



Appeal Decision

Site visit made on 25 February 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/D0840/W/19/3239229

Land off School Hill, Mevagissey, St Austell PL26 6TH

- 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 Justin Dodge, Westcountry Land against the decision of Cornwall Council.
 - The application Ref PA19/01977, dated 28 February 2019, was refused by notice dated 13 July 2019.
 - The development proposed is a Cross-Subsidy Residential Development Comprising 7 Dwellings (4 Affordable), Access and Landscaping.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application was refused for two reasons. The second of these related to the lack of an agreed mechanism to secure affordable housing, off-site contributions for education and a proportion of accessible homes. There is now an agreement under Section 106 of the Town and Country Planning Act 1990 which the Council confirms would provide an appropriate mix of affordable housing. It also provides for an education contribution and refers to the accommodation standards of the proposed affordable housing.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area with particular regard to the scenic beauty of the Cornwall Area of Outstanding Natural Beauty (AONB).

Reasons

4. The site is situated towards the edge of Mevagissey and currently has the appearance of rough, unmanaged agricultural grassland. It is opposite Mevagissey Primary School and between an older dwelling (Bosmaen) and a more recently constructed residential development granted planning permission following an appeal, referenced APP/D0840/W/15/3139301 (the 2016 appeal).
5. The main parties agree that there is a need for affordable housing in Mevagissey. Moreover, there is no dispute that the site is well related to services and facilities in Mevagissey, that it could be considered appropriate in broad locational terms as an 'exceptions' site for affordable housing, nor that the proposed amount of open market housing is required to make a viable

development. In that regard, the proposal has support from Policy 9 of the Cornwall Local Plan 2016 (LP) and Policy HO2 of the Mevagissey Neighbourhood Plan 2018 (NP) which relate to the provision of affordable homes on exceptions sites.

6. The whole of Mevagissey and its surrounds are within the Cornwall AONB. Development of the site would result in some loss of openness around the site and an intrusion of built form into the landscape. Viewed from School Hill, the development would be seen very much in the context of the surrounding development and would appear as a clear part of the built up area.
7. Whilst alterations would be made to the boundary hedgerow to facilitate access this could be adequately compensated for through a landscaping scheme that could also provide some biodiversity enhancement. There would be some loss of views through the existing field gate to the coast, but to some extent similar views would still be available through the proposed main site access. From here, therefore, the effect on the scenic beauty of the AONB would be very small.
8. The site would also be visible from the South West coast path. Walkers on the path would likely be focussed on the impressive coastline and far reaching views over the high plateaux. By contrast, views through the site are shorter range terminating a little beyond the site and so contribute to a far lesser degree to walkers' appreciation of the AONB.
9. There are also relatively few places on the coast path from which the site can be seen, due to the intervening topography. Accordingly, they would be transient and experienced for only short periods. However, the appellants Landscape and Visual Impact Assessment (LVIA) accepts that the development may be visible on the skyline from some locations, and that it would be a new incongruous element in the landscape setting.
10. In these views, the site would be seen in context with the surrounding development, in particular that built following the 2016 appeal, but also the school and Bosmaen, which are seen on the skyline and already visibly extend the built form out of the cove and valley. There is no dispute that the dwellings would respect local design characteristics. The surrounding development provides important context to the site and significantly reduces any effect that the proposal would have on the AONB. Furthermore, the site is a small component of the AONB as a whole, and the landscape character area within which the site is located.
11. As such, I find the conclusions of the LVIA that there would be (negative) moderate effects on the landscape, and that there would be a minor deterioration in the high sensitivity views from the coast path, to be robust. However, those minor to moderate negative effects still translate to harm. The appellant suggests that there would be no unacceptable harm, but that finding is dependent upon consideration of the overall planning balance, to which I return later.
12. In addition, NP Policies D1 and EG1 set out that, subject to other considerations, support will be given to proposals that avoid ridge lines and, specifically, do not protrude above prominent ridges or skylines identified in annex 1 to the NP. Annex 1 identifies School Hill as it passes the site as a ridge line to which these policies relate.

13. The appellant contends that the ridgeline shown on the map and described in the supporting text is wrong. Indeed, the detailed topographical analysis in support of that claim shows the site sitting below the ridgeline, which also accords with my own observations at the site visit. However, although the ridge line could have been more accurately defined, there is a clear intention in the policy that this area should be protected from further development that protrudes above the skyline.
14. Moreover, due to the relative elevation, when viewing from the coast path, the ridge line appears to broadly sit on School Hill and, as discussed above, the proposal would likely protrude above the skyline in these views. Therefore, in respect of this proposal, I find that the identified ridge line is sufficiently robust to result in a conflict with those NP policies cited.
15. Weighed against this are clear benefits that would arise in providing affordable housing in an area of identified need, as well as other long and short term benefits associated with the delivery of housing. The National Planning Policy Framework (the Framework) indicates that small and medium sized sites can make an important contribution to housing supply and that support should be given to exceptions sites to meet local needs.
16. I am particularly conscious of the appellant's arguments that the NP does not identify any housing sites and that any extension to Mevagissey to meet identified housing needs would involve land within the AONB. However, that in itself does not lead me to reduce the weight that I attach to the conflict with the landscape protection policies in the NP, which has previously been found sound and is part of the development plan.
17. There is no substantive evidence that alternative sites are not available that might address the local housing need whilst avoiding a conflict with NP Policies D1 and EG1. Considering this, alongside the Council's undisputed ability to demonstrate a 5-year supply of deliverable housing land, I attribute the benefits associated with the provision of market and affordable housing only moderate weight.
18. There is no dispute that the proposal would not constitute major development in the AONB that should be resisted in principle. However, the harm that I have identified means that the proposal fails to conserve or enhance the scenic beauty of the AONB. Whilst the harm would be limited, in accordance with Framework Paragraph 172 and LP Policy 23 which relates to the natural environment, such should be attributed great weight.
19. I note that LP Policy 23, along with Policies PD4 and MD5 of the Cornwall AONB Management Plan 2017-2030, does permit development relating to identified local needs, but in the absence of substantive evidence that this site must be released to meet those needs, I find conflict with the policy read as a whole. It would also conflict with those aims of LP Policy 12 that seek to ensure that development maintains and enhances Cornwall's distinctive natural character.
20. LP Policy 1 sets out that planning applications that accord with the policies in the LP and Neighbourhood Plans should be approved unless material considerations indicate otherwise. LP Policy 2 sets out a spatial strategy for Cornwall. It seeks to secure a sustainable approach providing a well-balanced mix of economic, social and environmental benefits. This includes providing homes where they can best sustain the role and function of local communities

whilst protecting, conserving and enhancing the natural landscape, amongst other considerations. A hierarchy of settlements is set out in LP Policy 3, and the support obtained from Policy 9 would result in no conflict with that policy, which permits exceptions sites adjacent to settlements.

21. However, given the relative weight that I have attributed to the conservation and enhancement of the AONB and the provision of housing the overall aims of Policy 2 would not be met. Having balanced these considerations as required by LP Policies 1 and 2, and considered the NP, I, therefore, find that the proposal conflicts with the development plan considered as a whole.

Other matters

22. Like me, the Inspector considering the 2016 appeal found only limited harm to the AONB. In that case, the Inspector placed greater weight on the delivery of housing. I do not have the benefit of the evidence before that Inspector in terms of housing supply, but the decision clearly pre-dates both the NP and LP. The balance of considerations would, therefore, have been different.
23. My attention has also been drawn to a recent decision of the Council¹ to permit a larger housing scheme nearby. However, that scheme proposed 26 affordable homes, so the scale of benefit would have been greater than in the scheme before me. These earlier decisions do not, therefore, lead me away from my findings on the main issue.
24. As well as seeking to secure affordable housing, the submitted planning obligation would provide a contribution towards education. There is nothing to suggest that this would be anything other than mitigation and is, therefore, neutral in the planning balance.

Conclusion

25. Material considerations do not indicate that a decision should be taken otherwise than in accordance with the development plan. I, therefore, conclude that the appeal should be dismissed.

M Bale

INSPECTOR

¹ LPA Ref. PA18/09651