation measures, the cliffs will continue to erode, and more of the site will be lost.

10. The submitted scheme[6] consists of the installation of rock anchors in accordance with drawing no J-22137 Rev E, and a written specification, along with the installation of an active netting system. The drawing shows a regular grid of rock anchors, varying in density across three phases, and all inserted at an angle just below horizontal. The appellant explained that, rather than being a generic solution, this regularity was a logical approach to stabilising a dominant discontinuity that lies parallel to the cliff face.

11. Whilst acknowledging the presence of the parallel discontinuity, the Council also identified a wedge formation in the rock face, which may require anchors to be installed at different angles. Furthermore, the SWCG evidence highlights the complex nature of the rock face, requiring a more considered approach to the location and angle of the anchors. From the evidence before me, including what I saw at the site visit, I am not persuaded that a uniform package of rock anchors would sufficiently address the disparate lines of weakness and discontinuities in this complicated cliff face.

12. The written specification appears to acknowledge that it may be necessary to depart from the detail shown on the drawing. Paragraph 5.5 says that "*setting out shall be as shown in the Drawing or as directed by the SO/Engineer*". It was accepted at the Hearing that no rope inspection had been carried out, and it was possible that each layer of anchors may change as more information became available. Section 2 of the submitted scheme provides a table of indicative bolt lengths, with final lengths to be proven during the initial pull tests. However, the scheme does not specify what actions should follow these tests. It was indicated at the Hearing that the response to a failed pull test may involve extending the length of the anchor, or decreasing the spacing, but this is not set out within the scheme. It would appear that such decisions would be left to the discretion of the SO/Engineer, with no apparent oversight from the Council.

13. The written specification for the rock anchors refers throughout to various Clauses, which do not appear within the submitted scheme. It was acknowledged at the Hearing that these clauses were in another document that had not been submitted with the application. The scheme does not, therefore, provide full details of the means of installation of the stabilisation works, leaving decisions to be made by the contractor, and resulting in difficulties for the Council in monitoring and enforcing the works should it be necessary.

14. Section 10 of the GIR says that "*given the dynamic nature of the current cliff face, combined with the debris pile at the foot of the cliff, it is highly unlikely that the entire package of stabilisation will be able to be installed in one visit. A plan should be created to allow for the cliff to be stabilised in stages, as new sections become uncovered"*. The drawing in the submitted scheme does not, however, show any rock anchors in the part of the cliff face that is currently obscured by the scree pile. Furthermore, the written specification does not set out a plan to extend stabilisation works to this area as the base of the cliff is revealed. It was indicated

[6] CDeC Ltd - Detailed Schedule for the Cliff Stabilisation Works at The View, Porth Ref: J-22137 Date: October 2024 Revision: C

at the Hearing that this issue was addressed in Section 7 of the scheme, under Maintenance Requirements.

15. Section 7 sets out a range of actions, and a timetable setting out their frequency. None of these refer specifically to monitoring the amount of scree removal and consequent formulation of additional proposals for cliff stabilisation. It was contended at the Hearing that this would be covered by the inspections by a Geotechnical Engineer, who would specify the required measures. However, no parameters are stated for when, or how this would take place, or any mechanism by which the proposals would be scrutinised. Bearing in mind the uncertainty about the presence of the caves, and the fact that this part of the cliff will be in the splash zone, this part of the rock face may require a different approach to the rock anchors above. Under the submitted scheme, it would appear that these decisions would be left solely at the discretion of a visiting Geotechnical Engineer with no points of reference and no oversight by the Council.

16. In the absence of any firm proposals for stabilising the base of the cliff there is a risk that, over time, it will be revealed, and therefore vulnerable to wave action. With sea levels forecast to rise by 1.4 metres during the lifetime of the development, it is possible that there could be rapid removal of the scree in a storm event, with no agreed scheme for stabilisation that could be quickly deployed. In these circumstances, even if the upper part of the cliff had been pinned and meshed, as proposed in the submitted scheme, it would be vulnerable to being undermined by erosion below. The lack of any explicit proposals or mechanism for defending the base of the cliff would, therefore, mean the scheme would not ensure the long-term protection of the development.

17. Condition 2 of the planning permission specifically requires the scheme to include provisions for the future maintenance of the stabilisation works. Bearing in mind that the design life of the key elements varies between 25 and 60 years, this is a crucial element in ensuring that the development is protected for its lifespan. Whilst Section 7 sets out an inspection regime, it contains very little detail about what criteria should be applied to the inspections, or any parameters that would trigger the need for remedial action, or what form that remedial action should take.

18. As an example, the inspection regime requires the contractor to carry out a tension check/adjustment to bolts/netting and replacement of components every ten years. However, there is no criteria for what would constitute a failure of the tension check, what the necessary remedial action would be, or any timescale for the remedy to be completed. At the Hearing, I was advised that if the tension check fails, a new hole and anchor is necessary, but this is not specified in the Maintenance Schedule. Again, there would be discretion for the visiting contractor or engineer to decide what constituted failure, and what action should be taken, if any, with no points of reference and no oversight by the Council. Even if the contractor/engineer recommended remedial action, there is nothing in the submitted scheme that requires the recommendation to be followed, or any timescale for doing so. Consequently, it is unlikely that the Council would be able to successfully enforce any necessary maintenance.

19. To conclude, the submitted scheme proposes a uniform grid of anchors on a highly complex cliff face. The appellant accepted at the Hearing that the works would likely depart from the specification as more detailed knowledge is gained during implementation. The scheme gives the on-site engineer significant discretion to

make decisions on such variation of the scheme with no mechanism to ensure Council oversight. Furthermore, the scheme contains no details for the defence of the part of the cliff that is behind the scree pile, leaving this entirely to the recommendations of a geotechnical engineer at an unspecified time in the future. Moreover, the maintenance schedule lacks the detail that is necessary to ensure that the stabilisation works are properly maintained. For all of these reasons, I conclude that the submitted scheme of cliff defence works would not protect the development from cliff erosion for its lifetime.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Johns – Agent
Paul Foster – Foster Geo Solutions
Matthew Crompton – CdeC Ltd

FOR THE LOCAL PLANNING AUTHORITY:

James Holman - Principal Development Officer, Cornwall Council
Rhys Hobbs – Environmental Resilience and Adaptation Manager (Cornwall Council)
Paul Minshull – Senior Policy Officer – Flooding and Coastal Defence (Cornwall Council)
Tristan Parry – Geotechnical Engineer (Cormac)
Justin Ridgewell – Environment Agency (Seconded to Cornwall Council)

INTERESTED PARTIES:

Steven Parry – Parry Engineering Geological Services, SWCG
Andrew Robey – SWCG
Councillor Roland O'Connor – Cornwall Council
Councillor Sarah Thomson – Newquay Town Council
Councillor Joanna Kenny - Newquay Town Council
Geoff Brown – Local Resident
Keith Cowieson – Local Resident
Lindsay Young - Local Resident
Mike Conroy - Local Resident
George Oatley - Local Resident
Richard Jones - Local Resident
Phillipa Mitchell - Local Resident
Beryl Paddison - Local Resident
Mark Chapple – Radio Newquay
Owen Bradbury – Independent Media