



Appeal Decision

Site visit made on 14 January 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2020

Appeal Ref: APP/D0840/W/19/3225059

Haven Park, Trewetha Lane, Port Isaac PL29 3RW

- 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 Camps against the decision of Cornwall Council.
 - The application Ref PA18/05872, dated 19 June 2018, was refused by notice dated 22 October 2018.
 - The development proposed is described as '*Outline Planning application with all matters reserved for a single dwelling*'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was submitted in outline with all matters reserved. I assessed the appeal as such, having regard to drawing Ref A1/SCT/18-807-2 for illustrative purposes.

Main Issue

3. The main issue is the suitability of the site for housing with particular regard to the Port Isaac Conservation Area and the Cornwall Area of Outstanding Natural Beauty.

Reasons

4. The appeal site is the rear garden of the detached dwelling Haven Park, which is at the edge of Port Isaac, on the hillside above its historic harbour. The harbourside area is within the Port Isaac Conservation Area (the CA). However, the significance of the CA is not only derived from Port Isaac's historic buildings but also the imposing natural harbour and valley within which they are set. The CA designation therefore incorporates the hillslopes above the harbourside, within which the appeal site falls. The village and its environs are also within the Cornwall Area of Outstanding Natural Beauty (the AONB).
5. I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. As designated heritage assets are irreplaceable, any harm or loss requires clear and convincing justification. With regard to the AONB, great weight should be given to conserving and enhancing their landscape and scenic beauty. AONBs have the highest status of protection in relation to these issues.
6. The site is visible from across the harbour, particularly at Lobber Point and Roscarrock Hill, from where it appears with the housing at Silvershell View and

Silvershell Road and the neighbouring dwelling Harbour Heights and its outbuilding. The garden has a gentler topography than the natural hillside, is domestically landscaped and enclosed by hedgerow and walled boundaries. However, its domesticity is not particularly perceptible in the public views identified. Despite the proximity of built form, the site has a natural and verdant appearance which leads it to relate primarily to the surrounding undeveloped hillside. As such, it makes a small but positive contribution to the significance of the CA and the landscape and scenic beauty of the AONB.

7. Whilst the proposal is in outline, this is the substantive submission and I must consider the scheme's likely effects at this stage. The evidence suggests that a dwelling here could maintain a low, single-storey profile. However, although the hedgerow would provide some screening, it is my opinion that even a single storey dwelling would not be entirely hidden and would have some presence in identified public views. In addition, the vista to the north west is of such appeal that I am not persuaded that the hedge would permanently remain in its substantive form, even if a condition were employed. The proposal would therefore add a degree of urbanisation to the site. The significance of the CA would be harmed and the landscape and scenic beauty of the AONB would not be conserved, albeit to a modest extent.
8. The harm to the CA would be less than substantial. However, any such harm merits great weight in accordance with Paragraph 193 of the Framework and falls to be weighed in the balance with the public benefits of the development. The proposal would provide a house and therefore may improve the housing mix in a village with good access to services and facilities and public transport options to further afield. Given the scale of the proposal this would be a limited social benefit. Although the occupants would likely enhance the vitality of local services through increased use, this would also be a limited economic benefit, as would the Council Tax and Community Infrastructure Levy payments. These limited public benefits would not outweigh the harm to the CA.
9. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 2016) (CLP), amongst other things, supports development within settlements such as Port Isaac if the scheme would round off the settlement or reuse Previously Development Land, of which the appeal site is formed. However, Policy 3 also advises that within the AONB proposals should conserve its landscape character and natural beauty. As I have identified that the proposal would harm these attributes, there would be conflict with this policy.
10. My attention has been drawn to planning permissions in the area¹. However, whilst it seems that there are some similarities in those cases, only limited details are supplied. Ref PA16/08637 sought a replacement dwelling which appears to have a more urban context. Ref PA16/07128 relates to alterations to an existing dwelling set within the housing at Silvershell. These two permissions are therefore materially different. In any event, the matters at hand are site specific, relying upon the exercise of planning judgement. Therefore, these decisions carry very limited weight in my assessment.
11. Consequently, I conclude that the site would not be suitable for housing with particular regard to the Port Isaac Conservation Area and the Cornwall Area of Outstanding Natural Beauty. The proposal would conflict with the heritage and landscape aims of Policies 3, 23 and 24 of the CLP, Policy MD2 of the Area of

¹ Refs PA16/06555, PA17/08693, PA16/07128, PA18/05426, PA16/08637

Outstanding Natural Beauty Management Plan and the Framework. I have also had regard to the Chief Planning Officer's advice Note on Infill/Rounding Off (2017). However, it provides guidance not intended to be prescriptively applied to every circumstance, and it has not altered my findings against this issue.

Other Matters

12. Reference is made to the previous settlement boundary for the village, as defined by the superseded North Cornwall District Local Plan. However, this no longer applies. Conversely, the emerging St Endellion Parish Council Neighbourhood Development Plan 2018-2030 is not yet at a stage of preparation at which I can give any determinative weight to its proposed settlement boundary or its approach.
13. I have given some weight to the personal circumstances of the appellants, as I understand from an interested party that the scheme would enable them to return to the village. However, this would not justify the harm I have identified. I have also had regard to the various matters raised by other interested parties, but this evidence does not alter my findings against the main issue.

Conclusion

14. I therefore find that the proposal would conflict with the development plan when read as a whole. There are no other considerations, including the Framework, that outweigh this conflict.
15. For the reasons outlined above and taking all matters raised into account, including the planning officer's original recommendation to approve the planning application, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR