



KNIGHTOR WINERY

THE VINE, PORTSCATHO

PLANNING STATEMENT

OCTOBER 2023

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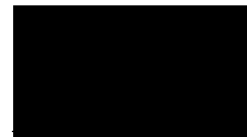
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## 1 SITE LOCATION AND DESCRIPTION

- 1.1.1 The Vine at Knightor Vineyard is located to the north of Portscatho, within the Parish of Gerrans on the Roseland Peninsula. The settlement of Trewithian lies 100m to the east.
- 1.1.2 The site has been in seasonal mixed use for agricultural storage and as a café since 2019, with permission currently in place for operation of the cafe between 1<sup>st</sup> April and 1<sup>st</sup> October, which expires on 5<sup>th</sup> August 2024.
- 1.1.3 The Vine has been operating successfully under Knightor Winery for the past 4 years, employing 12 staff members.
- 1.1.4 The wider site is in agricultural use, planted with 9,000 vines which produce grapes for Knightor Winery, along with winter barley or grass for silage production.
- 1.1.5 The site lies within the South Coast - Central section of the Cornwall Area of Outstanding Natural Beauty (AONB) and within the Roseland Heritage Coast, both of which are landscape designations. There are no ecological, environmental or heritage constraints associated with the site.

## 2 THE PROPOSAL

- 2.1.1 This Section 73 Application seeks to remove the time limiting condition (condition 4) associated with planning permission reference PA20/03233, to allow permanent seasonal use of The Vine (from 1<sup>st</sup> April to 1<sup>st</sup> October), the removal of condition 7 to allow occasional live music performances and the playing of recorded music at the venue, along with the variation of condition 6 to allow extended opening hours to 11pm in line with the current alcohol licence. No physical development is proposed.

## 3 PLANNING HISTORY

- 3.1.1 The following planning history is relevant to this Section 73 Application.
- 3.1.2 PA20/03233 - Change of use of barn and adjoining area from agricultural to mixed agricultural and A3 usage on a seasonal basis April to October – Approved with conditions 5<sup>th</sup> August 2021. This Section 73 Application seeks to remove conditions 4 and 7 of this permission, and vary condition 6, as described in Section 2 above.
- 3.1.3 PA19/03023/PREAPP - Pre-application advice for the change of use of barn to mixed agricultural and A3 usage on a seasonal basis. Advice issued 27 February 2020, stating “if the scheme was to be supported the Council may need to consider the option of a temporary seasonal consent for a year so that monitoring of the mixed use could be

undertaken to establish the effectiveness and appropriateness of any agreed mitigation strategy”.

#### 4 PLANNING POLICY ASSESSMENT

4.1.1 The Cornwall Local Plan, along with the Climate Emergency Development Plan Document and the Roseland Neighbourhood Development Plan, provide the key planning policy considerations for the proposal. In addition, The Cornwall AONB Management Plan 2022-2027 is a material consideration, along with the relevant paragraphs of the National Planning Policy Framework 2023. The proposal is assessed against these policies below.

#### 4.2 Cornwall Local Plan Strategic Policies 2016

##### 4.2.1 Policy 2 – Spatial Strategy

Proposals will be welcome that improve conditions for business and investment in Cornwall, in particular by: ... b. Providing homes and jobs in a proportional manner, where they can best sustain the role and function of local communities and that of their catchment; c. Supporting the expansion of existing businesses and the indigenous businesses of agriculture, fishing and mining.

4.2.2 The proposal relates to an existing and well-established agricultural business, which has been demonstrated to be a successful agricultural diversification project for Knightor Winery. The removal of the time limiting condition will secure the long term, seasonal use of the café, ensuring a continued income stream for this rural business which is an important employer in the area.

##### 4.2.3 Policy 3 – Role and Function of Places

4. Within the AONB or its setting, development will be supported where it is in accordance with the other policies of this Plan and can demonstrate that it conserves and enhances the landscape character and natural beauty of the AONB.

4.2.4 The original planning permission was granted on a temporary three-year basis to establish the impacts the proposal would have on the AONB and local receptors. No complaints have been made during the operation of the café, and no physical development or additional lighting is proposed as a result of this Section 73 Application, so no material harm to the AONB will occur as a result of the permanent operation of the café. The seasonal operation from 1<sup>st</sup> April to 1<sup>st</sup> October will not

change as a result of the proposal. All paraphernalia associated with the café will be removed at the end of the season, and no external lighting is proposed.

#### 4.2.5 Policy 5 – Business and Tourism

To ensure a continued supply of appropriate business space, proposals for new employment land and uses should be:... c) in the countryside and smaller rural settlements be of a scale appropriate to its location or demonstrate an overriding locational and business need to be in that location such as farm diversification; or d) an extension to an existing business where re-location would be impractical or not viable.

4.2.6 Whilst this Section 73 Application does not relate to a new employment use, it will secure the employment of local people through the removal of the time limiting condition. The scale of development has already been demonstrated to be appropriate to its location, through the granting of the original planning permission and the fact that no complaints have been raised during its operation. There is an overriding need to be located here, as the café occupies part of an existing agricultural unit and represents a viable farm diversification scheme, as well as an extension to an existing well-established business, without the need to construct new buildings within the AONB setting.

#### 4.2.7 Policy 13 – Development Standards

All new development will be expected to achieve the provision of the following:... 5. Avoidance of adverse impacts, either individually or cumulatively, resulting from noise, dust, odour, vibration, vermin, waste, pollution and visual effects. Such adverse impacts should be avoided or mitigated during the construction, operation or restoration stage of development.

4.2.8 Whilst this is not a new development, the principles of Policy 13 will nevertheless be complied with as part of this Section 73 Application. A Noise Survey has been undertaken to assess the impacts of the proposed removal of condition 7 to allow occasional live music, and the variation of condition 6 to allow longer opening hours. This concludes that the potential noise levels associated with live music events are very comfortably within acceptable limits.

#### 4.2.9 Policy 23 – Natural Environment

1. Development proposals will need to sustain local distinctiveness and character and protect and where possible enhance Cornwall’s natural environment and assets according to their international, national and local significance...
2. (a) Great weight will be given to conserving the landscape and scenic beauty within or affecting the setting of the AONB. Proposals must conserve and enhance the landscape character and natural beauty of the AONB and provide only for an identified local need and be appropriately located to address the AONB’s sensitivity and capacity...

4.2.10 As no physical development or new lighting is required to facilitate the proposals, it is not expected that any harm to the AONB will result from the proposed removal of the time limiting condition, as all paraphernalia associated with the café would be removed at the end of the season.

#### 4.3 Climate Emergency Development Plan Document (2023)

##### 4.3.1 Policy C1 – Climate Change Principles

Development in Cornwall should represent sustainable development and manage our natural, historic and cultural assets wisely for future generations, contributing in line with the scale and type of development to achieving the following objectives:

Make the fullest possible contribution to minimising greenhouse gas emissions in accordance with the energy and waste hierarchies through ensuring resource efficiency, minimisation of waste, and the prioritisation of renewable energy; ... Maximise the ability to make trips by public transport, sustainable and active modes of transport in all developments through careful design and mix of uses that actively support walking and cycling rather than car use for day to day living;... Avoid or minimise light, water, air and noise pollution and improve or maintain air and water quality...

4.3.2 The café utilises renewable energy in the form of solar PV and battery storage to operate sustainably. This, coupled with the use of the cafe only during the lighter months, which allows the greatest generation potential for the solar panels, means that the café is operating in the most sustainable manner possible in terms of energy efficiency. A significant number of visitors arrive by foot, due to the extensive public footpath network crossing the vineyard and passing in close proximity to the barn.

#### 4.3.3 Policy T1 – Sustainable Transport

New development should be designed and located in order to minimise the need to travel and support a modal hierarchy which prioritises walking, then cycling, then public transport, then car clubs, electric vehicles and lastly private fossil-fuelled vehicles.

Development should be designed to:

1. Facilitate integration between different modes of travel, especially walking, cycling and public transport. Every opportunity should be taken to connect to, and benefit from, existing walking and cycling networks and to maximise permeability for these modes within and outside of sites;
2. Integrate with the existing settlement through inclusive, active travel networks ensuring easy and sustainable connections to community facilities and infrastructure and enabling connections to potential future travel modes; ...

4.3.4 As identified above, the café is well connected to the public footpath network in the area. In addition, the café is within easy walking distance from the settlement of Trewithian and only 200m from the nearest bus stop, offering sustainable transport options for visitors to the site.

#### 4.4 Roseland Neighbourhood Development Plan 2015

##### 4.4.1 Policy LA1 - AONB Management Plan

Proposals for development, including tourism uses, will be supported where they have demonstrated that they meet the objectives of the Cornwall Area of Outstanding Natural Beauty Management Plan, namely to:

- (i) conserve and enhance the diverse landscape and special qualities of the AONB;
- (ii) use materials and be of a scale and design that has appropriate regard to the character, sensitivity and capacity of the protected landscape;
- (iii) be appropriately sited to avoid damage (individually or cumulatively) to the natural beauty, character and special qualities of the AONB, especially avoiding the undeveloped coast and shores and slopes of the Fal Ria and elevated locations such as ridgelines.

4.4.2 As no physical development is proposed as a result of this Section 73 Application, the provisions of Policy LA1 are considered to be met.



#### 4.4.3 Policy CV1 - Village Character

Proposals for development in or adjacent to settlements will be supported where they have demonstrated that:

- (i) the proposal is well integrated with and contributes to and enhances the character of the village or hamlet, having due regard to the local Parish Character Assessment and the adopted sections of the Carrick Design Guide;
- (ii) there are no adverse impacts upon the amenity of local residents;
- (iii) there are no adverse impacts upon those services and facilities that support the vitality and viability of community life.

4.4.4 A Noise Survey has been undertaken to assess the noise impacts that could occur as a result of extended opening hours and the removal of condition 7 to allow the playing of recorded and occasional live music. This concludes that noise levels would be comfortably within acceptable limits and would therefore not result in adverse impacts to the amenity of local residents.

#### 4.4.5 Policy GP1 - Sustainable Development

Proposals for development must demonstrate that the development will make a positive contribution to sustainable development, enhancing the self-reliance of the local community / economy by:

- (i) meeting the economic and social needs of the local community;
- (ii) conserving the special environment in which we live – for residents, visitors and local businesses;
- (iii) ensuring that development improves buildings' resilience to climate change and energy efficiency while being sensitive to local character and distinctiveness.

4.4.6 The proposals will allow the continued operation of a sustainable rural business and important local employer. As such, the proposals are considered entirely compliant with Policy GP1.

#### 4.4.7 Policy CD1 - Commercial Development

To support economic growth, proposals for economic development and premises for business and other development such as infrastructure or necessary utilities

development (where they require planning permission) will be supported provided that it has been demonstrated that:

- (i) the development does not involve building on greenfield sites unless there are no suitable, available or deliverable opportunities to re-use existing buildings or previously developed land (including buildings and land already in commercial use);
- (ii) the development does not entail building on good quality agricultural land (Grades 1,2, 3a) or, where reasonable alternatives can be identified, Grade 3b agricultural land;
- (iii) the development does not involve building on or immediately adjacent to land subject to statutory and non-statutory designations for wildlife and geological value or seminatural habitat;
- (iv) the development would not have significant harmful impacts on the natural and historic environment of the area or the built environment of the settlements;
- (v) the development respects the character of the settlement and any adjoining residential properties;
- (vi) any extension or additions to an existing complex should be sympathetic in terms of scale, design and materials;
- (vii) the development has regard to the Roseland Local Landscape Character Assessment (LLCA) and Parish Character Assessments, ie the design and layout of the development should create a minimal impact upon the surrounding landscape and the appearance and character of the open countryside should not be affected by the development or associated minor residential activities and structures;
- (viii) the proposal does not relate to areas subject to risk of flooding as identified by the Environment Agency;
- (ix) the proposal does not require development on visually-exposed plateaus, ridges or skylines or on steep sided valley sides as identified in the LLCA or any other visually- exposed sites;
- (x) the approach roads are capable of accommodating the volume of traffic generated on the development and a safe access can be provided;

- (xi) adequate parking is provided;
- (xii) the development should be suitably landscaped involving a mix of appropriate soft and hard landscaping retaining existing trees and hedgerows where appropriate;
- (xiii) external storage areas should be appropriately landscaped and screened;
- (xiv) the development should not cause a new or exacerbate an existing pollution problem where pollution is defined widely and includes chemical, light, noise and smell pollution;
- (xv) adequate provision can be made for the disposal of foul and surface water drainage to the satisfaction of the local planning authority;
- (xvi) appropriate provision is made for the protection of any significant wildlife interest which would be displaced by the development;
- (xvii) special care is taken to ensure that bats, barn owls or other birds or their nesting areas or roosts are not disturbed.

4.4.8 The proposals are considered entirely compliant with Policy CD1. The café occupies part of an existing agricultural building, so no greenfield development is required, nor is the development of agricultural land used for crops. The site is not located within any wildlife or geological designations, nor would it result in harm to heritage assets. The proposals would respect the character of the settlement of Trewithian, and it is demonstrated that noise levels would be well within acceptable limits. No physical works are required, so parts vi, vii, ix, xii, xiii, xv, xvi and xvii are not relevant. The site is not at risk of flooding, so complies with part viii. It has been demonstrated through the successful operation since 2019 that the access and parking provision are suitable. No new lighting is proposed.

#### 4.4.9 Policy CD2 - Re-use of Farm Buildings

The reuse of farm and rural buildings for business purposes will be supported provided that it has been demonstrated that:

- (i) the building at the time of the application by reason of its form, bulk, design and materials is in keeping with its surroundings and is sympathetic to the character of its location;
- (ii) the building is capable of conversion without significant extension, ie the volume of the new building does not exceed the total volume of the original

building plus the maximum additional volume that could be generated using the maximum limits imposed for extensions under permitted development;

- (iii) the conversion would use traditional materials where appropriate;
- (iv) the proposed conversion would not result in the character, appearance, architectural or historic integrity of the building or its setting being adversely affected;
- (v) appropriate provision is made for the protection of any significant wildlife interest which would be displaced by the conversion;
- (vi) special care is taken to ensure that bats, barn owls or other birds or their nesting areas or roosts are not disturbed;
- (vii) where feasible, enhancements for wildlife are incorporated, for example, swift boxes on buildings over 5 m tall and bat roosting opportunities.

4.4.10 The proposals relate to the continued, seasonal use of part of the existing agricultural building as a café. No new development is proposed, and the agricultural use of the other section of the building will remain in place. As such, the proposals are considered entirely compliant with Policy CD2.

4.5 The Cornwall AONB Management Plan 2022-2027

4.5.1 Policy SCE-P5 - Support economic and employment facilities within AONB communities which respect and enhance the historic environment, local vernacular and settlement pattern, provided that this does not impact upon the qualifying features of the SAC or SPA from land take or changing land use.

4.5.2 The proposal relates to the continued operation of a local employer and farm diversification scheme. No physical development is required, and the site is not within an SAC or SPA. As such, the proposals are compliant with Policy SCE-P5.

4.6 National Planning Policy Framework 2023

4.6.1 Paragraph 84 - Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;...

- 4.6.2 The proposal will facilitate the sustainable growth of this agricultural diversification business, through allowing permanent seasonal operation, thus securing local jobs and supporting the local economy.
- 4.6.3 Paragraph 85 - Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 4.6.4 The site is located adjacent to the settlement of Trewithian, close to the village of Portscatho. There is a bus stop within 200m of the site, and the café is accessible via the extensive public footpath network, through which a large number of visitors access the site. The proposals relate to an existing building, and no physical works are required to facilitate the continued operation of this rural business.

## 5 EVALUATION AND CONCLUSION

- 5.1.1 There are several policies within the Cornwall Local Plan, the Climate Emergency DPD, the Roseland Neighbourhood Development Plan and The Cornwall AONB Management Plan 2022-2027 which are relevant to the proposal. A full assessment of these policies is set out in Section 4 above, and a summary of the proposal's compliance with the policies is provided below:

Policy Document	Policy	Compliant?	Comments
Cornwall Local Plan	2 – Spatial Strategy	Yes	The removal of the time limiting condition will secure the long term, seasonal use of the café, ensuring a continued income stream for this rural business which is an important employer in the area.
	3 – Role and Function of Places	Yes	No physical development is proposed as a result of this Section 73 Application, so no material harm to the AONB will occur as a result of the permanent operation of the café.
	5 – Business and Tourism	Yes	There is an overriding need to be located here, as the café occupies part of an existing agricultural unit

			and represents a viable farm diversification scheme, as well as an extension to an existing well-established business, without the need to construct new buildings within the AONB setting.
	13 – Development Standards	Yes	A Noise Survey has been undertaken to assess the impacts of the proposed removal of condition 7 to allow occasional live music, and the variation of condition 6 to allow longer opening hours. This concludes that noise levels associated with live music events and recorded music will be comfortably within acceptable limits.
	23 – Natural Environment	Yes	As no physical development or lighting is required to facilitate the proposals, it is not expected that any harm to the AONB will result from the proposed removal of the time limiting condition, as all paraphernalia associated with the café would be removed at the end of the season.
Climate Emergency Development Plan Document	C1 – Climate Change Principles	Yes	The café utilises renewable energy in the form of solar PV and battery storage to operate sustainably.
	T1 – Sustainable Transport	Yes	The café is well connected to the public footpath network in the area. In addition, the café is within easy walking distance from the settlement of Trewithian and only 200m from the nearest bus stop, offering sustainable transport options for visitors to the site.
Roseland Neighbourhood Development Plan	LA1 – AONB Management Plan	Yes	As no physical development is proposed as a result of this Section 73 Application, the provisions of Policy LA1 are considered to be met.
	CV1 – Village Character	Yes	A Noise Survey has been undertaken to assess the noise impacts that could occur as a result of extended opening hours and the removal of condition 7 to allow recorded and occasional live music. This concludes that noise levels would be within acceptable limits, and would therefore not result in adverse impacts to the amenity of local residents.
	GP1 – Sustainable Development	Yes	The proposals will allow the continued operation of a sustainable

			rural business and important local employer.
	CD1 – Commercial Development	Yes	The café occupies part of an existing agricultural building, so no greenfield development is required, no is the development of agricultural land used for crops. The site is not located within any wildlife or geological designations, nor would it result in harm to heritage assets. The proposals would respect the character of the settlement of Trewithian, and it is demonstrated that noise levels would be well within acceptable limits.
	CD2 – Reuse of Farm Buildings	Yes	The proposals relate to the continued, seasonal use of part of the existing agricultural building as a café. No new development is proposed, and the agricultural use of the other section of the building will remain in place.
The Cornwall AONB Management Plan 2022-2027	SCE-P5 – Economic and Employment Facilities	Yes	The proposal relates to the continued operation of a local employer and farm diversification scheme. No physical development is required, and the site is not within an SAC or SPA. As such, the proposals are compliant with Policy SCE-P5.
National Planning Policy Framework 2023	Paragraphs 84 and 85 – Supporting a Prosperous Rural Economy	Yes	The proposal will facilitate the sustainable growth of this agricultural diversification business, through allowing permanent seasonal operation, thus securing local jobs and supporting the local economy. The site is located adjacent to the settlement of Trewithian, close to the village of Portscatho. There is a bus stop within 200m of the site, and the café is accessible via the extensive public footpath network, through which the majority of visitors access the site. The proposals relate to an existing building, and no physical works are required to facilitate the continued operation of this rural business.

5.1.2 It has been demonstrated throughout this Planning Statement that the proposed removal of conditions 4 and 7, to allow permanent operation and the playing of recorded and occasional live music, along with the variation of condition 6 to allow

longer opening hours in line with the alcohol licence is entirely consistent with the aims and objectives of the relevant policies of the Development Plan, and should be supported as such.



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