
Appeal Decision

Site visit made on 15 May 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 4 July 2017

Appeal Ref: APP/D0840/W/17/3169353

Land north of Fow Goth, Water Lane, St Agnes TR5 0QZ

- 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 Mr Gerald Simmons against the decision of Cornwall Council.
 - The application Ref PA16/07274, dated 4 August 2016, was refused by notice dated 27 September 2016.
 - The development proposed is the construction of new single dwelling and detached garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Gerald Simmons against Cornwall Council, which is the subject of a separate decision.

Preliminary matters

3. Notwithstanding the previous planning history to the appeal site,¹ I have determined the proposal before me on its particular merits. I have used the address given in the Council's decision notice in the banner heading above. This more accurately reflects the location of the appeal site than that used in the original application form.
4. The decision notice cited policies 3A and 6D of the Carrick District Wide Local Plan (adopted April 1998). These policies have been superseded by the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 22 November 2016, the 'Local Plan'). However policies of the Local Plan, then emerging, were referenced within the Council's decision notice and all parties have had appropriate opportunity to comment on them.

Main issues

5. The main issues are whether or not access to the appeal site is suitable for the development proposed, and the effect of the proposal on the Cornwall and West Devon Mining Landscape World Heritage Site (the 'WHS').

¹ Applications Ref PA13/08357, PA14/10480 and pre-application advice PA14/00414/PREAPP.

Reasons

6. The appeal site is part of a field at the periphery of St Agnes where the built form of the settlement peters out and gives way to the surrounding countryside. Many nearby properties are historic in origin and tend to be arranged in linear fashion along lanes.
7. The appeal site abuts the plots of the dwellings Fow Goth and Innisbrook. The former dates from around the late eighteenth century, is grade II listed, and is strongly representative of a rural Cornish vernacular. Whilst not listed, Innisbrook is nevertheless of traditional appearance, and has clearly been present for some considerable time.
8. Otherwise the surrounding area is characterised by a patchwork of modest rectilinear fields demarcated by traditional hedgerows. The Council's officer report includes reference to the present pattern of nearby fields and buildings as 'almost identical' to that shown on historic mapping dating from 1888.

Access

9. Policy 27 'Transport and accessibility' of the Local Plan sets out that all development should provide safe and suitable access to the site for all people. This reiterates the second bullet point of paragraph 32 of the National Planning Policy Framework (the 'Framework').
10. The Government's technical guidance on highway matters is set out in Manual for Streets ('MfS'). Paragraph 7.2.3 of MfS recommends that the minimum width of a street should be 2.75 metres to allow for large vehicles to pass on occasion, and that 'widths between 2.75 metres and 3.25 metres should be avoided in most cases'.
11. Access to the appeal site is via the byway Goonown Lane which joins Water Lane nearby. At a significantly greater distance Goonown Lane joins the principal route through the settlement of Goonown (as this is apparently unnamed, I have hereafter referred to it for convenience as Goonown Road).
12. Goonown Lane is enclosed by Cornish hedges, historic embankments and hedgerows, and is extremely narrow along the majority its length. Whilst many rural lanes in Cornwall are of limited width, Goonown Lane is particularly so at certain points (including at two right-angles turns). There are very few locations where vehicles travelling in opposite directions may pass.
13. The appellant has produced a map annotated with figures of the width of Goonown Lane at various points. At 'tyre level' the space available for vehicles ranges between a maximum of 2860mm (point 4) and minimum of 1850mm (point 9). At only two of the 11 points surveyed is Goonown Lane wider than the minimum width recommended in MfS.
14. On account of the characteristics of Goonown Lane, and as a significantly greater length thereof must be traversed if approaching the appeal site from Goonown Road rather than Water Lane, the majority of vehicular movements associated with the dwelling proposed would be via Water Lane. Whilst Water

Lane serves a number of dwellings it is also very narrow in parts, being variously bounded by a hedgerow and an open water course, and similarly has few passing places.

15. Whilst it may be possible for construction vehicles to access the appeal site via the field immediately to the west within the appellant's ownership,² vehicular movements associated with the dwelling proposed would inevitably be along a stretch of Goonown Lane and, predominantly, along Water Lane. In the first instance the constricted nature of these routes would prevent certain larger vehicles from accessing the site.
16. I accept that on account of the nature of Goonown Lane and Water Lane that traffic here is likely light at most times.³ Nevertheless any increase in traffic, even that arising from a single dwelling, would have some negative effects including impeding the progress of other vehicles or necessitating backing up and other awkward passing manoeuvres along confined carriageways.
17. The appellant's traffic count also shows that pedestrians and cyclists make use of Goonown Lane, as is attested to by a number of representations before me from local residents. Therefore any increase in traffic is likely to exacerbate the potential for conflict between different users of Goonown Lane, particularly pedestrians, given that there is limited space available for pedestrians to take refuge and allow vehicles to pass.
18. Whilst I acknowledge that a number of existing dwellings are accessed via Water Lane and Goonown Lane, as established above in the immediate vicinity of the appeal site these are predominantly historic properties. As such, and in the absence of evidence before me related to the planning considerations, if any, that applied to existing properties, the existence of substandard access arrangements nearby does not justify unacceptable development now.
19. I therefore conclude that access to the appeal site is unsuitable and that the proposal conflicts with the relevant provisions of policy 27 of the Local Plan and with paragraph 32 of the Framework.

World Heritage Site

20. The appeal site falls within the St Agnes Mining District of the WHS, an area accorded particular recognition and protection on account of the legacy of historic mining activities and the landscape in which this occurred. The appellant's mining report identifies the presence of mining heritage nearby.⁴
21. As established above both buildings nearby and the character of the surrounding landscape has a clear historic integrity. The appeal site is within the St Agnes Landscape Character Area of the Cornwall and Isles of Scilly Landscape Character Study (published June 2008, the 'LCS').
22. The LCS refers to the area towards the South of St Agnes as a 'patchwork of small fields [which] testify to their origins as miners' smallholdings', noting that

² Notwithstanding that there is no evidence before me to determine the appropriateness of this arrangement.

³ This is supported by the appellant's traffic count undertaken on 20 July 2016 and 23 July 2016

⁴ Mining Search prepared by Wheal Jane Consultancy.

the field pattern is defined by Cornish hedges. These characteristics are clearly apparent in, and reinforced by, the appeal site and its immediate surroundings.

23. 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.
24. The Framework establishes that great weight should be given to the conservation of designated heritage assets, and that any loss thereof or harm arising from development proposed should be considered against the benefits that would result. The Planning Practice Guidance (the 'Guidance') sets out that World Heritage Site Management Plans should be taken into account in determining planning applications.⁵
25. The WHS Management Plan 2013-2018 published in 2013 (the 'WHS Plan') identifies mineworkers' smallholdings and mining settlements as attributes which contribute towards the Outstanding Universal Value of the WHS, i.e. consequently part of the reason for its designation and protection.
26. I accept that the reduction in Cornish hedge to create the access proposed would be relatively modest, irrespective of whether additional removal is necessary beyond that shown on the associated plans to enable access outside of land within the ownership of Innisbrook.⁶ Nevertheless this element of the proposal, alongside overwriting an existing historic field pattern with built development, would harm the historic integrity of the WHS which is clearly apparent here.
27. I therefore conclude that the proposal would have an adverse effect on the WHS in conflict with the relevant provisions of policy 24 of the Local Plan and with relevant elements of the Framework. However given that the effect of the proposal would be principally apparent in the immediate surroundings of the appeal site, the harm arising can in my view fairly be described as less than substantial. This must therefore be weighed against the public benefits of the proposal.
28. I acknowledge that the proposal would result in the establishment of a new home in Cornwall and entail further social and economic benefits including in supporting employment during construction and as future occupants would make use of nearby services and facilities.
29. However the benefits from one new home would inevitably be modest, and there is no robust evidence before me to indicate that the Council are presently unable to demonstrate a five year land supply of deliverable sites relative to needs.⁷ Moreover neither the support in the Local Plan or Framework given to the provision of housing is at the expense of ensuring that all development is

⁵ Reference ID: 18a-034-201040306.

⁶ I understand that it is disputed as to whether the access proposed would fall entirely within land within the appellant's ownership (essentially a private legal matter).

⁷ With reference to paragraph 47 of the Framework and with regard to the evidence referred to in paragraph 4.7 of the Council's appeal statement.

appropriately located and integrates suitably with its environment. Therefore the public benefits of the proposal do not outweigh the harm that would result.

Other matters

30. The appellant has brought to my attention three proposals for dwellings accessed via Goonown Lane, in respect of which he contends that the Council has taken a more permissive approach than in relation to application Ref PA16/07274.⁸ However these proposals are all close to the junction of Goonown Lane with Goonown Road rather than in the immediate vicinity of the appeal site. That area has a more mixed character than the immediate setting of the appeal site and is less strongly reflective of the historic integrity of the WHS, the Goonown Tennis Club in particular being readily apparent in that location.
31. Goonown Road is frequently of sufficient width to enable two vehicles to pass at a time, and has a dedicated pavement in parts, in marked contrast to the constricted nature of Water Lane. Although there is a narrow section of Goonown Lane adjacent to No 26, Goonown Lane around the proposals to which the appellant refers is generally significantly wider than adjacent to the appeal site, thereby affording greater functional space for vehicle manoeuvring and pedestrian use. There are consequently substantive differences between the proposal before me and the cases highlighted by the appellant such that direct comparisons cannot be drawn. Accordingly neither these proposals, nor any other matters, are sufficient to outweigh or alter my findings in respect of the main issues in this case.

Conclusion

32. For the above reasons, and having taking 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

⁸ Ref PA15/11294 which was in outline and has been followed by application Ref PA16/089323, and pre-application advice Ref PA16/02081PREAPP. These proposals are also shown on a map and a matrix comparing their effects relative to the proposal in this appeal has also been submitted by the appellant.