

Appeal Decision

Site visit made on 22 September 2016

by G Powys Jones MSc FRTPI

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

Decision date: 7 October 2016

Appeal Ref: APP/D0840/W/16/3149514

Former Royal British Legion Club, Churchtown, Mullion, Cornwall, TR12 7BZ.

- 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 Trevor Raybould against the decision of Cornwall Council.
 - The application Ref PA16/00628, dated 25 January 2016, was refused by notice dated 17 March 2016.
 - The development proposed is the partial removal of front boundary wall and railings, to create one on-plot parking space for residential accommodation.
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Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. The building benefits from recent planning permissions for its conversion into residential accommodation, and works are well advanced. The appellant's original plans proposed a parking space in the building's forecourt area, but that proposal was withdrawn following the receipt of adverse comments. The appellant now seeks to re-instate a parking proposal.
3. During the course of its determination of the application the Council, to the applicant's surprise and consternation, decided to treat the building as a non-designated heritage asset. The *National Planning Practice Guidance* (PPG) contains information explaining how non-designated heritage assets are identified.
4. There is no clear indication that this building is included on a local list of non-designated heritage assets, or whether the Council has adopted or published criteria for the identification of such assets. However, nothing in the PPG's advice prevents Council's from treating buildings as non-designated heritage assets, where warranted, during the course of determining planning applications involving them.
5. In its representations the Council says:

It should be noted that the reason for refusal refers to policies 13 and 24 of the emerging Cornwall Local Plan. As the plan has only passed the examination stage, policies of the plan carry little weight... Following a review of the reasons for refusal and having regard to the limited weight the Council will not be referring to or presenting any case on those policies.

6. In the light of this, and in the absence of an adopted development plan, the appeal shall be determined on the basis of the pertinent material considerations.

Main issues

7. The main issue is the impact of the proposed development on the setting and significance of the heritage asset and on the character and appearance of its surroundings.

Reasons

8. Paragraph 129 of the *National Planning Policy Framework* provides that:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

9. The Council, has accurately described the building's physical attributes and, aided by information provided by the Parish Council, has set out the local history of the building. The building was erected towards the end of the nineteenth century and used as a public reading and meeting room. More lately, the Parish Council also used it for its meetings. It was eventually converted into a Royal British Legion Club before it became disused.
10. The Council's principal reasons for treating the building as a non-designated heritage asset arose from its positive, distinctive visual contribution to the street scene and its reflection of part of the social history of the village. Its significance derives from these visual and historical characteristics. I fully understand why the Council so treated the building, and having regard to its imposing appearance and contextual history, I am a little surprised that such a decision was not taken earlier.
11. The appellant recognises that the building has historic significance within the village and appreciates the symmetry of the building. However, he considers that the Council's objections are insubstantial and would have minimal impact upon the building and the street scene.
12. I disagree. Whilst the building itself may not be directly affected by this proposal, the forecourt area forms part of its curtilage and is a crucial element in its setting, being visually inseparable. In this regard the forecourt is comprised of two raised areas supported at the front by low, stone retaining walls, originally topped by decorative railings, one set of which have been removed (*but which the appellant says would be replaced should his appeal prove unsuccessful*). The forecourt is dissected by a set of granite steps with granite pillars and ball finials alongside. The formality and symmetry of the forecourt area contributes positively to the setting of the building.
13. The central steps and the pillars would remain, as would the southern part of the forecourt. However, the northern part of the forecourt would be lowered, and the fronting retaining wall and railings permanently removed. This would introduce a clumsy, harmful visual imbalance at the front of the building, at a prominent point in the street scene. The character and setting of the building,

which has survived virtually intact for well over a century, would be irreversibly damaged.

14. I acknowledge that the appellant has played his part in breathing new life into a local building of value, but to my mind this latest proposal would seriously detract from his achievements. Taking into account the Framework's policy guidance, in my judgment the damage caused to the setting and significance of the heritage asset outweighs the benefits arising from the provision of an off-street car parking space, either public or private.
15. I therefore conclude that the proposed development would harm the setting and significance of the heritage asset, and that this is sufficient reason to dismiss the appeal, notwithstanding any benefits arising from the creation of an off-street car parking space.

Other matters

16. I have taken all other matters raised in the representations into account, including the views expressed by the Parish Council, local residents and Councillors. I have already dealt with the main planning-related points raised.
17. With regard to other matters of concern, I do not consider that the provision of a parking space would materially affect highway or pedestrian safety; I note that the Council and its highways officer share this view.
18. I have also paid particular regard to the appellant's account of the planning history of the proposal and the extensive correspondence with the Council.
19. I note the appellant's comments as to what he considers to be the poor quality of some of the more recent works undertaken on surrounding buildings. However, within its visual context the appeal premises stands out as a building of solid architectural quality with significant local historical connotations. It and its setting is worthy of conservation, which the appellant's proposals would not achieve.
20. The appeal property is located within the Cornwall Area of Outstanding Natural Beauty (AONB), but I am satisfied that the proposal would not impair the AONB's natural beauty, given the site's location within a settlement.
21. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR