



Town Clerk  
Newquay Town Council  
Municipal Building  
Marcus Hill  
Newquay  
TR7 1AF

Your ref:  
My ref: PA21/06058  
Date: 3 January 2023

Dear Sir/Madam

**Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009**

I am writing to let you know that an appeal has been made to the Ministry of Housing, Communities and Local Government in respect of the following planning application:

MHCLG ref:	<b>APP/D0840/W/22/3295146</b>
Cornwall Council ref:	<b>PA21/06058</b>
Appeal start date:	<b>3 January 2023</b>
Proposal:	<b>Temporary change of use of land for Drive-in Cinema</b>
Location:	<b>Land Known As Leans Field North Of Trevarian Hill Trevarrian Newquay Cornwall TR8 4AD</b>
Appellant:	<b>Mr Linley Lewis</b>
Cornwall Council decision:	<b>REFUSED</b>

The appeal is to be decided on the basis of an exchange of written statements by the parties and a site visit by an Inspector.

You may view the documents relating to this case online at <http://planning.cornwall.gov.uk/online-applications> or at the Council offices during normal working hours.

We have forwarded all the representations made to us on the application to the Planning Inspectorate and the appellant (unless they are expressly confidential). These will be considered by the Inspector when determining the appeal.

**If you wish to make further comments, or modify/withdraw your previous representation, you can do so online using the Planning Inspectorate website at: <https://acp.planninginspectorate.gov.uk>.**

**If you do not have access to the internet, you can send your comments to:  
The Planning Inspectorate, Jasmine Rogers, Room 3P Kite Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN.**

All representations must be received by 7 February 2023. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. All representations must quote the MHCLG appeal reference.

Please ensure that you only provide information, including personal information belonging to you, that you are happy will be made available to others in this way. If you supply information belonging to a third party, please ensure that you have the permission to do so. More detailed information about data protection and privacy matters is available on the Planning Inspectorate Web Site.

You can get a copy of The Planning Inspectorate's booklet, "Guide to taking part in planning appeals" free of charge from this office or from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>

The Council's reasons for refusing permission for this development are as follows:

- 1 The proposal would not be of appropriate scale to its location and would not be accessible by a range of transport modes. The development would be sited in a prominent location on the undeveloped coastline. Whilst the harm would be temporary and reversible, the proposal would still be in situ for a significant period of the year and would result in considerable harm to the character and appearance of the area, which is designated as Area of Great Landscape Value. Whilst the development would bring forward significant economic benefits, it is concluded that the proposal would not provide a well-balanced mix of economic, social and environmental benefits. It is therefore considered that the proposal would not amount to sustainable tourism and would conflict with Policies 2, 5, 23 and 27 of the Cornwall Local Plan 2016 and saved Policy 14 of the Restormel Local Plan 2001.
- 2 The proposal is for a main town centre use as defined by annex 2 of the National Planning Policy Framework. The proposal would be located within the open countryside and would not be accessible or well connected to a town or centre. The application would fail to satisfy the sequential test and would conflict with Policy 4 of the Cornwall Local Plan 2016, and paragraphs 87, 88 and 91 of the National Planning Policy Framework.
- 3 The application fails the statutory derogation tests as it would introduce a disturbance to foraging and commuting bats and there is no imperative reason of overriding public interest for the development. The application is therefore contrary to Policy 23(3.d) of the Cornwall Local Plan and the Conservation of Habitats and Species Regulations 2017 (as amended) and amendments; Schedule 5 of the Wildlife and Countryside Act 1981; paragraphs 98 and 99 of Circular 6/2005 and government guidance (updated 7 January 2021) Protected Species and development: advice for local planning authorities.

Should you require any further information in connection with this appeal, please contact me.

Yours faithfully

**Sandra Oram**

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Development Management Service**

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