
Appeal Decision

Site visit made on 28 February 2017

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 16 March 2017

Appeal Ref: APP/D0840/W/16/3153004

Hengar Manor Country Park, Access To Hengar Manor, St Tudy, Bodmin, Cornwall, PL30 3PL

- 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 Hengar Manor Ltd against the decision of Cornwall Council.
 - The application Ref PA15/11120, dated 8 November 2015, was refused by notice dated 17 March 2016.
 - The development proposed is new siting for 47 static caravans.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The North Cornwall District Local Plan no longer forms part of the statutory development plan for the area. I have determined this appeal against the policies of the Cornwall Local Plan, which was formally adopted by the Council during the course of the appeal process.

Application for costs

3. An application for costs was made by Hengar Manor Country Park against Cornwall Council. This application is the subject of a separate Decision.

Main issue

4. The main issue is the effect of the proposal on the setting of Hengar Manor, a Grade II listed building.

Reasons

5. Hengar Manor is a Grade II listed building situated within the grounds of a holiday park. The significance of the building is mostly derived from its architectural quality, including its external features. It is a former country house which the appellant's Historic Environment Assessment indicates was originally surrounded by parkland. Much of the land to the immediate north and east of the building is now occupied by chalets, caravans and permanent buildings associated with the existing holiday park. However, the adjoining land to the south and south-west of the building remains generally clear of development, comprising a grassy lawn (used as a pitch and putt course) fishing lakes and groups of mature trees.
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6. This undeveloped land contributes to the significance of the listed building by visually exposing its front elevation, which overlooks the open lawn of the pitch and putt course. It also enables the building to be appreciated in the context of verdant, landscaped surroundings, thereby reflecting the historical parkland setting of the building. This is apparent when approaching the building from the driveway to the south-west. While the building is not easily seen from many parts of the driveway, the presence of trees on either side of the road further adds to the rural characteristics of the setting.
7. It is proposed to site 47 static caravans within part of the existing pitch and putt course to the south of the listed building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National Planning Policy Framework (Framework) indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. The Framework makes clear that significance can be harmed by development within the setting of a heritage asset.
8. When approaching the site along the driveway from the south-west, the proposed caravans would come into view at a sharp bend in the road. Currently, the lawn of the pitch and putt course is seen at this point and so provides a sense of openness consistent with a parkland setting. The proposal would undermine this to a certain extent by introducing caravans on an approach that is characterised by its undeveloped appearance from the junction with the B3266 all the way to the listed building. However, due to the level of tree cover, the listed building would not be visible when the caravans come into view. Furthermore, as the caravans would only be seen at a single point in the driveway, their visual impact would be relatively slight.
9. The caravans would cover a relatively large expanse of land which would extend across the full width of the existing pitch and putt course. Whilst some of the caravans could be seen from parts of the listed building and its car park, they would be relatively well distanced behind the remaining areas of lawn. There are also groups of vegetation and mature trees which would further reduce the degree of intervisibility between the caravans and the listed building. Hence, although the presence of caravans would diminish the undeveloped character of the setting as experienced from the listing building, the visual impact of this would be fairly limited.
10. I note the comments of the Council's Historic Environment Planning Team who suggest that the proposal would have a neutral impact on the setting of the listed building based on their desktop assessment. Although the proposed caravans would be experienced within the surroundings of an existing holiday park where other caravans are also present (albeit elsewhere in the vicinity) my own assessment of the scheme leads me to conclude that there would be a small amount of harm to the setting of the listed building. Overall, I concur with the conclusions of the appellant's Historic Environment Assessment which suggests that the loss of open space within the wider setting of the listed building would lead to slight adverse effects.

11. I recognise that additional planting and landscaping could help to mitigate the visual impact of the development but there is little before me to show that this would reduce the harm altogether. Nonetheless, I share the appellant's view that the harm would be less than substantial (as defined in the Framework) and thus paragraph 134 advises that this harm should be weighed against any public benefits associated with the development.
12. The test in paragraph 134 goes further than simply balancing the effect on the setting of listed building against the benefits of the proposed development. Following clarification by the Court of Appeal¹, a conclusion that a development proposal would fail to preserve the setting of a listed building is a consideration that must carry 'considerable importance and weight' in the overall planning balance. Therefore, even though I have found that the harm to the setting of the listed building would be slight, I am nonetheless required to assign this harm considerable weight in my decision.
13. Hengar Manor Country Park is an established tourist enterprise and I am mindful that paragraph 28 of the Framework aims to support economic growth in rural areas. This includes supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. The recently adopted Cornwall Local Plan (the Local Plan) also recognises the importance of the tourism sector to the local economy, with Policy 5 supporting new and upgraded tourist accommodation in sustainable locations. As the proposal would enable the business to expand and also encourage tourist spending in the area, there are likely to be public benefits arising from the development in terms of its contribution to the local economy.
14. However, for the appeal to succeed it needs to be demonstrated that public benefits clearly outweigh the 'considerable importance and weight' that must be assigned to the harm I have identified above. Although I recognise that the provision of visitor accommodation may help the tourist economy in general terms, relatively little evidence has been put forward to show the specific benefits of this particular proposal. For example, while it is argued that the development would increase visitor spending and employment, the magnitude of this is not entirely evident. Similarly, there is little to support the appellant's claim that the proposal would enable the continuing maintenance of the heritage asset by helping to keep the business viable. Therefore, although the appellant goes some way to demonstrating the public benefits of the proposal, the evidence presented in this appeal is not sufficient to outweigh the considerable weight assigned to the protection of the heritage asset.
15. I therefore conclude that the proposal would have a harmful effect on the setting of Hengar Manor. It would conflict with Policy 24 of the Local Plan which aims to protect the significance of heritage assets. There would also be conflict with the provisions of the Framework in this regard. For the above reasons, and having regard to all other matters raised, the appeal should therefore be dismissed.

Colin Cresswell

INSPECTOR

¹ Barnwell Manor Wind Energy Ltd v E Northants DC & Ors [2014] EWCA Civ 137