



# Appeal Decision

Site visit made on 29 August 2023

**by Alison Fish BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 September 2023**

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**Appeal Ref: APP/D0840/Z/22/3291227**

**Portholland West Car Park, West Portholland, Portloe, Truro, Cornwall TR2 5PU**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Initial Parking Limited against the decision of Cornwall Council.
  - The application Ref PA20/11299, dated 18 December 2020, was refused by notice dated 26 November 2021.
  - The advertisement proposed is signage in association with use of car park to inform users of car park Terms and Conditions and use of ANPR camera.
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## Decision

1. The appeal is allowed and express consent is granted for the display of signage in association with use of car park to inform users of car park Terms and Conditions and use of ANPR camera, as applied for. The consent is for five years from the date of the Decision and is subject to the five standard conditions set out in the Regulations.

## Preliminary Matters

2. I have used the address given on Council's Decision Notice as it appears more complete than one provided on the application form.
3. The description on the application form includes proposals which fall outside the scope of advertisement consent. I have therefore used the description provided on the Council's Decision Notice in the banner heading above as it refers solely to the proposed signs. I understand that a separate planning application was submitted for the installation of a payment machine, ANPR camera and associated infrastructure and subsequently refused. The status of that planning application does not affect my consideration of this appeal proposal under the Regulations<sup>1</sup>.
4. The Council's Decision Notice refers to the 'AONB Management Plan 2016-2021' which has subsequently been superseded by the Cornwall Area of Outstanding Natural Beauty Management Plan 2022-2027 adopted May 2022 (AONBMP). The Council and the appellant were invited to comment on its relevance to the appeal proposal and I have taken their comments into account in the determination of this appeal. There is no dispute between the parties that the relevant policy in the AONBMP is PD-P11. The Council also refer to Policies SCC-P2 and SCC-P10. Given that their wording largely reflect the wording of the now superseded policies which appear on the Decision Notice I consider the interests of the parties would not be prejudiced by my consideration of them, insofar as is relevant to this appeal.

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<sup>1</sup> Town and Country Planning (Control of Advertisements) (England) Regulations 2007

5. On 5 September 2023 the Government published a revised National Planning Policy Framework (The Framework). The only substantive revisions to it relate to national policy for onshore wind development, and there have been no fundamental changes relevant to the main issue in this appeal. Therefore, I will not prejudice any party by taking the Framework into account insofar as is relevant to this appeal.

### **Main Issue**

6. The Regulations, the Framework and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety. The Council's Officer Report states that the appeal proposal would not give rise to any concerns in terms of public safety and from what I have seen and read, I agree. For example, the signs would be placed at the periphery of the car park thereby avoiding conflict with users of the site and the signs themselves would not lead to increased parking taking place on approach roads. I also note that the Highways Officer has not raised any objection. Therefore, the main issue in this appeal is the effect of the proposed signs on the amenity of the area.

### **Reasons**

7. The appeal site is a roughly surfaced area in use as a car park. The north eastern boundary of the car park abuts two grade II listed lime kiln structures and therefore they can be seen and appreciated from the car park. Neither of the main parties have described the significance of these listed buildings but from what I have seen and read, I understand the listed structures derive significance from their archaeological and historic interest as part of the industrial heritage of Cornwall. The statutory duty in S66 of the Listed Buildings and Conservation Area Act 1990 does not apply but the effect of the appeal proposal on any features of historic interest are material when considering the effect on amenity. The proposed signs would be within the setting of the listed buildings, defined in the Framework as the surroundings in which a heritage asset is experienced.
8. A number of the proposed signs would be positioned immediately in front of the lime kiln structures. However the size, scale and prominence of the lime kilns together with the modest size and number of signs means that the archaeological and heritage interest of the listed structures would still be readily appreciated. Accordingly, the appeal proposal would have a neutral effect on the significance and setting of the listed buildings.
9. The appeal site is also located in an Area of Special Control of Adverts and nestled in a small coastal cove in the Cornwall Area of Outstanding Natural Beauty (AONB) and Heritage Coast. It provides access to the beach and the South West Coast Path (SWCP). The Cornwall Area of Outstanding Natural Beauty Management Plan 2022-2027 adopted May 2022 (AONBMP) sets out the defining characteristics of the South Coast Central section of the AONB as being an extremely tranquil and well managed farmed landscape with a globally renowned stunning coastline with coastal settlements in sheltered bays rooted in the pilchard fishing industry.
10. As such, the appeal site is located in a high quality landscape. I saw that it is a site which has been developed and used for parking. The evidence before me indicates that the site has been used for parking for a number of years with a

capacity of about 25 vehicles. I also saw that there are a number of existing signs displayed at the site.

11. The proposed signs would be located within the confines of the car park, modest in their size and number and set well back from the public highway. Accordingly, they would be seen in the context of the use of the site as a car park, they would have a very localised impact and would not detract from the wider landscape setting of the car park or how it is appreciated, including from the SWCP. As a result, the proposals both individually and cumulatively would conserve the natural beauty of the landscape.
12. To conclude, I find that the advertisements would not be harmful to the amenity of the area. In reaching this conclusion, I have had regard to the statutory duty<sup>2</sup> on me to have regard to the purpose of conserving and enhancing the natural beauty of the AONB and Paragraph 176 of the Framework which requires that I give great weight to conserving and enhancing landscape and scenic beauty in the AONB.
13. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are relevant. Policies 12, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 adopted November 2016, Policies LA1, LA2, CV2, GP1 and CD1 of the Roseland Neighbourhood Development Plan 2015-2030 made May 2015 (NP), Policies PD-P11, SCC-P2 and SCC-P10 of the AONBMP and Paragraphs 8, 130, 136, 174 and 197 of the Framework seek to protect amenity and so are relevant in this case. Given that I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.

### **Other Matters, Conditions and Conclusion**

14. The appeal site lies within the Zone of Influence of the River Fal and Helford Special Area of Conservation (SAC). However, there is no substantive evidence to suggest that the appeal proposal would be likely to result in significant effects on the designated features of the SAC either alone or in combination with other plans and projects.
15. I note that interested parties have raised concerns about various matters including the introduction of parking charges and fines, the impact on privacy from the operation of cameras at the site and that the appeal proposal will prevent the use of the appeal site for community purposes. I also note that the Parish Council have resolved to designate the appeal site as open space in accordance with Policy SF4 of the NP. However, these are all matters which fall outside the scope of amenity and public safety.
16. In addition to the five standard conditions as set out in the Regulations, the Council have suggested one additional condition listing the approved drawings. However as there does not appear to be any dispute regarding the approved plans, a non-standard condition to this effect is not necessary.
17. For the reasons given above, the appeal is allowed.

*Alison Fish*

INSPECTOR

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<sup>2</sup> Section 85 of the Countryside and Rights of Way Act 2000