

Cornwall Council

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Application number: PA21/05209

Agent:

Fisher German LLP
4 Vicars Lane
Chester
CH1 1QU

Applicant:

Initial Parking Ltd
C/o Fisher German LLP
4 Vicars Lane
Chester
CH1 1QU

**Town And Country Planning Act 1990 (as amended)
Town And Country Planning (Development Management Procedure) (England)
Order 2015**

Notice of Refusal of Planning Permission

CORNWALL COUNCIL, being the Local Planning Authority, **HEREBY REFUSES PERMISSION**, for the development proposed in the following application received on 17 May 2021 and accompanying plan(s), for the reasons set out on the attached schedule:

Description of Development: Installation of payment machine, ANPR camera and associated infrastructure. Part retrospective.

Location of Development: Portholland West Car Park
West Portholland
Portloe
Truro
Cornwall
TR2 5PU

Parish: Veryan

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 26 November 2021

Louise Wood - Service Director Planning and
Sustainable Development

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA21/05209

REASONS:

- 1 The proposed parking meter infrastructure, in combination with the adjoining ANPR camera and support post, would represent alien and visually intrusive man-made features which would fail to conserve or enhance the landscape character and scenic beauty of the AONB in which the site lies or the setting of the adjoining listed historic lime kiln structure due to their design and scale, in conflict with policies LA1, LA2, CV2, GP1 and CD1 of the Roseland Neighbourhood Development Plan 2015-2030, Policies 12, 23 and 24 of the Cornwall Local Plan 2016, Policies MD9 and SCC9.02 of the AONB Management Plan 2016-2021 and paragraphs 8, 130, 174, 176 and 197 of the National Planning Policy Framework 2021.

DATED: 26 November 2021

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RELEVANT PLANNING POLICIES:

Cornwall Local Plan Strategic Policies 2010-2030 (Adopted 22nd November 2016)

Policy 1 Presumption in favour of sustainable development

Policy 2 Spatial Strategy

Policy 2a key targets

Policy 3 Role and function of places

Policy 5 Business and Tourism

Policy 12 Design

Policy 13 Development standards

Policy 16 Health and wellbeing

Policy 21 Best use of land and existing buildings

Policy 23 Natural environment

Policy 24 Historic environment

Policy 26 Flood risk management and coastal change

Policy 27 Transport and accessibility

Roseland Neighbourhood Development Plan 2015-2030:

Policy LA1: Supporting objectives of the AONB Management Plan

Policy LA2: Local Landscape Character

Policy CV1 - Village character

Policy CV2 - Listed buildings

Policy SF1 - Services/facilities

Policy SF3 - Public car parking

Policy SGF4 - Open spaces

Policy GP1 - Sustainable development

Policy GP2 - Design and character of the Roseland

Policy CD1 - Commercial development

National Planning Policy Framework 2021

Section 1. Introduction

Section 2. Achieving sustainable development

Section 4. Decision-making

Section 6. Building a strong, competitive economy

Section 8. Promoting healthy and safe communities

Section 9. Promoting sustainable transport

Section 12. Achieving well-designed places

Section 14. Meeting the challenge of climate change, flooding and coastal change

Section 15. Conserving and enhancing the natural environment

Section 16. Conserving and enhancing the historic environment

Planning Practice Guidance

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Cornwall Design Guide 2013
Cornwall Area of Outstanding Natural Beauty Management Plan 2016-2021
Chief Planning Officer Advice Note: Good Design in Cornwall 2017.

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Site/location Plan 129261-08 received 17/05/21
Existing 129261-05 received 17/05/21
Proposed 129261-10 received 17/05/21
Proposed 129261-03 Revision A received 17/05/21
Proposed 129261-02 received 17/05/21
Proposed 129261-04 Revision B received 26/08/21

ANY ADDITIONAL INFORMATION:

- Please note that the proposed development set out in this application would be liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), however, no CIL is payable as the Cornwall CIL Charging Schedule gives this type of development a zero rate. Confirmation of no CIL liability will be sent to the applicant, and any other person who has an interest in the land, under separate cover. However, if the nature of the development were to change, you are advised to contact the Council to discuss the requirement for planning permission and CIL liability.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with this proposal. Members of the planning committee are not bound to accept the advice of officers. As officers advice has not been followed, reasonable planning grounds have been given for taking a contrary decision which is clearly set out in the reasons for refusal. The issues are so fundamental that it is not possible to negotiate a satisfactory way forward due to the harm that has been clearly identified within the reasons for refusal.

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NOTES

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice (or 12 weeks from the date of this notice in the case of householder appeals made in relation to applications submitted on or after 6 April 2009). Appeals must be made to the Planning Inspectorate using a form which can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/government/organisations/planning-inspectorate>. A copy of the completed appeal form must also be submitted to the Council.

Please Note:-If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

Further details are on GOV.UK.

(<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on Cornwall Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.