



Appeal Decision

Site visit made on 24 November 2025

by **S Ashworth BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/D0840/W/25/3365893

Plume Of Feathers, Mitchell, NEWQUAY, Cornwall, TR8 5AX

- 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 Mr P Fair against the decision of Cornwall Council.
 - The application Ref is PA23/00706
 - The development proposed is wedding venue, walled garden and restaurant, hotel and guest accommodation, additional parking and external landscaped areas.
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Decision

1. The appeal is allowed and planning permission is granted for a wedding venue, walled garden and restaurant, hotel and guest accommodation, additional parking and external landscaped areas at Plume Of Feathers, Mitchell, NEWQUAY, Cornwall, TR8 5AX in accordance with the terms of application ref: PA23/00706 and the documents submitted with it, subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs has been made by Mr P Fair against Cornwall Council. The application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring residents with particular regard to noise and disturbance.

Reasons

4. The village of Mitchell, a late-medieval settlement, is centred along the former A30, now an unnamed classified road. Modest in both scale and character, the settlement comprises a mix of residential properties and community uses, including the Plume of Feathers public house which incorporates a dining conservatory and relatively recently constructed separate guest accommodation to the rear. The settlement is located in a rural area but nevertheless at the time of my site visit there was significant audible background noise from the nearby dual carriageway, the replacement A30.
5. The appeal site comprises two fields located to the rear and side of the existing guest accommodation which are bordered by a mix of mature vegetation and stone bank. The fields slope down to the nearest residential properties 'Amanha' and 'Chyvarloe'. There are other dwellings and a farmstead in close proximity. The land, which does not fall within any particular landscape designation, is generally open in

character although an array of low solar panels, which would be removed, occupies part of the site. It is understood that the site has been used for occasional community events including Firework displays.

6. It is proposed to expand and diversify the existing public house business onto the fields through the creation of 9 additional hotel rooms including honeymoon and bridal suites, 7 self-catering holiday cottages, managers accommodation to be used flexibly, a restaurant open to members of the public set in a walled garden, a separate wedding venue catering for functions of up to 120 guests, an outdoor community events space, areas of car parking, and landscaping. The buildings would all be constructed in natural stone with a natural slate roof and would have a traditional appearance, reflecting the characteristics of the existing accommodation.
7. The planning application was refused for a single reason relating to noise and disturbance from the proposed use. The primary sources of potential noise include activity within the buildings from live music, noise from people and activity outside the buildings, and noise from comings and goings. I will deal with each of these in turn.
8. The hotel and self-catering accommodation would be sited at the eastern side of the site, adjacent to a Public Right of Way which is set at a lower level. There is no evidence that there would be significant noise generated from within the buildings. Externally there could be some noise from patrons using external spaces but there is nothing before me to demonstrate that this is likely to be significantly more harmful than the normal use of domestic gardens. The main parties agree that the hotel and holiday accommodation would not generate significant noise and disturbance and accordingly the appellant's Noise Assessment Report (NAR) focuses on the other elements of the proposal.
9. The proposed restaurant would be located to the south of 'Amanha' and 'Chyvarloe' at a higher level as a result of the slope of the land. The building would be orientated so that it, in effect, turns its back on those properties such that the glazed principal elevation faces south into a courtyard bound by high stone walls. The only opening in the north elevation facing neighbouring dwellings would be the entrance doors. The restaurant is aimed at attracting families as an alternative to dining at the public house, generally in daytime hours, and in good weather there are likely to be people using the courtyard which would be enclosed by the building and by high walls. No music would be played either in the building or in the courtyard and mechanical ventilation would be housed internally. Beyond the restaurant would be an area of lawn which could be used for community events, up to 5 times per year.
10. The wedding venue would be located at the southern end of the site, beyond the walled garden and lawn and some 100m from the nearest residential property. The building would be set into the slope of the land and would be accessed from the side via an entrance lobby. There would be a limited area of decking to the front of the building and to the rear there would be an outdoor 'amphitheatre'. The appellant advises that external music at the wedding venue and events lawn would be limited to semi-acoustic acts with rock bands including drums and brass instruments prohibited. Music inside the building could, however, include live rock bands.
11. The appellant's NAR found that the sound environment was dominated by road traffic noise from the A30, although later in the evening and overnight the sound

level reduces. In that respect the NAR is not disputed. Against that, the NAR considered predicted noise emissions from the event space, wedding venue both internally and externally, and from general patron activity on the basis of worst-case, peak-use conditions. I note that the highest relevant assumptions were used- any higher levels being consistent with nightclub uses and not appropriate in this case. Actual noise levels may be lower than those predicted, but even at these predicted levels the assessment concluded that noise emanating from the use of the site would be at least 10dB below the prevailing background noise levels. Accordingly, noise would be considered to be in the range of 'barely perceptible and negligible' and thereby in the category of 'No Observed Adverse Effect Level' as defined in the Planning Practice Guidance on Noise. Accordingly, in that respect the proposal would comply with the requirements of the Cornwall Council Public Protection Development Sound Standard, Sound Criteria 1 and 2 which sets the benchmark for acceptable external noise levels and plant noise limits.

12. There is no technical evidence before me which convincingly refutes these findings. Whilst I note the Council's concerns that the NAR bases its information on assumptions, given that the use does not presently exist I do not doubt that this is accepted practice. Moreover, there is nothing before me to suggest that the predicted levels are not consistent with noise conditions in and around similar venues. I acknowledge concerns about noise emanating from the wedding venue when doors are open and/ or the use of the events lawn when guests are outside on summer nights and when residents are more likely to have windows open. I also note the representations from third parties that noise from Fireworks events is audible throughout the village.
13. It seems to me that the noise of music and voices, particularly when people are in high spirits, have a different character to the hum of the background traffic noise. However, I have no reason to consider these matters were not taken into consideration in the calculations. A management plan as suggested in the NAR would regulate door management, amplified music use and speaker orientation. The maximum number of events and the opening hours of the venue could also be clearly defined and controlled. The landscape proposals, which include the creation of a landscaped bund and the retention and enhancement of existing landscaping, plus the barriers to sound from the proposed buildings, will also mitigate any harmful effects. Furthermore, it seems to me that as the appellant operates a hospitality business from the site, which could include overnight guests separate from those attending a wedding, it is in the interests of the business to ensure events are appropriately managed.
14. Parking areas providing a total of 127 parking spaces would be spread across the site. 40 spaces would be located close to the wedding venue well away from the nearest residential property to minimise the effects of the sound of car doors and engines at night. A larger area of car parking would be located immediately to the rear of 'Amanha' and 'Chyvarloe', behind the bund and landscaping noted above. It is intended that this area would primarily serve the new restaurant which will operate during the daytime as well as providing parking for the Plume of Feathers and acting as overspill area for other guests.
15. I acknowledge the concerns of various parties about disturbance from comings and goings, including from the car park. However, such activity is unlikely to be sustained over long periods of time and the proposed mitigation would alleviate some of the noise. The Council notes that it might take years for planting to

become established but a full planting schedule, which could include the size of plants, could be secured by planning condition. A condition to secure suitable hours on the appeal site would minimise disturbance at night and provide a degree of certainty for local residents.

16. Whilst the development would lead to an increase in vehicles travelling through the village at night once the events have ended, some of those attending a wedding are likely to stay in the on-site accommodation and others will share transport. I note that the Plume of Feathers has a premises licence which allows it to operate until the early hours, but I have not been made aware of any significant complaints made to the Council's community protection team about noise and disturbance from comings and goings. I have also taken into account that the site could be used for outdoor events up to 28 events per year without the mitigation measures set out.
17. The proposal would generate a significant amount of activity by people and vehicles over the existing use of the fields. However, the development has been carefully considered and designed taking its context into account. Considering background noise levels and the mitigation measures which can be secured by conditions, there is no convincing evidence before me that the development would cause significant harm to the living conditions of residents in terms of noise and disturbance. On that basis the proposal would accord with the requirements of Policies 12 (2c) and 16 of the Cornwall Local Plan 2016 which seek to ensure that development proposals should protect individuals and property from unreasonable noise and disturbance and alleviate risk to people and the environment by avoiding or mitigation against harmful impacts and health risks such as air and noise pollution.

Other Matters

18. The Plume of Feathers, which dates from the early C18, is a grade II listed building. The appeal site lies within the setting of the listed building and as such I have considered the statutory duty set out in Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard is paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
19. The significance, or special interest of the building, lies in its age, history and architecture. The building and its immediate surroundings have been developed over time and very little of the listed building's significance is derived from its setting other than its position on an early major route through the county. The proposed development would be set at a distance from the pub and, being appropriately designed and of sympathetic materials, would not cause harm to the setting or special interest of the listed building. Similarly, for the same reasons the proposal would not harm the setting of the Conservation Area, the boundary of which runs to the rear of the frontage properties. Accordingly, the proposal would meet the statutory requirement of the Act as set out above.
20. I noted at my site visit that there was a significant amount of on-street parking on the main road which in effect narrows the available carriageway width. I have read various concerns by local residents about parking and access within the village, and disruption caused when events take place at the site. The proposal would significantly increase the amount of parking space available within the site which

would serve both community and private events. Accordingly, noting that no objection to the level of parking provision or vehicle turning space has been raised by the Council, I am not convinced that the proposal would result in a significant increase in demand for parking space within the village.

21. The proposed development would be a sizeable one. However, the individual buildings themselves would not be out of scale or character with others in the village. Comings and goings associated with the development would increase the number of traffic movements through the village both during the day and into the evening. Nevertheless, from all I have seen and read, the road generally functions well despite the on-street parking and the Transport Statement indicates there have been no reported collisions. The existing access serves the public house and holiday accommodation car park and appears to be well used. The proposal seeks to modify this access by moving it a few metres to the west. I noted that at this point boundary treatment is limited in terms of its height, the road is straight and visibility is good. Consequently, noting that no objection to the proposal was raised by the Council in terms of the impact of the development on the functioning or safety of the highway, there is no convincing reason to conclude that the proposal would be inadequate in this regard or that any adverse effects of the proposal in highway terms would be severe.
22. I have taken into account representations relating to external lighting, surface water drainage and the impact of the development on wildlife including protected species. I am satisfied conditions can mitigate against potentially harmful impacts in this regard and will turn to this below.

Conditions

23. Several conditions have been suggested by the Council in the event of the appeal being allowed. I have considered these conditions in the light of the tests for conditions set out in the National Planning Policy Framework.
24. I note advice in the officer's report that certain matters could be left to the licensing regime for enforcement although subsequently, through the appeal process, additional conditions have been suggested. There is a degree of overlap between the consideration of a premises licence and the consideration of the planning application. However, the planning system has a broader remit in terms of the objective of safeguarding the living conditions of residents which is not exactly the same as the objective under the Licensing Act. Moreover, the conclusions of the NAR include the appellant's suggestion that a noise management plan is secured and implemented by condition. Accordingly, in order to mitigate potentially harmful effects of the development, planning conditions relating to the operation of the use are necessary to make the development acceptable.
25. To provide certainty and in the interests of proper planning, the standard time limit and plans conditions are necessary. In order to protect the character and appearance of the area and preserve the setting of the heritage assets conditions relating to the agreement of external detailing are necessary. I am unconvinced that the Council's suggested condition 3 relating to external detailing needs to be a pre-commencement condition and I have adapted the wording accordingly.
26. In order to define the permission, comply with development plan policies and avoid creation of unsatisfactory permanent residential accommodation in terms of the

lack of amenity space, it is reasonable and necessary to specify the use of the managers, guest and holiday accommodation.

27. To protect the living conditions of neighbouring residents, conditions prohibiting the use of amplified music outdoors, prohibiting the use of fireworks at any time during a wedding event and requiring the construction and planting of a landscaped bund between the car park to the north and neighbouring residential properties are necessary. Conditions regarding the agreement and implementation of a noise management plan, and mechanical plant are also necessary to protect the living conditions of neighbouring residents.
28. For the same reason, and to provide certainty, it is also necessary to specify the hours of operation and number of events that can be held per year. Whilst I have noted the detail of the Council's suggested conditions in that regard, given the findings of the NAR as set out above and my conclusions on the main issue, a restriction below that proposed by the appellant would not be reasonable.
29. To prevent an undue increase in demand for on-street parking, a condition requiring the provision of the parking spaces indicated on the approved plans before the commencement of the use is reasonable and necessary. To encourage sustainable transport, a condition requiring details of cycle storage or parking is necessary.
30. To protect the character and appearance of the area, conditions requiring tree and hedgerow protection measures and a landscaping scheme are reasonable and necessary. Given the scope of the development, it is necessary for the tree and hedgerow protection measures to be a pre-commencement condition.
31. In order to promote biodiversity, conditions requiring a Habitat Management and Monitoring Plan, implementation of the scheme in accordance with the submitted Extended Phase One Habitat Survey, details of external lighting and the provision of bat and bird boxes and bee bricks, are necessary.
32. In order to provide a satisfactory standard of development and avoid off-site flooding, a condition requiring a surface water drainage scheme is necessary. Given initial findings that there is a very low to moderate risk of potential contaminants on site, conditions relating to contamination risk and remediation are necessary. In order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development such conditions need to be pre-commencement conditions.

Conclusion

33. Having taken into account all matters raised, and considering the benefits of the proposal to the local and wider economy including the provision of employment opportunities, and subject to the conditions set out above, I conclude that the development would be in accordance with the development plan considered as a whole. On that basis, taking account of all the representations received, the appeal is allowed and planning permission is granted.

S Ashworth

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following plans:
 - Location Plan - Drawing No: ARC _124- LP01 -C
 - Existing Site Plan - Drawing No: ARC _124- SL01 -A
 - Proposed Site Plan - Drawing No: ARC _124- SL02 -I
 - Proposed Site Plan (Colour) - Drawing No: ARC _124- SL03 -A
 - Proposed Wedding Venue Elevations - Drawing No: ARC _124- EL01 – C
 - Proposed Accommodation Elevations - Drawing No: ARC _124- EL02 – A
 - Proposed Walled Garden Elevations - Drawing No: ARC _124- EL03 – A
 - Proposed Barn Accommodation Elevations 01 - Drawing No: ARC _124- EL04
 - Proposed Barn Accommodation Elevations 02 - Drawing No: ARC _124- EL05
 - Proposed Accommodation Floor Plans - Drawing No: ARC _124- GA02 – F
 - Proposed Walled Garden Floor Plans - Drawing No: ARC _124- GA03 – C
 - Proposed Barn Accommodation Floor Plans - Drawing No: ARC _124- GA04 – D
 - Proposed Wedding Venue Floor Plans - Drawing No: ARC _124- GA01 – F
3. No development shall proceed beyond slab level until details of the proposed rooflights, timber cladding specification and finish, roof slates specification and coursing have been submitted to and approved by the local planning authority. The development shall be completed in accordance with the approved details only.
4. No development shall proceed beyond slab level until a sample panel of the proposed external stonework, including mortar colour and finish, has been provided on site and approved by the local planning authority. The sample panel shall be retained on site until such time as the external stonework is complete. The development shall be completed in accordance with the approved stonework only.
5. The manager's accommodation shown on drawing GA04 Revision D shall be retained as manager's accommodation for a person employed solely or mainly in conjunction with the operation of the development hereby approved, or the accommodation shall be used as guest accommodation only should the need for a manager cease.
6. The guest and holiday accommodation hereby approved shall only be occupied by persons attending wedding events or on a short-term holiday basis and at no time shall the accommodation, other than the manager's accommodation, be used as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of each individual unit on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.
7. Prior to the first use of the premises as a wedding venue, a noise management plan including details of amplified music use, speaker orientation, door management, and event scheduling, shall be submitted to and approved in writing by the Local Planning Authority. All weddings shall be managed in strict accordance with the approved plan.

8. The wedding venue and events lawn shall be used for no more than 30 functions in any calendar year of which no more than 25 shall be weddings.

9. All events in the wedding venue, events lawn, restaurant and walled garden shall cease by 23.00hrs on any day.

10. No amplified music shall be played outside of the wedding venue building or restaurant at any time.

11. No fireworks shall be used at any time of day or night during wedding events.

12. Neither the wedding events building, nor the restaurant shall be opened to wedding guests or the visiting public until a bund, at least 1.5m in height, has been constructed and planted in accordance with the landscaping plan the subject of condition 21, between the parking area to the north and the rear of properties fronting onto the C Class Road 0363.

13. Prior to the first use of the restaurant and wedding venue, details of any mechanical plant including mechanical ventilation equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the agreed details.

14. No building hereby approved shall be opened to members of the public until the approved car parking has been completed. Where a phased development occurs then the proposed parking details of each phase shall be submitted to the Local Planning Authority for approval and the approved details shall be implemented prior to the first use of that building by members of the public.

15. No part of the development hereby approved shall be opened to members of the public until details of secure cycle storage or parking have been implemented in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority.

16. No development shall commence until the tree protection measures set out in the submitted Evolve Report EV-4403-TS CA AIA and Arboricultural Impact Assessment and Tree Protection Plan EV-4268-1-AIA-TTP have been put in place. The protection measures shall also incorporate protection of hedgerows. The approved protection measures shall be retained throughout the construction and landscaping phases. At no time shall the protected areas be used for any construction related activity including storage. No utility or drainage installation shall occur within the tree root protection areas.

17. The facilities and accommodation hereby approved shall not be opened to guests until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the local planning authority. The HMMP shall include details of the proposed management and monitoring of the delivered biodiversity net gain and the approved details shall be implemented throughout the 30 year period for the delivery of the agreed Biodiversity Net Gain. At years 2, 5, 10, 20 and 30 from the completion of the landscaping and Biodiversity Net Gain requirements set out at Condition 6 above, reports confirming the condition and maintenance of the Biodiversity Net Gain proposals shall be submitted in writing to the local planning authority.

18. The development hereby approved shall be carried out and completed in accordance with the recommendations set out within the submitted Extended Phase One Habitat Survey.

19. Prior to the construction of the guest accommodation hereby approved, a scheme for the incorporation of bat boxes and bird boxes and bee bricks shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location and specific details of each feature. The approved features shall be installed prior to the first use of the accommodation to which they relate and shall thereafter be retained and maintained as such.

20. No building hereby approved shall be occupied until details of external lighting, which shall be designed to minimise light spill impacts on bats from buildings, car parking areas and pedestrian routes, has been submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved details and thereafter retained without modification or addition unless agreed in writing by the Local Planning Authority.

21. No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall provide planting plans with written specifications including:

- Details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development.
- Full schedule of plants
- Details of the mix, size, distribution and density of all trees/shrubs/hedges
- Cultivation proposals for the maintenance and management of the soft landscaping.
- The protection measures proposed shall be completed in accordance with the approved scheme before the development hereby permitted commences and shall thereafter be retained until it is completed. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Notice shall be given to the Local Planning Authority when the approved scheme has been completed. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted.

22. No building hereby approved shall be occupied until the surface water drainage system has been installed. Where a phased approach to development occurs then no building constructed in any phase shall be opened to the public until the surface water drainage system has been installed for that phase of development.

23. No development, other than demolition of any buildings or structures, shall commence until an assessment of the risks posed by any contamination shall have

been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Land contamination risk management (LCRM), (or equivalent British Standard and Land contamination risk management if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.

24. No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

25. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority before the development [or relevant phase of development is occupied.

26. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the local planning authority. Development on the part of the site affected shall 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 shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development, or relevant phase of development, is resumed or continued.