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## Appeal Decisions

Site visit made on 9 December 2019

**by Neil Pope BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 December 2019**

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### **Appeal A Ref: APP/D0840/W/19/3232613**

#### **Wheal Ellen Engine House, Mount Hawke, Cornwall, TR4 8DJ**

- 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 Steve Hennessy against the decision of Cornwall Council.
  - The application Ref. PA19/00203, dated 8/1/19, was refused by notice dated 7/3/19.
  - The development proposed is the restoration, preservation and conversion of Wheal Ellen Engine House and associated works.
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### **Appeal B Ref: APP/D0840/Y/19/3232614**

#### **Wheal Ellen Engine House, Mount Hawke, Cornwall, TR4 8DJ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Steve Hennessy against the decision of Cornwall Council.
  - The application Ref. PA19/00209, was refused by notice dated 7/3/19.
  - The works proposed are the restoration, preservation and conversion of Wheal Ellen Engine House and associated works.
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## **Decisions**

1. The appeals are dismissed.

## **Preliminary Matters**

2. Wheal Ellen engine house is a grade II listed building within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). It lies within the open countryside to the south west of the settlement of Mount Hawke.

## **Main Issues**

3. The main issues are: firstly, the effect upon the character and appearance of the area, including the Outstanding Universal Value (OUV), authenticity and integrity of the WHS (appeal A only) and; secondly, whether the proposal would preserve Wheal Ellen engine house or its setting or features of special architectural or historic interest which it possesses (both appeals).

## **Reasons**

4. The development plan includes the Cornwall Local Plan Strategic Policies 2010-2030 (LP) and the St Agnes Parish Neighbourhood Development Plan 2018-2030 (NP). My attention has been drawn to numerous policies. The most relevant policies to the determination of these appeals<sup>1</sup> are: LP policies 7

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<sup>1</sup> The provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 do not apply in appeal B.

- (housing in the countryside) and 24 (historic environment) and; NP policies 10 (St. Agnes Parish Landscapes<sup>2</sup>) and 11 (historic environment).
5. The Council's Cornwall and West Devon Mining Landscape World Heritage Site Supplementary Planning Document (SPD) was published in 2017. Amongst other things, this includes a framework for considering impacts on authenticity and emphasises that in assessing these impacts on the WHS the Site needs to be considered as a whole<sup>3</sup>.
  6. Whilst not planning policy, my attention has also been drawn to the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2013-2018 (MP). It includes the Statement of OUV and significance and identifies the attributes of the OUV. Amongst other things, the MP seeks to protect, conserve and enhance the WHS. The appeal site lies within area A7 'St. Agnes Mining District' as defined within the MP. The MP has been subject to a process of stakeholder consultation and can be given moderate weight.

*Character and Appearance / WHS (appeal A only)*

7. Wheal Ellen engine house was built in 1866. This three storey granite and slate killas rubble building with cataract pit and round chimney sits on the valley floor of the steep-sided Tywarnhayle Valley. The United Hills engine house<sup>4</sup> to the north east overlooks Wheal Ellen. This valley contains numerous mining remains which can be seen in sweeping views from the public rights of way that traverse the valley side and floor. Part of the valley, including the appeal site, is Open Access Land. It is possible to access some of these mining relics whilst remaining on public land.
8. This area of the countryside lies within the St. Agnes Landscape Character Area (LCA), as defined within the Cornwall and Isles of Scilly Landscape Character Study. The key landscape characteristics of this LCA include: extensive evidence of past mining of tin and copper with derelict sites, bare ground and features such as engine houses and; extensive areas of unenclosed rough ground of scrub and bracken in valleys, often associated with mine sites.
9. As I saw during my visit, the appeal site forms an integral part of a relic mining landscape that contains the remains of chimneys, engine houses, spoil heaps, rough ground and tracks. Having fallen 'silent' for many years and with some remains now reverting to nature, there is a pleasing sense of tranquillity within the valley. These visually prominent mining remains, such as the chimneys, engine houses and spoil heaps, combine to create a distinctive landscape that is of considerable visual and historic interest. The appeal site forms part of picturesque and romantic landscape of ruins.
10. I note from the Statement of OUV and significance for the WHS that the shaping of the Cornish and West Devon landscape in pursuit of metalliferous minerals and the remains of deep mining activities are of considerable importance and value. Moreover, incompatible development could erode the integrity of the WHS and if insufficient regard is given to surviving features the authenticity of the WHS could be reduced. Engine houses, chimneys, mine dumps and infrastructure all form part of the attributes of the WHS.

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<sup>2</sup> The Council has provided a copy of the St. Agnes Parish Draft Local Landscape Character Assessment.

<sup>3</sup> The WHS comprises a series of ten areas, which total about 19,710 hectares.

<sup>4</sup> This derelict 19<sup>th</sup> century building is also grade II listed.

11. The proposed development would entail the conversion and extension to Wheal Ellen to create a dwelling house. The existing walls would be stabilised and a new pitched roof provided to prevent the further ingress of water. The south east gable wall would be rebuilt and a steel deck balcony would be provided over the front (bob) wall at second floor level. The works would be finished using natural stone and slate. The proposal would arrest the deterioration in the fabric of the building and secure its retention<sup>5</sup>. There is an element of planning policy support for the proposed re-use of a redundant building.
12. However, the proposed development would have a marked effect upon the character and appearance of this part of the Tywarnhayle Valley. Unlike the few existing dwellings within the valley, the proposal, by virtue of the height of the building and its re-use for residential purposes would entail a conspicuous change in character within this relic landscape. In particular, the new windows (with likely blinds/curtains and light spill), balcony, proposed kitchen/utility extension and the comings and goings of residents and delivery vehicles, would be very noticeable and ill-fitting within this part of the countryside.
13. This would be compounded by the sizeable domestic curtilage and driveway that would be created around the building and the inevitable domestic paraphernalia, including the loss of rough ground/scrub/gorse and likely external lighting that would also follow. The proposals would detract from the immediate setting of the building and also curtail the ability of the public to explore Wheal Ellen. The development, when seen from the surrounding countryside, including the public rights of way and Open Access Land, would contrast awkwardly with the distinctive landscape qualities and key landscape characteristics, including eroding the sense of tranquillity.
14. When considered as a whole, the proposal would be unlikely to harm the OUV, authenticity or integrity of the WHS<sup>6</sup>. Nevertheless, this new dwelling would sit uncomfortably amongst the remaining mining relics within this valley and, to a limited extent, would challenge the primacy of United Hills engine house<sup>7</sup>. It would diminish the visual and historic interest of this part of the countryside.
15. I conclude on the first main issue that the proposal would harm the character and appearance of the area and would conflict with the provisions of LP policy 7 and NP policy 10.

### *Impact upon the Listed Building*

16. The significance of Wheal Ellen is derived primarily from its architectural qualities, which include its granite and slate killas rubble walls, rectangular plan and round chimney, as well as its historic attributes, which include its role and function within this former mining landscape. The setting of this listed building includes the area immediately around the engine house. As I noted during my visit, the scrub and rough ground around Wheal Ellen assist in affording an appreciation of the historic interest of the building and its role within the valley. This makes a positive contribution to its significance.

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<sup>5</sup> The appellant's Structural Appraisal advises that the building "*is in good conditions (sic)*".

<sup>6</sup> The permissions to convert engine houses elsewhere within the WHS do not set a precedent that I must follow. Each case must be determined on its own merits and none of these other sites are within the Tywarnhayle Valley.

<sup>7</sup> I concur with the appellant's historic environment consultant that the proposal would have a negative/minor to moderate impact on the setting of this listed building. However, my decision does not turn on this matter.

17. I have noted above that the proposals would retain and secure a future use for this important building. The proposed works would also allow for the removal of some unsympathetic repairs that have been carried out in the past. These are public benefits to weigh in the balance together with an addition to the local stock of housing. However, the building is in a generally sound condition and there are powers available to the Council to secure any necessary repairs.
18. The public benefits of the proposals would not outweigh the less than substantial harm that would arise from the domestication of this building and its immediate setting and the erosion of its historic integrity. There would be an unacceptable loss of significance. Even if the proposal is the optimum viable use, it would not be appropriate to secure this for Wheal Ellen.
19. I conclude on the second main issue that the proposal would fail to preserve the special historic interest of Wheal Ellen and its setting and would conflict with the provisions of LP policy 24 and NP policy 11.

*Overall Conclusion*

20. Given all of the above, I conclude that these appeals should not succeed.

*Neil Pope*

Inspector