

Appeal Decision

Site visit made on 27 March 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/D0840/W/16/3166315

Kalinda, Higher Condurrow, Condurrow, Cornwall TR14 9AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Miss S Cann against the decision of Cornwall Council.
 - The application Ref PA16/00560, dated 19 January 2016, was refused by notice dated 12 September 2016.
 - The development proposed is described in the application form as the 'erection of a covered area'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The covered area proposed would be provided by the erection of a timber framed structure measuring approximately 20 by 14 metres and reaching a maximum height of approximately 5.1 metres (the 'structure').¹ With timber cladding to gable ends, the structure would otherwise be open sided.
3. The intended use of the structure is for dog agility training. Notwithstanding that the appellant runs a commercial training facility elsewhere, the development proposed is intended to be solely for personal use.
4. During the Council's determination of the appeal the intended location of the structure has twice changed. The current proposal is to locate the structure towards the far north of the field which is within the same ownership as the dwelling Kalinda.²
5. On 22 November 2016 the Council adopted the Cornwall Local Plan Strategic Policies 2010-2030 (the 'Local Plan') which was emerging at the time of the Council's decision. However policies thereof were cited in the Council's decision notice, and the main parties have had the opportunity to comment on this changing policy context at appeal.

Main issue

6. The main issue is the effect of the proposal on the Cornwall and West Devon Mining Landscape World Heritage Site (the 'WHS') in which the appeal site falls.

¹ As set out in the appellant's design and access statement.

² As illustrated on drawing No SC/1b.

Reasons

7. The appeal site is approximately 120 metres distant from Kalinda which is served by Condurrow Road. It falls within a field bounded in the main by Cornish banks and hedgerows, features which result in it appearing clearly separated from Kalinda and its plot.
8. The topography rises significantly from Condurrow Road broadly towards the north such that the appeal site is elevated and exposed. A mobile home, polytunnel, shipping container and shed nearby within the neighbouring field to the west were present at the time of my site visit.
9. On account of the run of properties along Condurrow Road adjacent to Kalinda, the appellant's Heritage Impact Assessment ('HIA') explains that 'views of the site are obscured from nearly all vantage points along Condurrow Road'. This accords with my site visit observations.
10. Nevertheless on account of the topography, the proposal is likely to be partially visible from within a number of properties fronting Condurrow Road and their gardens. The aggregation of many individual private views becomes a legitimate planning consideration.
11. More significantly, the Great Flat Lode bridleway, a multi-purpose leisure trail including for cyclists and walkers,³ runs nearby towards the north of the appeal site. In a similarly exposed position as the appeal site, there are expansive views from the bridleway of the surrounding landscape which is punctuated by remains of mining heritage, including in the broad direction of the appeal site.
12. During my site visit I was able to clearly see the mobile home and the structures within the neighbouring field from various points along the bridleway, the field boundaries in this location being limited compared to those elsewhere. Therefore from these vantage points the proposal would be readily apparent in the landscape as it would be significantly greater in height and overall size than the mobile homes and structures adjacent. The Council has further explained, and the appellant has not specifically disputed, that the proposal would also be partially visible from more distant vantage points around Troon and the Grenville Estate.
13. The appeal site falls within the Camborne and Redruth District of the WHS, and indeed within an Area of Great Historic Value and Area of Great Landscape Value. The WHS, in respect of which the Council are primarily concerned, is an area accorded particular protection in recognition of the legacy of historic mining activities and the landscape in which this occurred.
14. Policy 24 'Historic environment' of the Local Plan sets out that development will only be permitted if it would sustain the distinctiveness and significance of Cornwall's historic environment. This position is essentially reiterated within criterion 1.d. of policy 2 'Spatial Strategy' of the Local Plan. Policy 23 'Natural environment' of the Local Plan further sets out that development should be designed so as to respect landscape character.

³ As described by the Council in paragraph 5.3 of their appeal statement.

15. The National Planning Policy Framework (the 'Framework') likewise sets out that great weight should be given to the conservation of designated heritage assets including World Heritage Sites, and that planning should recognise the intrinsic character and beauty of the countryside.
16. The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2013-2018 (the 'WHS Plan') explains that the Camborne and Redruth District represents the most heavily industrialised mining district within the WHS on account of the rich mineral seams in the area. There are many visible remains of mining heritage close by the appeal site including Smith's Shaft, Neame's Shaft and Woolf's Shaft.⁴
17. Integral to an understanding of the WHS is the nature of the landscape in which mining activities occurred. Undeveloped parcels of land are important not only in allowing for views of the wider landscape but also in understanding the historic development of the WHS, including as many agricultural fields were originally established as such in order to feed an expanding industrial population.
18. The Cornwall and Isles of Scilly Landscape Character Study released in 2008 identifies the surrounding area as falling within character area 'CA10 Carnmenellis'. The essential characteristics of this area are clearly reflected and reinforced by the appeal site and its surroundings: an open undulating plateau of predominantly rough grazing land demarcated by traditional field boundaries and hedgerows with a dispersed settlement pattern.
19. The proposal would result in the introduction of a substantial built form in an open field which, by virtue of its current nature, is consistent with the nature of the surrounding historic landscape. Moreover from various vantage points identified above, notably along the bridleway, the structure would be visually prominent and obscure certain views of the distant landscape which is important to the integrity of the WHS. This effect would not in my view be significantly reduced were the height of the structure limited to 4 metres as the appellant has suggested.⁵ The proposal would therefore be detrimental to the WHS.⁶
20. I accept that there are a various outbuildings and mobile homes scattered around the area, nonetheless their presence does not justify unacceptable development in the present. I also acknowledge that the proposal represents an understated functional design consistent with that of agricultural buildings, notwithstanding its intended function, and that the appeal site is a small element of the WHS as a whole. Consequently the harm that would arise to the WHS would be less than substantial.⁷

⁴ Notwithstanding that the current location proposed for the structure avoids direct effects on individual elements of mining heritage, as is the position adopted in this regard by the Council.

⁵ In any event there is no way in which I can legitimately reduce the height of the structure proposed to this extent, with regard to the approach set out in the Planning Practice Guidance, Reference ID: 21a-012-20140306.

⁶ Indeed the appellant's HIA does not find that the proposal would have no effect, but rather that there would not be 'any significant effect'.

⁷ My attention has been drawn to barns permitted by the Council via planning application Ref PA15/03424 and near to King Edward Mine. However there is no information before me as to the planning considerations relevant in these instances, including the public benefits arising, and as such they are not directly comparable with the proposal here.

21. The Framework guides that where less than substantial harm would arise to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I accept that the proposal would be beneficial to the appellant by enabling her to undertake her passion of dog training during inclement weather. However, and with reference to paragraph 3 of this decision, the benefits of the proposal are purely individual to the appellant and accordingly do not outweigh the public harm that would result.

Other matters

22. I have taken into account the representations of nearby residents regarding the potential effects of the proposal including in relation to noise, ecology, contamination and the loss of agricultural land. There is nothing in the information before me to arrive at a different position in these respects other than that of the Council, namely that the proposal would not be unacceptable. However that the proposal would not be unacceptable with regard to these matters is neutral in the planning balance rather than weighing positively in favour of the proposal.

Conclusion

23. For the above reasons, I therefore conclude that the proposal would result in less than substantial harm to the WHS, and that this harm is not outweighed by the public benefits of the proposal. Accordingly, and having taken all other matters raised into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR