
Appeal Decision

Site visit made on 10 August 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2020

Appeal Ref: APP/D0840/W/20/3251925

Land adjacent to War Memorial, New Road, Cawsand, Cornwall, PL10 1PD.

- 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 Mount Edgumbe Estate against the decision of Cornwall Council.
 - The application Ref.PA17/06962, dated 24/7/17, was refused by notice dated 22/11/19.
 - The development proposed is the construction of a dwelling, access to highway and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the settings of various listed buildings¹ and the Cawsand Fort Scheduled Monument (SM). It also lies within the Kingsand / Cawsand Conservation Area (KCCA)² and the Cornwall Area of Outstanding Natural Beauty³ (AONB).
3. The application and appeal were accompanied by site ownership certificates (Certificate A) that certify that nobody except the applicant / appellant was the owner of any part of the land to which the application / appeal relates. However, it is evident from the proposed Drainage Strategy that a connection to the combined South West Water sewer in Garrett Street is required across land in which third parties appear to have a legal interest. Different site ownership certificates should therefore have been completed / served.
4. The purpose of site ownership certificates is to alert those with a legal interest in land to the existence of an application / appeal. In this instance, those third parties that appear to have a legal interest along the route of the proposed sewer connection made representations at the application and appeal stages. No party is therefore likely to be prejudiced by the failure to complete / serve the correct site ownership certificates.

Main Issue

5. The main issue is whether any harm to the significance of designated heritage assets, with particular regard to the SM, the Kingsand / Cawsand War Memorial and the KCCA, would be outweighed by any public benefits.

¹ The LPA has identified 17 Grade II listed buildings, including the Kingsand / Cawsand War Memorial. The provisions of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

² The provisions of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

³ The provisions of section 85 of the Countryside and Rights of Way Act 2000 are engaged.

Reasons

6. This 0.05 ha site forms part of the steeply sloping headland atop of which sits Cawsand Fort. It lies within the settlement of Cawsand and overlooks Cawsand Bay and various Grade II listed buildings in Garrett Street to the east. The southern boundary of the site is immediately adjacent to the Kingsand / Cawsand War Memorial. The site can be seen in public views, including those from the beach and sections of the South West Coastal Path.

Planning Policy and Other Published Documents

7. The development plan includes the Cornwall Local Plan Strategic Policies 2010-2030 (LP) and the Rame Peninsula Neighbourhood Development Plan 2017-2030 (NP). My attention has been drawn to numerous policies. The most relevant policies to the determination of this appeal are: LP policies 3,12,23,24 and; NP policies 5 (general development), 6 (the forts of the Rame Peninsula) and 7 (conservation areas).
8. Whilst not part of the development plan, the Cornwall AONB Management Plan 2016-2021 (MP) is a material consideration that carries moderate weight. This includes a Statement of Significance in respect of Rame Head and sets out various policies. The most relevant policies to this appeal are RH11.05 (Rame Peninsula) and; CC13 (historic built environment).
9. My attention has also been drawn to the Cornwall and Isles of Scilly Landscape Character Study 2008 (LCS)⁴, the Cornwall Design Guide 2013 (CDG), the Kingsand and Cawsand Conservation Area Character Appraisal and Management Plan Consultation Draft 2012 (CAA), and the Council's Chief Planning Officer's Advice Note 'Good Design in Cornwall' 2017. The LCS and CDG have moderate weight and the Advice Note and CAA have limited weight.
10. The National Planning Policy Framework (the Framework) is an important material consideration that carries considerable weight.

Public Benefits

11. The proposed development would increase the choice and stock of housing within the settlement of Cawsand. Occupiers of the proposed dwelling would have access to a range of services and facilities, including public transport, and would be likely to help strengthen and support these. During the building phase, the proposal would also help support the construction industry. This new split-level dwelling with its stepped low-pitch sedum roofs and zinc detail, coursed limestone walls and large areas of glazing would be designed to a high standard⁵ and would add an interesting piece of architecture to this coastal settlement. The totality of these public benefits can be given moderate weight.

Impact Upon the Significance of the SM

12. The significance of this mid-19th century fort and battery with associated glacis (the fort also includes the remains of a late 18th century battery) is derived primarily from its historic interest, as part of the network of strategic defences of the South West and the Channel Coast, as well as its architectural interest, which includes its curtain wall of monumental limestone ashlar, bastion, demi-bastion, dry moat, magazine, former barracks and gun platforms / positions.

⁴ I understand the appeal site lies within the South East Cornwall Plateau landscape character area (LCA).

⁵ It would accord with some aspects of the CDG and the Council's 2017 Advice Note.

Whilst part of the SM has been adapted for residential use it remains clearly discernible as a fortified structure that is of national importance.

13. The appeal site forms part of the immediate and extensive setting of Cawsand Fort. The green open qualities of the site form part of the largely undeveloped foreground and hillside setting to this designated heritage asset and assist in affording an appreciation and understanding of the commanding location, strategic importance and the dramatic effect of this SM. The site makes a positive contribution to the significance of this high value heritage asset.
14. Although the appellant's architect has given thoughtful consideration to the design of the proposed dwelling and the materials of construction, this new building and associated works, including excavations⁶ into the hillside and the parking deck, would markedly intrude into the setting of the SM and be a prominent addition within the foreground of Cawsand Fort. The reduction in the green open qualities of the site and the distraction caused by the development in views towards this designated heritage asset would diminish the ability to appreciate the strategic importance and dramatic effect of the SM. The proposal would conflict with the objectives of NP policy 6.
15. In the context of the Framework, the proposed development would result in less than substantial harm to the significance of this designated heritage asset. Evidence submitted on behalf of the appellant has described this impact as "*Negative/Minor*", whilst Historic England consider that the level of harm would be "*highest within that less than substantial scale*". If there is a sliding scale of harm within this category, the proposal would be somewhere in the middle.
16. Great weight should be given to an asset's conservation and the more important the asset, the greater the weight should be. Less than substantial harm to the significance of this SM does not therefore amount to a less than substantial planning objection when undertaking the 'heritage balance'. I attach substantial weight to the harm that I have identified above.

Impact upon the Significance of Various Grade II Listed Buildings

17. The significance of the circa 1920 Kingsand / Cawsand War Memorial is derived primarily from its historic interest as a commemoration to local residents who died during the First and Second World Wars, as well as the architectural interest of this large granite obelisk.
18. The appeal site forms part of the immediate and extensive setting to this Grade II listed building. The green open qualities of the site form part of the undeveloped hillside to the north of this designated heritage asset. This assists in placing this heritage asset apart from the settlement below and, as described within the appellant's heritage assessment, enables the memorial to remain "*one step removed from everyday*". The appeal site helps in affording an appreciation of the heritage interest of this prominent listed building and an understanding of the scale of sacrifice made by local residents and the impact upon the local community.
19. The proposed development would be seen in some views to and from this listed building. Whilst seeing a development does not in itself amount to a harmful impact, the development would intrude into or impinge upon some of these views. The loss of the green open qualities of the appeal site and the

⁶ These works also have the potential to disturb important archaeological remains.

encroachment caused by a new dwelling and associated works immediately alongside this asset would 'draw the eye' away from this memorial and diminish its significance / historic interest. It would also erode the sense of separation from the settlement and the ability to reflect upon the sacrifices made by those who served and lost their lives during the 20th century.

20. On behalf of the appellant, the impact of the proposed development has been described as "*Negative/Moderate*". In the context of the Framework, the proposal would result in less than substantial harm to the significance of this heritage asset. If there is a sliding scale of harm within this category the proposal would be somewhere towards the middle. This harm carries considerable weight in the 'heritage balance'.
21. The appeal site forms part of the hillside settings to a number of Grade II listed buildings within Garrett Street to the east. These include the row of 18th and early 19th century houses on the west side of the street known as Brick House, Clarendon, Avon, Seacroft and Coast Cottage. The significance of these buildings is primarily derived from their architectural qualities, which include brick, stucco, rendered and rubble walls, slate roofs, sash windows and gable end stacks, as well as their historic interest, being examples of buildings / town houses that reflect the growth and development of Cawsand at that time.
22. The largely undeveloped and open qualities of the appeal site assist in maintaining the separation of these buildings from Cawsand Fort above and provide a pleasing contrast to the compact nature of the development in Garrett Street. The site makes a positive contribution to an understanding of the historic landscape setting and an appreciation of the heritage interest of this row of houses, including the pattern of development below the SM.
23. The proposed dwelling and associated works would be prominent when seen from these listed buildings, as well as in some views of these buildings from sections of the beach and the public realm to the north east. The proposed development would erode the undeveloped open qualities of the appeal site and detract from the historic landscape settings of this row of listed houses. The proposal would harm the significance of these designated heritage assets. This would amount to less than substantial harm to their heritage interest. If there is a sliding scale of harm within this category the proposal would be towards the lower end. This also weighs heavily in the 'heritage balance'.

Impact upon the Significance of the KCCA

24. The significance of the KCCA is derived from its special architectural and historic interest. This includes the attractive landscape and seascape settings of the settlements, which have shaped the pattern of development and influenced the fortifications that lie adjacent to the KCCA as well as the contribution made by the numerous listed buildings. The appeal site forms part of the green open hillside setting to this part of the KCCA and is an integral part of some attractive views into and out of this designated heritage asset. It makes a positive contribution to the heritage interest of this area.
25. Although the proposed dwelling would add an interesting piece of architecture to the KCCA, as I have found above, it would also harm the significance of several listed buildings. I concur with the appellant's heritage assessment that the overall impact on the heritage interest of the KCCA would be negative /

minor. This would conflict with the provisions of NP policy 7 and some of the recommendations in the CAA.

26. The proposed development would comprise less than substantial harm to the significance of the KCCA. If there is a sliding scale within this category of harm the proposal would be towards the lower end of harm. This also weighs against an approval when undertaking the 'heritage balance'

The Heritage Balance

27. When the public benefits of the appeal scheme are weighed with the harmful impacts to the various designated heritage assets that I have identified above I find that the heritage balance tips firmly against granting planning permission. I therefore conclude on the main issue that harm to the significance of these assets would not be outweighed by the public benefits. The proposal would conflict with the provisions of LP policy 24.

Other Matters

28. The proposed loss of the green open qualities of the appeal site and the new building's intrusion into this attractive and sensitive area of sloping headland would fail to conserve and enhance the landscape character, natural beauty and scenic qualities of this part of the AONB. Although in the context of the AONB as a whole the proposal would result in very limited harm, it would be at odds with the provisions of the Framework that are aimed at protecting designated landscapes and LP policies 3(4), 23.2(a), NP policy 5 and the objectives of the LCS. The above noted harm to the setting of the SM would also be at odds with the Statement of Significance for Rame Head and MP policies RH11.05 and CC13. This lends further considerable weight to the argument for withholding planning permission.
29. I have determined this appeal on its own merits. However, I note that the appellant has had two previous appeals⁷ dismissed for residential development on this site. There have been changes to planning policies in the intervening period and the designs of the proposed dwellings are likely to have been very different to the scheme before me. Nevertheless, it has previously been found that housing on this site would harm important heritage assets. I have made a similar finding in respect of this latest appeal.

Overall Conclusion

30. Given my findings in respect of the main issue, the Council was correct to withhold planning permission. However, even if I am wrong on the 'heritage balance', if the harm to this nationally important landscape was placed into an overall planning balance, there would be very clear grounds for dismissing the appeal, including conflict with LP policy 12. Having regard to all other matters raised, I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector

⁷ APP/K0805/A/00/1052609 and APP/K0805/A/02/1106163.