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## Appeal Decision

Inquiry held on 9-12, 23 and 25 June 2026

Site visits made on 11 May 2026 and 10 and 12 June 2026

**by Rachael Pipkin BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> August 2026

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**Appeal Ref: APP/D0840/W/25/3373503**

**Pendower Beach House Hotel, Rocky Lane, Ruan High Lanes, Cornwall TR2 5LW**

- 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 PBHH Limited against the decision of Cornwall Council.
  - The application Ref is PA24/00042.
  - The development proposed is the demolition of part existing buildings, conversion of part existing hotel building and erection of 3 replacement open market residential dwellings (C3 Use Class) and 20 unit apartment hotel (C3 Use Class restricted by holiday use only planning condition), 2 key worker units, restaurant / shop E (a&B) and A5 use class, off site highway improvements and stabilisation, access, car parking, landscaping and biodiversity, infrastructure and ancillary works.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application for planning permission was accompanied by an Environmental Statement (ES) prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations), including technical appendices and a non-technical summary. The environmental information to support the ES has been updated where necessary. I am satisfied that the totality of the information provided is sufficient to meet the requirements of Schedule 4 of the EIA Regulations and this information has been taken into account in reaching a decision.
3. The Council's fourth reason for refusal was that the scheme failed to achieve on-site renewable energy generation and was therefore required to make a financial contribution to Cornwall Council's Offset Fund. The appellant has since submitted an executed unilateral undertaking under section 106 of the Town and Country Planning Act 1990 (as amended) that secures this contribution. The Council has confirmed this addresses this reason for refusal. I have proceeded to determine the appeal on this basis.

### Main Issues

4. The main issues are:
  - The effect of the proposal on the character and appearance of the area with particular regard to whether it would conserve and enhance the landscape and

scenic beauty of the Cornwall National Landscape<sup>1</sup> (CNL) and Heritage Coast;

- the effect of the proposal on ecology, with particular regard to the Pennarin Point to Portscatho Wildlife Site;
- whether the proposal makes adequate provision for Biodiversity Net Gain; and
- whether the proposal constitutes major development within the CNL, and if so, whether there are exceptional circumstances or it can be demonstrated that the development is in the public interest.

## Reasons

### *Landscape character and appearance*

5. The site lies at the foot of the Melinsey Valley within the Roseland Peninsula. It is an attractive, steeply wooded coastal valley opening out onto Pendower Beach, with the expanse of the beach and the view inland up the valley identified as distinctive features of this local landscape type<sup>2</sup>. It is also located where four markedly different Landscape Character Types<sup>3</sup>, comprising undulating historic farmland, coastal valleys and coombes, cliffs and unenclosed cliff tops and intertidal sand and beaches, meet. These define the site and its setting, resulting in a highly sensitive and valued landscape which forms part of the CNL and the Heritage Coast.
6. The immediate area comprises Rocky Lane, a narrow, rural lane and public highway, enclosed by Cornish hedges, farmland and sporadic development, with views to the sea along its northerly section. The lane widens out here to provide an area of public parking, narrowing again on its approach to the hotel site. It is the only vehicular access to the former Pendower Beach House Hotel located at the foot of the valley and behind Pendower Beach. The former hotel buildings are mostly unoccupied and have fallen into disrepair, although a seasonal beach café operates out of the site, and has done so for over 10 years. The formal gardens, parking areas and tennis court associated with the hotel have been largely recolonised by vegetation.
7. Built development on the site is centred on a small cluster of buildings including an historic farmhouse dating back to the 17th century. This subsequently became a gentleman's seaside residence and then in the 1930s it was converted into a hotel until it ceased operation in 2007. The original farmhouse has a traditional form with a prominent gable end and is the historic core of development within the site and contributes to its historic value. It is locally listed as a non-designated heritage asset. Over the years, various extensions were added to the farmhouse, including an unsympathetic uPVC conservatory. Other buildings were erected on the site, some of which were accommodated through significant and insensitive excavation of the western valley sides. The buildings are small in scale, two-storey with a traditional form. Due to the condition of the farmhouse, it has been placed on the historic buildings at risk register. Other buildings on the site are similarly dilapidated and the majority of the site appears neglected and abandoned.

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<sup>1</sup> Formerly the Cornwall Area of Outstanding Natural Beauty (AONB)

<sup>2</sup> CD5.1.11 Roseland Local Landscape Character Assessment

<sup>3</sup> CD5.2.3.10 Cornwall Character Area Description CCA 22: Gerrans, Veryan and Mevagissey Bays

8. The appellant's landscape witness observed<sup>4</sup> that despite its decline, the buildings have a sense of history and feel rooted to its place. Others have described it as 'timeless'. These characteristics, which I concur with, and the location of the site away from other significant development with very limited activity, make the site feel secluded, remote and peaceful. In this regard, the site contributes to the tranquillity of the area, which is an important quality of the landscape to which it belongs. Notwithstanding the semi-derelict nature of the site, the buildings are not prominent within the landscape due to their modest size, height and the extent to which buildings occupying the site have been reduced by colonising vegetation. Mature trees also provide some screening.
9. To a degree, the rundown appearance of the buildings detracts from the landscape, described by some as an eyesore, but their condition is only apparent in close quarters. Otherwise, they appear as a small-scale cluster of buildings, nestling unobtrusively at the foot of the valley and the back of the beach, where they neither dominate nor compete with the natural landscape which surrounds them. The rarity of landscapes such as that around the appeal site has been highlighted by interested parties and I have not been directed to evidence to contradict this view.
10. The ES<sup>5</sup> confirms that the site is in almost complete darkness and that as such, it is an E1 Environmental Zone, which is an intrinsically dark lighting environment. As such, it contributes to dark night skies, which are an important quality of the CNL.
11. At the Inquiry, there was much discussion about what the baseline for assessing the landscape impact of the scheme should be. The guidance set out in *Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3)*<sup>6</sup> states that it should be the current state. This is accepted by the parties. However, it is not unreasonable to consider the proposal against some level of activity at the site, as argued by the appellant's landscape witness, given there is generally consensus that something should happen. Indeed, GLVIA3 lends support to this in that it advises that landscape should be described as it is at the time but also that it is relevant to consider what it may be like in the future in the absence of the proposal.
12. It seems to me that this future could either be of the site continuing to deteriorate, with further recolonisation by vegetation or it could be brought back into use. The appellant has been very clear that reopening the existing hotel is not a financially viable option and I have no alternative schemes before me. Any assessment of what activity levels at the site might be in some future scenario would just be speculation. I am therefore unable to reach any informed conclusions in respect of this in the absence of the appeal scheme and some alternative development coming forward. The further deterioration of the site would not be desirable given it would be visible to visitors in the area in the immediate vicinity of the site and could potentially give rise to health and safety concerns. However, the Council did point out they do have powers<sup>7</sup> to require proper maintenance of the land if it was found to be adversely affecting amenity of neighbourhood and could take steps<sup>8</sup> to address this, if necessary. This is therefore a potential future scenario which would result in limited or even a decrease in activity at the site. In view of this, it is reasonable to treat the baseline for tranquillity as the existing situation.

<sup>4</sup> CD8.14

<sup>5</sup> CD1.2.19 ES Chapter 13

<sup>6</sup> CD5.2.3.7

<sup>7</sup> ID12 – Town and Country Planning Act 1990 Section 215

<sup>8</sup> ID13 – Town and Country Planning Act 1990 Section 219

13. As set out in the area schedule<sup>9</sup>, the scheme proposes 23 hotel suites comprising 2 x 3 bed and 21 x 2 bed apartments, providing a total of 48 bedrooms. Compared to the original 13-bedroom hotel, this would be more than 3 times the number of bedrooms and would amount to a significant increase in activity and scale. My opinion of this is different to that set out in the Council's officer report, where the increase was considered to be modest. Most existing buildings would be demolished and 6 new buildings constructed plus refurbishment and extensive alterations to the retained farmhouse, the height of which would increase. A 40-cover restaurant (plus 26 covers externally) and a small retail unit plus 2 staff accommodation units would be contained within the farmhouse building which would be renovated and extended upwards. In combination with this, there would be cliff stabilisation and widening works to part of Rocky Lane, the formation of a relatively wide internal access road between buildings and a parking area at the northern end of the site. Significant excavation of the hillside would be required along with levelling work and the construction of large retaining walls to the excavated hillside. The resultant development would be substantially larger than the current built form on site.
14. On site parking would increase from 37 to 62 spaces. Notwithstanding the trip analysis based on TRICS<sup>10</sup> set out in the Transport Statement<sup>11</sup>, given 25 additional spaces would be provided, common sense tells me that vehicular movements would be associated with these, otherwise there simply would be no logic in providing them. Thus, whilst the proposal may give rise to comparatively fewer peak vehicle movements and not give rise to concerns in respect of the highway network, I am not persuaded that overall trips to and from the development would be less than when the hotel was operational. Given the proposal is intended to provide a year-round operation which would include vehicular trips, activity at the site would inevitably increase significantly more throughout the year compared to now, or when the hotel was open.
15. With larger numbers of guests, additional visitors to the site, more vehicle movements and more extensive development, there would be a significant increase in activity. Compared to the largely vacant and small seasonal café on site, the increase would be substantial. Even compared to a hotel operating as previously, the increase in activity would be significant. This would diminish the tranquillity of this part of the CNL which is an important characteristic of the designated landscape.
16. The valley slope was previously excavated to accommodate the expansion of the hotel in the 1980s. The spoil from this was then used to create an 'upper plateau' used for access and parking associated with the original hotel. The scheme proposes additional excavation work and the formation of made ground to widen and level the valley floor to accommodate the amount of development. This would extend the existing upper plateau which would form the upper ground floor of the development and enlarge the area for car parking. Some additional excavation to create a higher plateau at first floor level behind Blocks A and B would also be undertaken.
17. Whilst heights of buildings are not proposed to be taller than existing ridge lines, the extent of the built form would result in a more continuous form of taller building.

<sup>9</sup> CD1.1.31

<sup>10</sup> Trip Rate Information Computer System (TRICS) database

<sup>11</sup> CD1.2.12 Transport Statement, Hydrock

The increase in height of the original farmhouse building would add to this overall sense of scale. Built form would be much more evident and dominant, whilst lower in some places, it would be layered within the site so increasing its presence. This design is intended to maximise the opportunities for apartments to have some view of the sea. The overall effect of this would be of a large development extending into and up the valley. There would be some space between blocks which are intended to provide sightlines through the development, breaking up its mass and connecting the hillside and valley. However, these would be of limited success due to the presence of the retaining walls behind the buildings, which would extend higher than the buildings themselves in places. Vegetation may colonise these walls in due course but in places because of the proximity of the walls to the buildings in front of them, the success of this is not certain.

18. The blocks would be laid out in a roughly linear pattern, either side of the internal access road. Some of the buildings have been designed with double pitched roofs, flush eaves and solid stone gables, reflective of solid stone barns that can be found in Cornwall. However, they also incorporate large windows, and some have balconies, which are uncharacteristic features. There would be designated car parking spaces along much of the length of the road interspersed with small areas of formal planting. These features would give the development a suburban feel, out of character with the informality of this rustic seaside location. This urbanisation of the site would be exacerbated by the extensive area of formal parking to the north beyond the apartment blocks. This area would be enclosed by retaining walls to the west and a Cornish hedge above a retaining wall to the east. The seaward face of this, as illustrated within the Design and Access statement<sup>12</sup>, would be a significant structure although diminishing in height as it extends up into the valley and the natural topography brings these plateaus together.
19. Tree planting is proposed along the western edge of the car park, however, it is not clear that there would be adequate space for this given the presence of the retaining wall, as shown in site section drawings<sup>13</sup>. Visual presentation<sup>14</sup> of the car park indicates tree planting within the eastern side of the car park but this does not align with what is shown on the plans<sup>15</sup>. Based on these plans, which show no planting in this area, I can only conclude that within the car park area itself, there would be little space for additional planting to soften the appearance of this area. Consequently, the upper plateau area, from the site access to the northern end of the car park, would be negatively dominated by buildings, hard landscaping and car parking.
20. The lower plateau would provide more space for vegetation to the area of land east of the car park, including retained trees and additional planting. This would be seen against a backdrop of the significant retaining wall to the car park. Despite existing vegetation being a mix of non-native ornamental planting associated with the former hotel, and ruderal vegetation to the tennis court and car parking area, its coverage is significant and merges into the surrounding landscape. The scheme would necessitate the removal of large areas of this vegetation, that would extend northwards into the valley. Even considering the proposed planting, this would have a harmful effect on the verdant character and natural beauty of the landscape.

<sup>12</sup> CD1.4.1, DAS Figure 237

<sup>13</sup> CD1.3.22 Dwg No 1121 Proposed Site Sections A to F (Site Section F)

<sup>14</sup> ID10 – Figure 11

<sup>15</sup> CD1.1.47 Dwg No 1003-P03 Materials and Surfaces 02

21. The scheme proposes high quality materials including natural slate roofs, local stone, timber cladding and green roofs. These are intended to be recessive to reduce the visual impact of the scheme and help it blend with the landscape. In combination with existing vegetation and trees on the site, these measures would provide some mitigation. However, their effectiveness is overstated. While the photomontages can only provide an indication of the likely appearance of the development, they show that the proposal relies heavily on tree group G7, comprising five Monterey Cypress trees and a Poplar, to mitigate landscape and visual effects. However, the extent of development is much greater than the coverage these trees can provide and the trees would not sufficiently mitigate the landscape and visual impacts of the proposal. Moreover, as set out in the arboricultural impact assessment (AIA)<sup>16</sup>, these trees are fragile, mature and there is some doubt about their longevity. I note the trees are subject to a Tree Preservation Order and there would be a requirement to replace these should they be removed or fail. However, any replacement trees would take several years to reach sufficient maturity to provide a degree of effective screening. Furthermore, there is an inherent tension between replacing these with the appellant's objective of maximising sea views from the apartments and it is possible that any replacement planting would open up views of the site in order to realise that objective.
22. The historic farmhouse, whilst benefitting from works to improve its condition, would be altered and enlarged, resulting in some of its historic integrity being lost by the raised ridge and the elongated upper floor windows, breaching the eaves level. This altered building would become more prominent in views and because it would be finished in a traditional pale render as it is now, it would draw attention to the site from the surrounding areas.
23. The cliff stabilisation and works to Rocky Lane would require concrete piles and the formation of a locally sourced stone-faced retaining wall to the seaward side. This is intended to look like a Cornish Wall and to match a disused lime kiln a short distance along the cliff, and visible from this side. At some 27 metres in length and 2.5 metres in height, it would be a substantial structure atop the cliff, appearing as an engineered intervention with mortared joints and, at some point in the future, potential exposure of piles should additional land slip away. Given the purpose of these works, this seems possible. In time, some vegetation may colonise, helping to integrate the wall in a similar way to the lime kiln. However, this would not disguise the wall, and it would detract from views towards Rocky Lane from the beach. Together with the development of the main site, the overall experience would be of a more engineered and developed landscape.
24. Moreover, this would be a significant amount of work near a solitary tree, identified as a Monterey Pine (T9) in the AIA. This tree grows close to the cliff edge and, despite its relatively small stature for this species and age, it is prominent in views both along Rocky Lane, from the beach and the South West Coast Path (SWCP), contributing positively to the visual amenity of the area, and character of the landscape. The AIA recognises that the position of the tree means its roots have restricted access to soil and that their distribution cannot be predicted with confidence, noting that woody roots are in evidence close to the surface of the road. Although the Council's tree officer did not object to the scheme, I have noted that this was subject to a raft of conditions intended to ensure its protection. Given

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<sup>16</sup> CD2.5.8 Arboricultural Impact Assessment 2810 AIA Rev D, Evolve Tree Consultancy

the position of this tree on the edge of the cliff, I share the concerns of the Council's landscape witness that, despite these proposed protective planning conditions, this tree would be vulnerable because of these nearby significant works. If lost, there would be harm to both the landscape and visual amenity of the area.

25. The existing approach to the site from Rocky Lane is unassuming, a narrow lane, opening out to a small cluster of traditionally styled but somewhat rundown buildings. The widening of the lane would require removal of part of the landward bank. Whilst I heard that the details have not been finalised, as currently shown on drawings, a segregated pedestrian use lane would be formed adjacent to the proposed retaining wall. It is also not clear whether the landward face of the wall would be left as concrete as shown on the drawings. The creation of visibility splays and additional signage to the access to the site, together with lane widening would significantly alter the character of this narrow and informal rural lane to a more engineered, formal and urbanised road. The entrance to the site would become much wider providing a more immediate view into the site of more extensive development, both east to west and looking north up the valley.
26. Owing to its scale, the development would appear as a small coastal settlement where none currently exists. The appellant's landscape witness accepted that it would have the character of a hamlet. While this is not determinative, it illustrates the substantial increase in built form compared with the existing situation. It is acknowledged that coastal hamlets are a characteristic feature of this coastline and are often arranged along valley sides, broadly similar to the appeal proposal. However, unlike those settlements, the proposal would not respond to the natural contours of the land. Instead, it would require extensive excavation and land re-profiling, resulting in significant alteration of the valley's topography beyond that which has already occurred.
27. It would be seen cumulatively with other existing coastal development, most notably the sizeable Nare Hotel, some 550 metres to the east at Carne Beach. At low tide this links to Pendower Beach, affording views of both hotels together from the beach. However, because the former hotel is relatively unobtrusive, nestling at the foot of the valley, the Nare Hotel dominates in this view due to its size, extent and position atop the cliff above the beach. Due to the scale and layered arrangement of the proposed buildings up the valley sides within the appeal site, the experience for walkers and beachgoers would be of a more intensively developed section of coastline. Whilst transitory for people travelling through the area, either walking the SWCP or cycling, they would experience a sizeable and suburban development, sitting incongruously at the foot of the valley, out of keeping with the intimate character of this valley. In a landscape valued and visited for its natural and scenic beauty and sense of remoteness, this cumulative impact would be harmful.
28. The Nare Hotel is undoubtedly the dominant development along the coast in longer distance views towards the site, although the existing buildings on site are visible from some viewpoints. I observed from Nare Head that there are views up the Melinsey Valley of its vegetated slopes. The proposal would be less stark than the white rendered Nare Hotel due to its more muted palette of materials set against a backdrop of vegetated valley slopes. It would nonetheless be apparent due to the taller and pale rendered farmhouse in combination with its size and extent particularly as it would extend much deeper into the wooded and vegetated valley to accommodate Blocks D, E and F and the car park. These would be visible from

Nare Head with parked vehicles likely to draw attention to this as they glint in the sun. This would detract from the views from Nare Head, diminishing the attractiveness of this stretch of coastline through unsympathetic, urbanising development. In part some of this may be screened by the G7 trees but given their known fragility, these could not be relied upon in the long term. If lost, the harm to the views from Nare Head would be further increased.

29. The proposal would re-introduce activity to the site which would inevitably result in additional lighting into a very dark environment. The scheme has been designed with extensive lighting mitigation to minimise light pollution. However, the proposal is for a use that would operate year-round, the buildings would incorporate large windows, rooflights and balconies and there would be light pollution from vehicle headlights. It would not be possible to prevent occupants opening their windows and making use of their balconies and lights would be on for longer during darker winter months. Some mitigation through enclosure of the car parking area by its retaining walls may help reduce the impact from headlights, but not from vehicles travelling to and from the site. Thus, despite a very high standard of mitigation being proposed including electrochromic glass, which would almost remove any light spill from within the buildings if windows were kept shut when the lights were on, there would be some light spill arising from activity within the site itself, including vehicle movements. This localised skyglow in this currently dark environment would be for a longer period of the year compared to the seasonal nature of the original use. There would be harm to the dark night skies which are a special quality of the CNL, which contribute to its sense of tranquillity and remoteness.
30. It is evident that some attributes of the landscape have been key considerations in the design of the scheme, notably the retention of the original farmhouse and certain trees identified as important features within the landscape. Likewise, the selected palette of materials has been influenced by materials found and used locally and the proposed lighting scheme has been designed to minimise impact upon the landscape. However, there is no evidence that a landscape capacity study has informed the scale of development. My finding is that the substantial engineering works associated with the scheme, including excavation, land levelling and the construction of large retaining walls, together with extensive vegetation clearance and the dominance of buildings, car parking and access roads on the upper plateau, leaves little opportunity for meaningful landscaping or natural vegetation and is not indicative that landscape considerations have been central to the proposal. This suggests that the quantum of development sought by the appellant has been a significant factor in shaping the appeal scheme. I am unable to conclude that the scheme has adopted a landscape-led approach, required within the CNL in accordance with Policy PD-P1 of the Cornwall Area of Outstanding Natural Beauty Management Plan 2022-2027 (the AONB Management Plan)<sup>17</sup>.
31. There is already development on the site which has existed in part for a considerable period. Plans indicating a comparison between existing and proposed are provided, and the area where the tennis court and parking associated with the previous hotel has largely been recolonised with vegetation. With regards the tennis court, from my own observations on site, the original surface was visible in

<sup>17</sup> CD5.1.1

patches but well covered with moss and other vegetation. I am told the site is regularly maintained and cleared of vegetation, possibly once a year.

32. The rest of the site, heading north into the valley was impenetrable. As such, I do accept that part of the site is previously developed land (PDL) but having regard to the Framework definition for PDL, it seems to me that those areas that have become overgrown would not, on balance, meet that definition because the remains of fixed surface infrastructure have blended into the landscape. My attention was drawn to a photograph<sup>18</sup> of the overgrown upper plateau following clearance work. Whilst the site is level, there is little here to indicate that it is developed. In any event, the definition is clear that it should not be assumed that all land within the curtilage of PDL should be developed. Moreover, with regards to paragraph 89 of the Framework, which lends support for the use of PDL where it supports a prosperous rural economy, such sites should be used where suitable opportunities exist.
33. The development would be substantially larger than the existing buildings, making the built form a more dominant feature in the landscape and harmful to that landscape for the reasons set out. It would be readily discernible, in closer views from the beach, Rocky Lane, the National Trust car park, the public footpath to the west of the site and the SWCP, as well as in longer distance views along the SWCP up to Nare Head. The appellant's landscape and visual impact assessment (LVIA)<sup>19</sup> found that some harm to landscape would arise as well as adverse impacts to visual receptors. However, it is my view that the scale of the landscape harm would be significantly greater than that found within the LVIA. The proposal would also significantly detract from the visual amenity of this picturesque part of the Heritage Coast and CNL and the experience of residents and visitors to the area.
34. My conclusion in respect of this first main issue is that the proposal would cause significant harm to the character and appearance of the area. It would fail to conserve and enhance the landscape and scenic beauty of the CNL and Heritage Coast, which would be a failure to meet the statutory duty<sup>20</sup> to further the purpose of conserving and enhancing the natural beauty of the National Landscape. It would therefore conflict with Policies 1, 2, 3, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP), Policy C1 of the Climate Emergency Development Plan Document - February 2023 (CEDPD) and Policies LA1, LA2, GP1, GP2 and CD1 of the Roseland Neighbourhood Development Plan 2015-2030 (RNDP). Together, these policies require development proposals to conserve and enhance the landscape character, scenic and natural beauty of the CNL, while maintaining the character and distinctive qualities of the Heritage Coast. Development should be sustainable, respect and enhance the quality of place, and be of a high-quality design that responds positively to its surroundings. Proposals should reflect the local character and identity of the Roseland Peninsula, be of a scale appropriate to their location, and avoid development on steep-sided valley slopes identified in the Local Landscape Character Assessment<sup>21</sup>.

<sup>18</sup> CD1.4.1 Design and Access Statement, Figure 63

<sup>19</sup> CD1.2.19 ES Chapter 8

<sup>20</sup> Section 85 of the Countryside and Rights of Way Act 2000 as amended by Section 245 of the Levelling-up and Regeneration Act 2023

<sup>21</sup> CD5.1.11

35. Whilst not forming part of the development plan, the AONB Management Plan is a material consideration and provides relevant guidance. The proposal conflicts with Policies PD-P1, PD-P2, PD-P8, PD-P11 and PD-P20, which collectively require development to be landscape-led, conserve and enhance the natural beauty of the CNL, take account of the cumulative effects of development, support tourism development that responds to the character and sensitivity of the designated landscape, and conserve and enhance the character of minor lanes within the CNL. The proposal fails to adequately respond to its landscape context and would compromise the special qualities of the designation. Although Policy PD-P3 was cited in the decision notice, it relates to the replacement of existing dwellings and is therefore of limited relevance to the appeal proposal.

### *Ecology*

36. The Pennarin Point to Portscatho Wildlife Site is a designated County Wildlife Site (CWS). This is a non-statutory site, and one of at least county importance for wildlife/geology in Cornwall. The northern part of the appeal site extends into the CWS, the boundary of which extends around and includes the tennis court along with areas that were used for parking, both of which were in use when the hotel was operational.
37. According to the Pennarin Point to Portscatho County Wildlife Site Citation<sup>22</sup>, CWSs were identified and selected during the 1980s and 1990s based upon a combination of aerial photography data, local knowledge and where possible, ground-based surveys. Whilst the inclusion of the tennis court and parking areas appears anomalous, given the hotel was operational at the time, there is no firm evidence that the boundary was drawn up in error. Nevertheless, I accept that at that time they would have been unlikely to have made a meaningful contribution to the ecology of the CWS because of the presence of hard surfacing and activity. Despite some vegetation clearance, there is extensive moss on the tennis court although patches of the original surface were visible. The parking area, at the time of my visit, was largely impenetrable due to the presence of extensive vegetation. Notwithstanding any previous mapping anomalies, the area of the appeal site included within the CWS boundary must currently have some ecological value given its overgrown state.
38. The appellant's figures indicate that the area of CWS affected within the appeal site comprises less than 1% of the total CWS area, which extends to 45.8 hectares. This area is not priority habitat. However, as confirmed by the Cornwall Wildlife Trust (CWT), CWS designation is not based solely on the presence of priority habitats. While individual habitat parcels may not, in isolation, justify designation, their ecological value must be assessed as part of the wider CWS whose significance derives from the diversity, interrelationships and juxtaposition of its habitats. Consequently, the loss of these areas cannot simply be justified because they are not priority habitats.
39. Moreover, by assessing habitat components individually rather than by how the habitats function collectively within the CWS, risks undermining the integrity of the CWS as a whole and encouraging the piecemeal erosion of the site on the basis that particular areas are of comparatively lower ecological value. As the CWT has explained, habitats such as tall forbs, bracken/scrub, mixed scrub and blackthorn

<sup>22</sup> CD5.2.3.17

- scrub all contribute by providing structural diversity, habitat connectivity and buffering functions.
40. The appellant has argued that the small losses of habitat are compensated for by significant proposed enhancements elsewhere within the CWS, and by enhancing strategic links to the designations to the south.
  41. Various surveys and extensive information were provided to establish the ecological baseline, with the latest being included within the ES<sup>23</sup>. The site is shown as including woodland, scrub, bracken and tall forbs which is indicative of a woodland-edge situation and the site's regenerating nature. The upper plateau area, which is included within the CWS, is subject to periodic clearance for site management purposes. The appellant has indicated that the clearance would have been of ruderal vegetation and quick growing bramble.
  42. There is no plan of the existing habitats overlaid with the proposed development and it is not possible to accurately assess the habitat loss that would occur. The proposed changes to habitats within the CWS are outlined on the general arrangement plan<sup>24</sup>. Within the appeal site boundary, this indicates an area of 'coastal area wildflower mix', essentially a coastal meadow which would replace some areas of introduced shrub as shown on the ecological baseline and part of the tennis court area. All other vegetation on the seaward side of the new retaining wall / Cornish hedge to the east of the car park is shown on the Materials and Surfaces Drawings<sup>25</sup> as being retained, enhanced and allowed to generate naturally. Everything else within the CWS boundary within the appeal site would be removed.
  43. In the wider survey area outside the appeal site, habitats within the CWS are proposed to be enhanced with new broadleaf woodland planting, and existing woodland (including wet woodland) would be retained and enhanced. The ES explained that the bank to the west of the appeal site, which lies partly within the CWS, if left unmanaged, would continue to scrub over with bramble and bracken and would experience further encroachment by introduced shrubs, notably butterfly bush, which lower the ecological habitat value of this area. This would be harmful at the local level but as it is part of the CWS, that harm is also at County level. It is proposed to bring the bracken and scrub under control to expose the existing seed bank with a view to achieving a mosaic of habitats from coastal grassland to scrub.
  44. The appellant's ecologist has advised this would be achieved through phased and rotational coppicing, secured through a Habitat Management and Maintenance Plan (HMMP) which could be secured through a condition. If successful, this would be beneficial.
  45. Tree planting is proposed to the south of the existing woodland, where it would replace blackthorn scrub, mixed scrub and bracken. The beneficial creation of a woodland habitat in this location is questionable because the existing habitat forms an interface between the mature woodland and the habitat mosaic beyond and has its own important ecological role. It is not also clear the extent to which clearance would require removal of vegetation and the implications of that for the ecology of the area, and the CWS. The appellant explained that it would not be wholesale

<sup>23</sup> CD1.2.20 ES Technical Appendix 9.1, Figure 1.1 Ecological Baseline

<sup>24</sup> CD1.1.45

<sup>25</sup> CD1.1.46 and CD1.1.47 Mei Loci Materials and Surfaces

- removal of existing scrub but rather selective felling to open glades, and this could also form part of the HMMP.
46. Evidence to explain how bracken would be cleared from the western bank has not been provided, and based on what I have read and heard, it is not simply a matter of cutting back the bracken and planting new shrubs or trees due to its invasive, underground and dominant nature.
  47. The appellant has indicated that overcoming the issues around the bracken would be dealt with via a suitable monitoring programme within the HMMP, with contingencies set out. However, no details of what those might be and the effectiveness of the methods are provided. Given the extent of bracken that is shown within areas of the western bank, I cannot be certain that there would not be extensive clearance of this western bank. This would be harmful to the existing ecology of this area.
  48. The Cornwall and Isles of Scilly Local Nature Recovery Strategy<sup>26</sup> (LNRS) is the statutory Nature Recovery Strategy required by the Environment Act 2021. It seeks to protect and enhance the CWS as part of the existing nature network and as a place for nature in the county. It identifies a nature recovery opportunity area for 'coastal wildbelt' adjacent to the existing nature networks. It is not disputed that the existing habitats meet this opportunity. Whilst the LNRS was published in March 2025 around the same time the planning application was refused, it does not appear the 'coastal wildbelt' opportunity has been considered by the appellant in their evidence to the appeal. This adds to my concern about the appropriateness of the proposed habitat enhancements and creation. Notwithstanding the intention to enhance the existing habitats, shortcomings with this approach, notably the likelihood that substantive clearance would be required to bring bracken under control, suggests this may not be effective.
  49. Even if I were to find the habitat loss acceptable because it would be outweighed by enhancements elsewhere, the proposed car park would extend into the CWS as a wide slither of hard surfacing, separated from the habitats either side by retaining walls. Connectivity between habitats within the CWS would be lost as a result. Furthermore, the car headlights would result in night-time light spill into the CWS which would not be fully mitigated by the enclosing walls to the car park.
  50. The scheme would reduce the extent of the CWS, bisect the area which currently provides habitat, albeit not necessarily high value, and reduce connectivity between habitat areas. Whilst the net loss of habitat is a small proportion of the overall CWS area, its impacts are greater because it effects the CWS as a whole. Moreover, parts of the CWS are proposed for habitat creation or enhancement, however, the desirability of these enhancements has been disputed by the CWT and the Rule 6 party's ecologist which I address in the next main issue. Furthermore, details of how some of the proposed enhancements would be effectively achieved are limited and given specific difficulties, notably in respect of bracken removal, there is some uncertainty about whether the planting and habitat creation of the amount proposed would be achievable.
  51. Criterion 3.3 (c) of Policy 23 of the CLP seeks to protect CWSs and sets out that development will only be permitted where the need and benefits outweigh the loss and the coherence of the local ecological network is maintained. I deal with the

<sup>26</sup> CD5.2.3.16

benefits of the scheme in more detail below. However, they are not significant and would not be sufficient to outweigh the loss of the CWS.

52. For all these reasons, my conclusion is that the scheme would cause unacceptable harm to the CWS through encroachment into the site and habitat loss. It would therefore conflict with Policy 23 of the CLP as referred to above as well as Policy C1 of the CEDPD and Policy LA5 of the RNDP which together require development to conserve and enhance the natural environment, strengthen nature recovery networks and to have no adverse impact on the ecological value of CWSs.

### *Biodiversity Net Gain*

53. Whilst the appeal scheme pre-dated the requirement for the statutory biodiversity gain condition to be applied to the development, it is a requirement of Policy G1 of the CEDPD for the scheme to deliver a minimum of 10% biodiversity net gain (BNG). The appellant claims a 26.95% net gain in habitat units and 100% in hedgerow units. These figures were accepted by the Council but they have been challenged by the Rule 6 party who has disputed the baseline position, the stated gain and whether the proposal has followed the mitigation hierarchy.
54. The first biodiversity metric<sup>27</sup> showed an 18.64% loss of habitat from within the red line of the site. However, an updated metric<sup>28</sup> reported a more limited loss of 10.92%. This is a significant change in habitat loss. Whilst the appellant claims the difference is due to a scaling error on the BNG plans, with the updated BNG metric based on the correctly scaled plans, I am not persuaded that such a difference would be simply due to a scaling error.
55. Updated habitat survey plans were not submitted alongside the updated BNG assessment. It is not, therefore, clear whether the baseline on which the updated assessment was made was accurate as of 2025. According to the 2025 Metric, the main on-site habitat creation would be mixed scrub, with other neutral grassland in the form of coastal area wildflower mix and urban trees, numbering some 55 new trees to be planted. The mixed scrub has been confirmed by the appellant's ecologist as an area shown on the Materials and Surfaces Drawings as 'existing vegetation retained, enhance and allowed to regenerate naturally'. I recognise that because of the way the metric works, if a habitat type would change, then the previous habitat must be 'lost' and a new one 'created'.
56. The Rule 6 party has raised concerns that the metric has been inaccurately based on the site having a lower ecological value. This is due to the upper plateau area being based on tall forbs which have a lower ecological value than bramble's medium value. The appellant has confirmed that clearance of the upper plateau is carried out periodically. Their ecologist has provided advice and ecological supervision previously during the works, but they confirmed that they were not always present for such works. This area has previously been surveyed as tall ruderal vegetation and both tall forbs and bramble have been identified as being present. Bramble has not been included in the baseline, which given its presence, suggests that the ecological value of this part of the site has been underestimated. This suggests that the baseline for calculating BNG could be wrong.

<sup>27</sup> CD1.3.5 – Biodiversity Net Gain Assessment, GE Consulting

<sup>28</sup> CD8.7 Updated Biodiversity Net Gain Assessment August 2025

57. The loss of on-site habitat is proposed to be mitigated through habitat creation and enhancement within the blue line boundary off-site, largely on the western valley side, both within and adjacent to the CWS. However, the survey information setting the ecological baseline ranges from bracken<sup>29</sup>, to dense bracken and bramble<sup>30</sup> to much less bracken and more dense scrub. These vegetation types have different ecological values, with bracken being low value whilst various types of scrub have a medium value in terms of the BNG metric. Because of this, I cannot be certain that the off-site baseline is accurate. It therefore follows that I cannot conclude that the scheme would achieve the BNG it asserts.
58. I acknowledge that BNG can be a blunt tool. Where it is used in relation to areas with mixed vegetation types, there will inevitably be differences in ecological value over time given the dynamic nature of vegetation. Whilst the evidence is clearer in respect of the baseline position within the site itself, I cannot be certain that the metric has over or understated habitat types within parts of the wider survey area. That said, to achieve the objective of Policy G1, which is to provide a measurable increase in biodiversity, the qualitative aspects of that biodiversity gain must be relevant.
59. As I have already discussed in respect of the CWS, the proposals for achieving a net gain may require more significant intervention, notably in respect of dealing with bracken, in order to achieve the proposed enhancements, such as within the area to the south of the woodland as discussed above. Moreover, as the area of mixed and blackthorn scrub that is proposed for habitat creation is considered ecologically important in its own right where it lies adjacent to existing woodland, it is the view of CWT and the Rule 6 party's ecologist that this should be retained, not replaced. With some doubt about the value, and indeed whether the presence of bracken to the west slope has been overstated, I cannot be certain that that its proposed replacement with woodland would be appropriate.
60. It is not disputed that the most appropriate longer-term management strategy for the valley side would be to allow natural regeneration to continue and to allow the existing willow scrub adjacent to the CWS to mature into woodland, whilst sensitively managing the scrub closer to the coast. The evidence is not persuasive that this would happen naturally, due to both the presence of extensive bracken and invasive introduced shrub. However, I cannot be certain that the scheme would be successful in supporting this natural regeneration given concerns about how invasive vegetation would be cleared. I also acknowledge the presence of non-native and ornamental species associated with the former hotel that may invade the habitat in the absence of intervention. I agree that having a development scheme would enable mechanisms to be put in place to ensure appropriate interventions took place to deliver changes to the ecology of the area. However, this in itself does not justify the development as proposed. Nor does it confirm that the BNG as proposed is correct.
61. The mitigation hierarchy is the first principle<sup>31</sup> when delivering BNG. The approach is to firstly avoid, then to minimise and only as a last resort, compensate for losses that cannot be avoided. Where this cannot be compensated offsite, then provide gains elsewhere. The Cornwall Planning for Biodiversity Guide<sup>32</sup> identifies a

<sup>29</sup> CD1.2.6 Figure 1.1 of the Ecological Baseline, GE Consulting (Environmental Statement Technical Appendix 9.1)

<sup>30</sup> CD1.2.5 'Assumptions and Limitations', Appendix 9.3 Ecological Design Strategy

<sup>31</sup> CD5.2.3.20 Biodiversity Net Gain: Good Practice Principles for Development

<sup>32</sup> CD5.1.3 Cornwall Planning for Biodiversity Guide, October 2018

starting point of enhancing existing features with good biodiversity value, or improving areas with low biodiversity value.

62. The proposed enhancements may not be achievable as envisaged due to the need for extensive bracken clearance. Moreover, some enhancements, notably replacement of existing habitats which are currently ecologically valuable and suited to their location, would not be appropriate.
63. The scheme proposes development with the CWS and as well as removal of existing habitat on the former tennis court and car parking areas, albeit of low to medium ecological value. This would not prevent adverse impacts on biodiversity.
64. There would be some on-site habitat creation from wildflower planting which would 'other neutral grassland'. This would surround Block F, sited on the old tennis court, extend behind Blocks E and C and in a narrow strip along much of the eastern edge of the site adjacent to the Cornish hedge wall. This would be directly adjacent to and with direct access from apartment Suites C1, E1 and F1. These apartments would benefit from very limited private outdoor amenity space, and it seems likely that this area would be used by occupants of those apartments for leisure and recreation purposes. This is likely to reduce the biodiversity gain from some of this area, and biodiversity gain figures associated with habitat unit gains may be overstated. The Cornish hedge would provide additional hedgerow units but is not intended to offset any habitat unit loss.
65. The appellant has argued that the habitat loss within the northern part of the site could not be avoided due to the need to provide parking for the development. I also recognise that there will be circumstances where avoidance is not an option. However, development of a smaller scale may have avoided removal of both broadleaved woodland and willow scrub from within the CWS, whose removal was required to allow for both excavation and the construction of the proposed Cornish hedge wall.
66. I have not been provided with compelling evidence to persuade me that the areas identified for intervention on the western valley slope are necessary in terms of the ecological management of the area, nor desirable in the manner proposed. This suggests to me that the habitat changes proposed are to satisfy the BNG metric rather than based on qualitative requirements within this location. The BNG metric does not negate the need to consider other environmental obligations and policies.
67. On the evidence before me, I cannot be certain that a 10% gain in BNG would be achieved but even if it were to be, I have not been provided with the evidence that the uplift in biodiversity in the manner proposed has taken full account of the mitigation hierarchy nor that it would be the best outcome in ecological terms for the area. For this reason, my conclusion is that the scheme does not provide suitable BNG. It therefore fails to meet the requirements of Policy G1 of the CLP as referred to above.

### *Major Development*

68. The Framework sets out at paragraph 190 that permission should be refused for major development in National Landscapes other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Footnote 67 explains that for the purposes of paragraph 190 and 191, whether a proposal is 'major development' is a matter for the decision maker,

taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

69. Appendix ii of the Cornwall AONB Management Plan provides useful indicators for assessing whether a development is likely to be major in its effect on the landscape quality. My finding, as I conclude above, is that the scale of development would have a detrimental visual impact that harms the scenic quality of the CNL. It would erode the special qualities and features of this part of the CNL in respect of landscape, biodiversity and tranquillity. The nature or setting of the proposed development do not go to the heart of the matter in dispute due to the presence of a hotel development already at the site. However, the scale, extent and design of the scheme are features that are not directly compatible with this location.
70. The ES<sup>33</sup> sets out that the scheme would be major development in the CNL. The Planning Statement<sup>34</sup>, submitted with the planning application, did not accept that position, on the basis that the proposals were modest in scale. That position was maintained by the appellant's planning witness. However, I do not accept that the redevelopment of this site resulting in a 144% increase in gross external area is modest. In my view, the proposal would be major development in the CNL.
71. My attention has been drawn to other developments within the CNL where the Council concluded they were not major development. One of these is the Meudon Hotel where leisure facilities including a swimming pool, restaurant, gym facility and 10 new holiday units were granted permission on appeal<sup>35</sup>, adding around 1,850 square metres of development. In that case, the Council did not argue that the scheme was major development. Whilst there are similarities to the appeal scheme in terms of the quantum of additional development the Council explained that the setting of that proposal was different with the new development being contained within the wooded slopes of the site and largely concealed from view. The setting is not comparable to the appeal site where the proposed development would be visible from several public viewpoints, including the SWCP and significant harm would arise from this.
72. The Nare Hotel scheme added just under 1,200 square metres of development, so was somewhat smaller than the appeal proposal. It was additional development to an existing large and prominent hotel on the cliff top to the east of the appeal site. The Council assessed it as not major development, in summary, due to it being contained within an already developed site, with several elements constituting replacement structures or development on already developed land. The scheme did not significantly increase the scale of development across the site and whilst visible, it did not significantly increase the urban extent of the site when viewed from public vantage points.
73. As with the Nare Hotel, the appeal proposal is not for development on undeveloped coast. However, as I have already covered in the first main issue, the proposal would significantly increase the scale of development compared to existing. It would extend development into the valley given the area has now become vegetated and would significantly and adversely change the character of the site/ This would harmfully impact on public views towards the site and the landscape in

<sup>33</sup> CD1.2.19 ES Chapter 8

<sup>34</sup> CD1.2.15

<sup>35</sup> CD6.1 APP/D0840/W/24/3344255

which it sits. Compared to the effects of the Nare Hotel scheme, the proposal would have a more significant and deleterious effect on this sensitive landscape.

74. I acknowledge the appeal scheme, unlike these others to which I have been referred, does not propose leisure and recreation facilities which helps to keep it more low key. Nevertheless, this does not alter the adverse impact it has given its physical size, extent and location in a highly sensitive and visible landscape.
75. For these reasons, neither the Meudon Hotel nor Nare Hotel schemes lead me to a different conclusion. The scheme would be major development in the CNL and the Heritage Coast and would give rise to significant harm to the CNL and the Heritage Coast.
76. I turn now to whether exceptional circumstances exist and whether it can be demonstrated that the development is in the public interest. Paragraph 190 of the Framework sets out three considerations which should form an assessment of exceptional circumstances, I deal with each in turn.

#### Need for the development

77. The Framework sets out at paragraph 190 a) that an assessment should include the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
78. It seems to me that there are different ways of viewing 'need' in this context, one relating to the need to regenerate the site, the other, the need for this type of development. I consider both.
79. There is generally agreement that something needs to happen at the site, although some parties have alluded to the fact that it could simply be left and allowed to regenerate in its own way. I have already discussed this in my first main issue in respect of the baseline for assessing the tranquillity of the site.
80. The regeneration of the site to prevent its further decline would be desirable. However, this does not justify development if that would cause unacceptable harm. I cannot be certain that the appeal scheme is the only option. The Condition Survey<sup>36</sup> found that most of the former hotel buildings remain potentially habitable with investment, as all retain relatively watertight slate or concrete tile roofs. In terms of demolition, the recommendation was primarily for the extensions to the original farmhouse.
81. A financial viability assessment (FVA)<sup>37</sup> set out three options, the appeal scheme, an aparthotel scheme using the existing buildings; and a conventional hotel based on the same footprint as the appeal scheme. The appellant's firm position is that the appeal scheme is the minimum quantum of development that can be viably delivered on the site. The figures within the FVA were not contested by the Council although they acknowledged that they had not formally reviewed these. In the absence of evidence to the contrary, I accept that of those options assessed in the FVA the appeal scheme is the only option.
82. I do not attribute weight to an alternative scheme because there is not one. However, the 'do nothing' approach could be an option if no acceptable alternative

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<sup>36</sup> CD1.4 Design and Access Statement, Part 9.7

<sup>37</sup> CD1.2.28

development options were to come forward that would protect and conserve this sensitive coastline. I accept that in its current condition, and certainly whilst there are development proposals for the almost complete redevelopment of the site still being considered, there would be little appetite or financial logic to rejuvenate the buildings or the site. I do not know the condition of the buildings at the time the hotel ceased to operate in 2007 nor what they were like at the time the appellant bought the site in 2009. However, it would presumably have been in a better condition than now. I have not been presented with evidence of any significant maintenance of the site in the 17 years since it came into the ownership of the appellant. I cannot find it appropriate, in such circumstances, to allow for the unexplained neglect of the buildings to provide the justification for allowing the redevelopment of the site at the scale proposed.

83. The evidence to support the need for the development of the type proposed, an aparthotel, is conflicting. The Demand Report<sup>38</sup> largely bases its assessment of need upon there being a limited supply of the type of accommodation proposed within the Roseland Peninsula and evidence of growing demand for aparthotel style accommodation generally in the UK along with the popularity of self-catering accommodation. Whereas, Visit Cornwall who are the tourist board for Cornwall, consider that the area already has an excellent range of high-quality hotels and self-catering accommodation. Their former chief, who gave evidence to the Inquiry as an interested party, has stated that the tourism industry is struggling locally. It is their position that any future hotel development should be small incremental improvements to existing stock rather than large scale development.
84. Whilst I recognise the scheme would deliver different holiday accommodation within the Roseland Peninsula, the lack of support from Visit Cornwall for this type of development and the limited evidence relating to need within the Roseland Peninsula is not sufficiently compelling to persuade me that there is a genuine need for this development within the CNL.
85. There are no national considerations to support the need for it but this does not make it unacceptable. In terms of the local economy, as it stands there is some limited economic activity associated with the site. Its redevelopment would bring additional economic benefits to the local area but the level of those benefits would be modest, as I cover in more detail below. My finding is therefore that there would be limited impact on the local economy, if the scheme were to be either refused or permitted.

#### Developing outside the designated area

86. The second assessment criterion at paragraph 190 b) is the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way. With regards to meeting the need to regenerate the site, this could only be carried out in this location because the site is where it is. However, it may be possible to provide a similar type of tourist development elsewhere other than in the CNL

#### The extent to which detrimental effects could be moderated

87. The final criterion c) is an assessment on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. This

<sup>38</sup> CD1.2.14 The Pendower Beach Hotel Regeneration Project Demand Report – The South West Research Company

relates to matters already discussed in this decision. The proposal would be harmful to the environment, the landscape and visually detracting for those coming to enjoy this part of the CNL and Heritage Coast. The mitigation proposed including the lighting strategy, use of recessive materials, ecological enhancements and landscape planting would not be effective in moderating those affects to make them acceptable.

## Public Benefits

### *Economic Benefits*

88. The scheme would regenerate a semi-derelict site within the CNL and on the Heritage Coast. It would utilise some PDL. However, as I set out, the extent of harm arising from the site in its current form is very localised to the area in immediate proximity. A significant part of the area of PDL proposed for development, has largely been taken back by nature, contributing to the CWS and ecology of the area. Therefore, its redevelopment would not be viewed as bringing underutilised land back into use. This aspect of the scheme attracts moderate weight.
89. The retention and enhancement of an existing tourism facility to provide high quality accommodation is a positive aspect of the scheme. However, there is limited evidence it would attract additional tourists, and I heard, anecdotally, that it would likely just draw tourists away from existing. This could impact other local businesses. In the absence of substantive evidence that it would deliver additional economic benefits, I attach moderate weight to this benefit.
90. In addition to new accommodation, the scheme would provide a restaurant which, from what I was told, is not intended to operate into the evening for non-residents, and a shop. Given there is already a café on the site, the additional economic benefits would be limited. These benefits therefore carry limited weight in favour of the scheme.
91. According to the ES<sup>39</sup>, during construction the scheme would provide direct and indirect jobs. Figures of up to 71 new jobs relating to construction have been cited, with 75% of these being local Cornwall based, along with capital expenditure of some £10.69 million within the Cornish economy. These figures are predicated on a two-year construction period whereas it was acknowledged by the appellant that this could be possibly 3 to 4 years. This may potentially increase the economic benefits of this phase but no figures have been provided to evidence this. Shortages of skilled staff locally have been raised by interested parties who have suggested that it is likely these roles would be non-local contractors. However, this is included in the calculations. The construction phase would undoubtedly provide short-term economic gains. Due to the short-term nature of these benefits, I attach moderate weight to these.
92. The ES states that 16 full-time equivalent jobs will be created associated with the aparthotel being operational. The Demand Report refers to 'supporting jobs' rather than jobs creation and this inconsistency was not satisfactorily explained. Inevitably, some jobs would be created but limited information has been provided to explain the nature of those jobs given that the development is predominantly a self-catering operation. Moreover, it is not clear whether jobs creation would be through

<sup>39</sup> CD1.2.19 ES Chapter 5 Socio-Economic Impact Assessment

direct employment at the site, how many would be full or part-time, seasonal or permanent and whether the number of new jobs takes into account the existing jobs at the site. Anecdotally I have been told that there is a shortage of staff in the hospitality sector although I have insufficient evidence before me to factor this in. Nevertheless, for these reasons, I attribute limited weight to this benefit.

93. An estimated £1.2 million annual tourism turnover, based on the restaurant being a daytime operation only, has been cited. At the Inquiry, it was not possible to give me an indication of what that represented in terms of overall tourism on the Roseland Peninsula or more widely to the Cornish economy. The appellant accepts the turnover is vulnerable to change. Nonetheless, there would be some expenditure within the local economy associated with both the apartment owners and visitors to the aparthotel. I attach limited weight to this benefit.
94. The cliff stabilisation works would protect the public highway and would prevent further erosion of the highway, thus enabling Rocky Lane to reopen to vehicular traffic. Funded by the appellant rather than the Highway authority, this would be a saving in public expenditure and thus of benefit. That said, the overriding reason for this section of Rocky Lane to be reopened would be to access the appeal site. The wider public benefits of such, including providing access to the beach, are limited as the beach is currently accessible to beachgoers and walkers alike. I therefore attach limited weight to this benefit.
95. Taking all the economic benefits together, my finding is that they carry moderate weight in favour of the scheme.

#### *Social Benefits*

96. A small retail unit would enhance the offer to beachgoers, walkers on the SWCP and other visitors to the area. There is already a café on site and no evidence to suggest that this would not continue in the absence of planning permission for development. As far as the restaurant is concerned, it would be bigger than the existing café but as discussed above, essentially aimed at daytime use by visitors to the beach, and therefore adds little to what is already available. There are existing public toilets already available belonging to the National Trust a short distance from the site.
97. Access to the beach is not reliant on works to Rocky Lane. The adjacent landowner has explained that in the event of further erosion, the SWCP would be re-routed inland onto his land. Furthermore, Pendower Beach is additionally accessible from the National Trust car park to the east of the site. I give the social benefits of the scheme limited weight.

#### *Environmental Benefits*

98. I have determined that the scale, layout and design of the scheme would be harmful to the CNL and the Heritage Coast. The replacement of the semi-derelict hotel would provide modest benefits given the harm arising from the character and appearance of this hotel, despite its semi-derelict state, is only modest. The works to the original farmhouse would provide repair to a non-designated heritage asset identified as a 'Building at Risk'. However, those works, whilst acceptable when taking a balanced view in accordance with paragraph 216 of the Framework, would alter the character of that building and I therefore only give this limited weight.

99. It is proposed to bury existing cables currently crossing the site. However, these are not significant visual detractors within the landscape and whilst of some benefit, this attracts moderate weight.
100. The creation of a passing place on Rocky Lane would assist traffic movements and is of some benefit. However, the development would also increase traffic along Rocky Lane compared to now. The interventions to this rural road at its eastern end would be harmful to the character and appearance of the area and the limited benefits to be gained by providing a turning area would not be outweighed by the significant harms that would arise. This attracts limited weight from an environmental perspective.
101. The scheme would deliver some ecological enhancements but that would be outweighed by loss of habitats within the CWS. The BNG figures appear to be an overestimation but would not deliver the most appropriate biodiversity interventions. Nevertheless, whilst overall there would be harm, there would be some benefits, to biodiversity including the addition of hedgerow units where there are currently none. The proposal would also provide additional tree canopy cover in accordance with the requirements of Policy G3 of the CEDPD. In combination, the biodiversity enhancements attract limited weight.
102. The proposal would deliver some improvements to surface water drainage, reduce leakage of foul water into groundwater, utilise clean low energy, provide electric vehicle and bicycle charging and for the long-term management of the site. Whilst positive aspects of the scheme, these are the kind of features that would be expected in a modern development. They attract limited weight.
103. Whilst there are some limited environmental benefits, these are far outweighed by environmental harm and therefore when taken cumulatively, I find that the environmental benefits carry limited weight.

#### Overall findings

104. The scheme would deliver moderate economic benefits and limited social and environmental benefits when considered cumulatively. The need for development has not been demonstrated although I accept that the regeneration of the site could only take place at the site. The harm arising from the development could not be moderated to make it acceptable.
105. For all these reasons, I conclude that the proposal would be major development within the CNL and that there are no exceptional circumstances nor has it been demonstrated that the development is in the public interest. This would be contrary to both Policy 23 of the CLP and Policy PD-P4 of the AONB Management Plan which both sets out that major development in the CNL should be refused subject to the tests set out in the Framework.

#### **Other Matters**

##### Protected habitats sites

106. The site lies adjacent to the Fal and Helford Special Area of Conservation (SAC) and is approximately 5 metres from the Falmouth Bay to St Austell Bay Special Protection Area (SPA) at its closest point. These are designated European habitats sites and subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The SAC is designated due

to the presence of qualifying natural habitats and species; and the SPA due to its populations of rare wintering birds

107. In combination with other developments in the area (for example at the Nare Hotel) it is considered that the development may give rise to likely significant effects on the integrity of these sites, particularly through pollution, increased disturbance during construction and recreational pressure. The appellant has proposed mitigation, including, amongst other things, a financial contribution towards management and mitigation of recreational impacts on the SAC, already paid to the Council through a section 111 agreement<sup>40</sup>.

108. Notwithstanding the Council's position on these matters, as the competent authority, under Regulation 63 of the Habitats Regulations I am prevented from granting permission unless the proposal would not adversely affect the integrity of the protected sites. I would be required to undertake an appropriate assessment to confirm this. However, as I am dismissing for other reasons there is no need for me to consider this issue further.

#### Policy 5(3) of the CLP

109. Policy 5(3) of the CLP supports the development of new or upgrading of existing tourism facilities through the enhancement of existing or provision of new, high quality sustainable tourism facilities, attractions and accommodation where they would be of an appropriate scale to their location and to their accessibility by a range of transport modes. Proposals should provide a well-balanced mix of economic, social and environmental benefits.

110. The Council, in its determination of the application, found that the scheme would accord with the thrust of this policy, stating that an increase from 13 hotel bedrooms to 20 aparthotel units would be of an appropriate scale, but also qualified that this would also be subject to an assessment of the layout, scale, design and appearance of the development against the relevant policies of the development plan and design guidance. It did not therefore cite conflict with this policy in its reason for refusal. At Inquiry, the Council's planning witness suggested this was an oversight but was not seeking to correct the reason for refusal or advance a point not made in its statement of case.

111. However, this policy is one of a number of policies against which the proposal was considered by the Council. The Council's position in the officer report is clear that in applying that policy it had based this on the scale of the operation, in other words, an increase in accommodation (numbers of rooms versus numbers of apartments) and not the scale of the physical development as it went on to list scale as a matter for further consideration. Thus, whether or not Policy 5(3) should have been cited as a conflict, the Council's position is very clear that the physical scale of the development would not be acceptable in terms of landscape harm finding conflict with several other development plan policies, National Policy and policies of the Cornwall AONB Management Plan in this regard.

#### Engagement

112. The scheme has been developed over a considerable period through an iterative design process that has been subject to extensive consultation and community

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<sup>40</sup> Under Section 111 of the Local Government Act 1972 (as amended)

engagement. This has helped to inform its development. However, this does not make the scheme acceptable in planning terms and, as evidenced by the significant opposition to the scheme by local residents, interested parties and statutory consultees, including Natural England, the CWT and the National Trust amongst others.

### **Planning Balance and Conclusion**

113. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be made in accordance with the development plan unless material considerations indicate otherwise.
114. The proposal would be major development in the CNL and would fail to conserve and enhance its landscape and scenic beauty. The harm arising from this would be significant. I give great weight to this in accordance with paragraph 189 of the Framework. It would also fail to conserve the special qualities of the Heritage Coast. The scheme would not further the purpose of, conserving and enhancing the natural beauty of the National Landscape.
115. The scheme would cause harm to the CWS through development within its boundaries and its ecological enhancements would not deliver BNG that has taken account of the mitigation hierarchy. This would be harmful.
116. I have already established that the scheme benefits do not adequately demonstrate that the proposal is in the public interest as a major development within the CNL. It therefore follows that the moderate economic and limited social and environmental benefits of the scheme do not outweigh the significant harm I have identified.
117. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For this reason, the appeal is dismissed.

*Rachael Pipkin*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Andrew Byass, Counsel

He called:

Derek Jackson RIBA, ARB, B.Arch, BA (Hons) (in place of Gary Wyatt and adopting his written evidence)

Richard Sneesby FLL, BSc (Hons) MA

Russell Dodge BSc (Hons) MRTPI

Other participants at the Round Table Discussions:

Matthew Davey BSc, MSc MCIEEM

Johnny Goldsmith, Appellant

### **FOR THE LOCAL PLANNING AUTHORITY:**

Sancho Brett, Counsel

He called:

Belinda Edwards BSc (Hons) DipLD MA

James Holman MRICS MRTPI FAAV

Other participants at the Round Table Discussions:

Mark Ball, Principal Development Officer

### **FOR THE RULE 6 PARTY (Friends of Pendower Beach)**

Edward-Arash Abedian, Counsel

He called:

Colette Holden CMLI, MCIEEM, Gain Consulting Limited

### **INTERESTED PARTIES:**

Councillor Julian German

Cornwall Councillor

John Chilton

Interested person

Dr Andrew Appleton

On behalf of Residents of Pendower Court

|                      |                                                                        |
|----------------------|------------------------------------------------------------------------|
| Malcolm Bell         | On behalf of Friends of Pendower Beach (and ex-Head of Visit Cornwall) |
| Alison Golding       | Local resident                                                         |
| Robert Clifford-Wing | On behalf of Philleigh Parish Meeting                                  |
| David Hall           | Wild Roseland                                                          |
| Simon Taffinder      | Neighbouring landowner                                                 |
| Anne Treverton       | Local resident                                                         |
| S Rundle             | Local resident                                                         |

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

|      |                                                                                                                                     |
|------|-------------------------------------------------------------------------------------------------------------------------------------|
| ID1  | Appellant's Appearances and Opening                                                                                                 |
| ID2  | Opening Statement on behalf of the Cornwall Council                                                                                 |
| ID3  | Opening Statement by Friends of Pendower Beach (Rule 6 Party)                                                                       |
| ID4  | Personal Interest Statement – John Chilton                                                                                          |
| ID5  | Presentation of objections by Dr Andrew Appleton on behalf of himself and Sarah Hornby, both resident at Pendower Court, Rocky Lane |
| ID6  | Statement of Malcolm Bell MBE                                                                                                       |
| ID7  | Statement of Alison Golding                                                                                                         |
| ID8  | Photos and statement for the Inquiry from Simon Taffinder                                                                           |
| ID9  | The Building Regulations 2010, Fire Safety Approved Document Part B                                                                 |
| ID10 | Public Inquiry Presentation – Design Matters, Derek Jackson                                                                         |
| ID11 | Town and Country Planning Act 1990 Section 215                                                                                      |
| ID12 | Town and Country Planning Act 1990 Section 219                                                                                      |
| ID13 | Presentation to the public inquiry of David Hall                                                                                    |
| ID14 | Statement of Anne Treverton, Dark Night Skies                                                                                       |
| ID15 | Fal and Helford SAC Recreation Mitigation Progress Report 2020 – 2023                                                               |
| ID16 | Presentation by the Estuary Officer to the Steering Group meeting held on 9 June 2026                                               |
| ID17 | Gwitha glas, Fal and Helford Summer Newsletter – 2026                                                                               |
| ID18 | Additional proposed conditions                                                                                                      |
| ID19 | Stantec Response to Third Party Evidence 22-06-2026                                                                                 |
| ID20 | Closing Submissions on behalf of the Cornwall Council                                                                               |
| ID21 | Closing Statement by Friends of Pendower Beach (Rule 6 Party)                                                                       |
| ID22 | Appellant's Closing                                                                                                                 |
| ID23 | Final Draft Unilateral Planning Obligation under Section 106 of the Town and Country Planning Act 1990                              |
| ID24 | Trusthouse Forte Hotels Ltd v Secretary of State for the Environment (1986) 53 P. & C.R. 293                                        |
| ID25 | Mount Cook Land Ltd v Westminster City Council [2004] J.P.L. 470                                                                    |
| ID26 | R (Langley Park School for Girls) v Bromley LBC [2010] 1 P. & C.R. 10                                                               |

## **DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED**

- |      |                                                                                                     |
|------|-----------------------------------------------------------------------------------------------------|
| ID27 | Appellant's written agreement to pre-commencement conditions                                        |
| ID28 | Agreed wording for Conditions 12/33 and 13                                                          |
| ID29 | Executed Unilateral Planning Obligation under Section 106 of the Town and Country Planning Act 1990 |