



Appeal Decision

Site visit made on 12 September 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2019

Appeal Ref: APP/D0840/W/19/3231098

Park Cottage, Portmellon, Mevagissey, Cornwall PL26 6PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Tom White against the decision of Cornwall Council.
 - The application Ref PA18/06586, dated 16 July 2018, was refused by notice dated 21 December 2018.
 - The development proposed is the erection of one detached house and one bungalow fit for a person with disability.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application has been submitted in outline. The planning application form shows that detailed matters reserved for future consideration are appearance and landscaping. However, the Council's Statement of Case clarifies that the matters reserved for future consideration are scale, appearance and landscaping as confirmed by the appellant's revised Design and Access Statement dated 25 October 2018.
3. The application initially sought permission for 2 dwellings. Following discussions with the Council this was reduced to one dwelling. As a result, the description of the development changed from that in the header above to 'Outline application with some matters reserved for erection of one detached house'. The Council dealt with the proposal on that basis and so shall I.
4. Since the appeal was lodged the National Planning Policy Framework (the Framework) has been updated, references throughout this decision relate to the 2019 Framework.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area, having regard to the location of the site within the Cornwall Area of Outstanding Natural Beauty (AONB).

Reasons

6. The appeal site forms part of the garden area belonging to Lane End, a dormer bungalow and incorporates a small section of the northern end of the adjoining car park to the side of the public house. It would be accessed via the track which runs along its eastern boundary and provides access for several other

houses. The site is relatively flat and is on the lower level of the harbour area where the land gently slopes towards the sea. Residential properties surround the site in a 'horseshoe' form on land that rises steeply from the historic harbour. This would appear to be the heart of Portmellon, a coastal settlement located within the AONB.

7. Within the immediate surroundings, there is no distinct architectural style and properties vary in design and size. Most are set within landscaped gardens and, in general, are positioned back from the road frontage. The open spacious harbour with its stone walls and curved roads, which wind through the hills rising from the sea front, are significant characteristics of the settlement. These, combined with the steep sided tree and vegetation covered land which envelopes the harbour, provide a distinctively verdant landscape character and make a positive contribution to the character and distinct beauty of the area.
8. The existing southern boundary of the appeal site is heavily vegetated and the host dwelling, Lane End, is not readily seen from either the public highway that runs along the sea front, or from the car park immediately to the south. Although the appellants have indicated that there would be no 'trees of significance or importance' lost as a result of the proposals, development of the site would open up views towards the built environment rather than, as currently viewed, a well landscaped lower screen from which the surrounding houses rise above. It would also bring the built environment further into the undeveloped harbour frontage, diminishing its openness thereby causing harm to the character and appearance of the area.
9. Development on the site would be readily visible from the public domain in local views not only from the harbour but from the higher land that surrounds the site. Views from the surrounding area are both significant and important. I acknowledge that there would be a line of yachts that would provide a semi-screen for lower level views towards the site. However, the area is for winter storage and therefore the yachts would be in place for a limited period providing only a temporary barrier. I noted during my site visit that some boats were in situ and given what I observed, any screen that would be provided by the boats would likely be limited in obscuring any development within this prominent location.
10. I also noted the wooden structures within the car park, allowed by a recent planning permission¹, which enabled the part-development of the car park to encourage and promote leisure and tourism. The structures are sited along the eastern boundary close to the stone wall which bounds the car park. They add a rustic element that successfully fits with the character of the harbour area and do not detract from the openness of the harbour frontage or the verdant backdrop, due mainly to their size and construction materials.
11. The loss of this undeveloped area which forms an important space between the built-up area and the car park and sea would have an adverse visual effect upon the setting of the historic harbour area. Consequently, residential development of the site would cause significant harm to the character and appearance of the area.
12. The appeal site lies within the Cornwall AONB and in determining the appeal I have had regard to the duty under section 85 (1) of the Countryside and Rights

¹ PA18/06592

of Way Act 2000. This requires that decisions have regard to the purpose of conserving and enhancing the special qualities, distinctive character and key features of the AONB, a designation which is afforded one of the highest levels of protection and to which I must attribute significant weight. The Framework² states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.

13. For the reasons outlined above, the proposal would fail to conserve or enhance the distinctively verdant landscape which forms part of the character and context of the local area within this part of the AONB. Therefore, the proposal would have an adverse impact upon the landscape and scenic beauty of the AONB, contrary to the aims of the Framework.
14. In conclusion, the proposal would adversely affect the character and appearance of the area. There would be conflict with the environment protection and enhancement aims of Policies 1, 2, 3, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 and Policies D5, EG1 and EG3 of the Mevagissey Neighbourhood Plan – Plan the Period 2017 – 2032 (made 2018) (MNP) insofar as they require development to have due regard to landscape protection. Policy EG5 of the MNP is not considered to be relevant.

Other Matters

15. I acknowledge the buildings on either side of the car park are of a significantly different form to the many detached houses within the vicinity. However, in my opinion, the appeal site is more closely related, physically, visually and in proposed use, to those properties which surround the site on the slopes to the side and rear.
16. The proposal would provide a single dwelling within a location identified as suitable within the MNP and the use of a principal residence condition, as suggested by the Council, would ensure that the proposal would respond to a local housing requirement. However, due to the small scale of the development this would be a modest social benefit. The proposal would adversely affect the character and appearance of the area within the AONB. This would cause environmental harm to which I attribute significant weight. This harm would outweigh any social benefit of the proposal.
17. The appellants have referenced a recent appeal decision on a site within Portmellon which is located both within the Portmellon Area of Special Character and the AONB. However, I am not aware of the full circumstances of this case and in any event, I have determined the appeal proposal on the evidence before me and on its individual planning merits.

Conclusion

18. For the reasons set out above and taking all matters into account, I conclude that the appeal should be dismissed.

S Hanson
INSPECTOR

² Paragraph 172 of the National Planning Policy Framework