
Appeal Decision

Site visit made on 31 July 2013

by **Mike Fox BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 August 2013

Appeal Ref: APP/D0840/A/13/2194697

The Crooked Spaniards Inn, Fore Street, Cargreen, Saltash, Cornwall, PL12 6PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr H and Mrs S Arnold against the decision of Cornwall Council.
 - The application Ref PA12/02859, dated 16 March 2012, was refused by notice dated 6 September 2012.
 - The development proposed is the demolition of the existing two storey and single storey extensions and redevelopment to provide a new two storey extension comprising new licensed areas, lobby areas and manager's accommodation; extension of the stone plinth and erection of 7 no. self-contained holiday accommodation units; and the construction of a pontoon and small decking areas from the quayside.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Cargreen Conservation Area and the Tamar Valley Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site comprises the original Crooked Spaniards Inn (currently not trading), its extensions and the surface car park to the north. It occupies a quayside location on the west bank of the River Tamar within both the Conservation Area and the designated 'development limit' of the small village of Cargreen. The entire village is also located within the AONB, and the appeal site is clearly visible from the AONB to the east of the river.
4. The proposed development would enable the refurbishment of the original inn. The existing extensions to the public house would be demolished and replaced by a two-storey extension, whilst the car park to the north would be developed with 2/3 storey clusters of holiday units. The proposed pontoon would enable increased access to the proposed development and the village by water.
5. National planning policy, as expressed in *the Framework*¹, supports the development of sustainable rural tourism in "appropriate locations" which

¹ Department for Communities and Local Government: National Planning Policy Framework (*the Framework*); March 2012.

respect the character of the countryside (paragraph 28). Support for rural tourism is found in *Local Plan*² policy TM1 and *Structure Plan*³ policy 13.

6. I agree with the main parties that the refurbishment of the public house is required to enable its re-opening as a focus for the community, which would be a positive outcome, and that some form of enabling development to the north of the pub is necessary for scheme viability.
7. The existing pub extensions, including an extensive flat-roofed single storey structure, are of no architectural merit. They look out of place in relation to the original, traditionally designed and distinctive building, and detract from the character and appearance of both the Conservation Area and the AONB.
8. The appellants argue that the scale of the proposed development would be sympathetic to the historic character of the Conservation Area, whilst not negatively impacting on the sensitive landscape setting of the AONB.
9. The stone plinth would increase the height of the proposal by an additional storey, in effect giving it the appearance of a 3/4 storey development. The appellants' photomontage (Ref 6039 P (0) 14) shows the plinth as a continuous, solid wall above a long car park at the water's edge. It would be stark and unremitting, and the quayside would appear car orientated, rather than as a pedestrian friendly area. The proposed development would also screen the views of the historic core and the verdant backdrop of the village to the west by its massing and form.
10. Although the proposal is divided into a number of buildings, separated by narrow gaps, its principal visual effect would be a large, seemingly continuous development. It would dominate the quayside and the small village of Cargreen, which is characterised by small, terraced, two-storey cottages. Whilst some variation in the roof height would punctuate its form and add interest, the overall height of the development would be excessive in this small village context.
11. The appellants argue that the proposed development would leave the original public house as a distinct entity. However, the extension would be physically joined to it, and not be subservient. The existing pub would appear to be the extension, or add-on, rather than the other way round and as such would not be viewed as a distinct entity.
12. The 'wharfside' character of the development would incorporate traditional materials such as stone and slate, ensuring some integration with existing buildings. However, the glazed surfaces and use of metal on the scale proposed would be alien to the character and appearance of the village, which mainly comprises a limited palette of traditional materials.
13. The loss of the green strip fronting the river was raised as a concern, but it is untidy and contributes little to the visual quality of the waterside; its loss would not harm the character and appearance of the area. Concerns were raised over the 'unfortunate' relationship of the proposed Unit 5 to the residential terrace at Hodder Way, although this contemporary development itself contributes little to the traditional character of the village.

² *Caradon District Local Plan First Alteration*; August 2007.

³ *Cornwall Structure Plan*; 2004.

14. Taking all these considerations together, I conclude that the proposal would be out of scale with the domestic and tightly knit character and appearance of the Conservation Area. It would replace the existing unattractive extensions by a larger, inappropriate development, which would dominate the village. It would therefore not comply with the statutory requirement to either preserve or enhance the character or appearance of the Conservation Area⁴. This requirement is reflected in *the Framework* (paragraph 137) and in *Structure Plan* policy 2, which protects the quality, character and distinctiveness of Cornwall's natural and built environment. It would also conflict with adopted *Local Plan*⁵ policy EV2 which sets standards for development in Conservation Areas, and the design principles in *Local Plan* policy ALT2.
15. AONBs have the highest standards of protection in relation to landscape and scenic beauty (*The Framework*, paragraph 115). Therefore, great weight should be attached to their conservation. Emerging *Local Plan* policy 23 highlights the need to have regard to the sensitivity of the AONB. As this plan has undergone its pre-submission public consultation, with submission for Examination programmed for this year, I have accorded it moderate weight. The appeal proposal would detract from the views from the surrounding AONB for the same reasons as in relation to the Conservation Area.
16. Concerns were expressed over the effect of the proposal on the living conditions of neighbouring residential occupiers. It was clear from my site visit that the existing extensions already affect the outlook from a number of properties along Fore Street, in particular Kalyan, which is a terraced cottage sharing a boundary with the appeal site. The height of the proposed extension would be approximately equal to that of the existing pub and therefore would not add to the loss of light or outlook already experienced by the neighbouring occupiers. The proposed extension and the holiday units further to the north would block some of the existing views of the river and beyond, although this is not a material planning consideration.
17. Taking these considerations together, I consider that there would not be a material increase in harm through loss of outlook or light for the occupiers of these properties; any overlooking and loss of privacy from the rear windows in the proposed units could be addressed through obscure glazing and a restricted opening mechanism, imposed through a condition, had I been minded to allow the appeal.
18. In relation to the impact of the proposed development on the living conditions of the occupiers of Hodders Way, the relative heights of Units 4-7 at the northern end of the proposal and the extent of the separation distances would not unduly harm their outlook or natural light; as with their relationship with the Fore Street properties, any overlooking could be addressed by condition.
19. Concerns relating to protected species are focused on the proposed pontoon, which would be located within a Site of Special Scientific Interest, Special Area of Conservation and a Cornwall Nature Conservation Site. However, it is clear from the evidence before me that the concerns expressed by Natural England and other nature conservation organisations in relation to matters such as water quality, increased boat traffic, the timing of works to avoid impact on protected species and impact on hydrodynamic regimes, could be effectively

⁴ The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 72 (1).

⁵ *Caradon Local Plan*; 1999.

addressed by conditions. The pontoon would be an appropriate facility on the riverfront, and it would not be visually alien to its setting.

20. The Environment Agency has registered concern in relation to the sequential test as applied to flood risk, arguing for a wider search area to be undertaken for the proposed holiday accommodation. However, I consider that the search area was sufficient, given that the holiday units were proposed to support the viability of the public house. Neither the Council nor South West Water expressed drainage concerns and I see no reason to come to a different view.
21. The highway authority considers that the likely vehicular trip generation would not be significantly different to the levels associated with the existing premises before it closed, and that the traffic and parking impacts are not unacceptable. The evidence before me does not point to a different conclusion. The slight diversion of the footpath crossing the appeal site to a route closer to the river would not be a further reason for dismissing the appeal.
22. Concerns were expressed that the proposed development may be put to other uses in the future, e.g. as residential. Any material changes of use would be the subject of future planning applications, and determined by the Council in the normal way. The disturbance caused by demolition and construction could be addressed by condition, had I been minded to allow the appeal, whilst the Council would have the legislative powers to curb undue disturbance.
23. In conclusion, whilst I acknowledge the contribution the appeal scheme would make to community life and the local economy, this is outweighed by the harm which would result to the character and appearance of both the Conservation Area and the AONB, contrary to statute, national policy and the development plan. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

INSPECTOR