



Appeal Decision

Site visit made on 2 September 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2020

Appeal Ref: APP/D0840/W/20/3252233

Land Off Polgine Lane, Troon, Camborne, Cornwall TR14 9DY

- 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 Mike Hooper against the decision of Cornwall Council.
 - The application Ref PA20/00049, dated 2 January 2020, was refused by notice dated 29 April 2020.
 - The development proposed is described as *'outline planning for four dwellings at Land Off Polgine Lane, Troon TR14 9DY'*.
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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, referring to the block plan on an illustrative basis.

Main Issues

The main issues are:

- the suitability of the site for the proposed development, having regard to local policy for the location of housing; and,
- the effect of the proposed development on the character and appearance of the area, with particular regard to the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS), the Part of the mining complex at South Condurrow and Wheal Grenville Mines, 410m south west of Newton Moor Farm Scheduled Ancient Monument (the SAM) and the Grade II listed Engine House on Site of Grenville United South Mine (the Engine House).

Reasons

The suitability of the site

3. The site is part of a plot of open land at the edge of the settlement of Troon, adjacent to the suburban housing set across the sinuous streets of the Grenville Estate. Access is from Polgine Lane which heads north eastwards towards the site and, upon reaching it, turns to the north west and becomes Grenville Gardens. The site is open to the remainder of the plot to the east and to the south, beyond which are bungalows which front a different part of Polgine Lane. A Public Right of Way (the PROW) passes along the north site boundary, separating the site from expansive scrubland. Ground coverage and soil within the site have been stripped as a result of recent exploratory work.

4. Policy 2 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the CLP) sets out Cornwall's spatial strategy. It seeks to maintain Cornwall's dispersed development pattern, based on the role and function of places. Policy 3 of the CLP supports appropriately scaled growth at settlements such as Troon, subject to a scheme meeting one of specified criteria. Of potential application to this proposal is where a scheme would use previously developed land (PDL) within or immediately adjoining a settlement, or where it would constitute the 'rounding off' of a settlement.
5. PDL is identified by the National Planning Policy Framework (the Framework) as land which is or was occupied by a permanent structure, including the curtilage of the developed land, and any associated fixed surface infrastructure. It excludes land where the remains of the permanent structure or fixed surface structure have blended into the landscape. Whilst ground exploration and mapping software clearly identify the site's former mining use and below ground features, there is little evidence of any surface structure, previous or otherwise, nor evidence that the land is part of the definable curtilage of such. If a surface structure once stood here, it has now very much blended into the landscape. On this basis, I do not consider the site to constitute PDL.
6. The supporting text to Policy 3 states that 'rounding off' relates to land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth. Proposals should not visually extend building into the open countryside. Whilst the PROW and Polgine Lane are physical features which act as a barrier to growth, the south and east boundaries of the site are undefined by a clear physical feature, albeit future growth in these directions would be unlikely given the contamination of the adjoining land.
7. Visually, Polgine Lane and Grenville Gardens capture rows of housing to the west, separating them from the appeal site. Due to this location and the site's verdant and open appearance, it more closely associates with the adjacent scrubland also on the east side of the carriageway. Whilst further housing on Polgine Lane is visible to the south east of the site, these buildings are peripheral within this street scene and turn away from it. For these reasons, the site reads as part of the countryside outside of Troon. It follows that the proposal would visually extend building into the countryside and would not amount to the rounding off of the settlement.
8. This leads the scheme to fall for consideration under Policy 7 of the CLP, which seeks to avoid new homes in the countryside unless there are special circumstances. There is no evidence before me that any of the circumstances within Policy 7 would apply in this case.
9. Reference has been made to the Chief Planning Officers Advice Note: Infill/Rounding Off (2017) (the CPOAN). Whilst I accept the appellant's arguments around the term 'adjacent', the CPOAN is clear that sites should be judged 'case by case', considering whether they have the appearance of being within the physical boundaries of a settlement. It repeats the requirement that proposals should not visually extend building into the countryside. The CPOAN therefore adds little support to the scheme. It is a guidance document not intended to supplant the requirements of the development plan in any event.

10. I therefore conclude on this issue that the site would not be a suitable location for the proposed development, having regard to local policy for the location of housing. The proposal would conflict with Policies 2, 3 and 7 of the CLP.

Character and appearance

11. The site is within the A5 Camborne and Redruth Mining Districts Section of the WHS, which envelops much of Troon. It is within the environs of what became Grenville United Mines, the remnants of which can be viewed along the PROW to the east of the site. Part of the former mine is the SAM, which contains the Engine House. I therefore have a duty to consider the impact of the proposal on the special architectural and historic interest of the listed building. The WHS and the SAM are also designated heritage assets of the highest significance.
12. These designated heritage assets are intrinsically linked and draw significance from one another. As Polgine Lane sweeps around to become Grenville Gardens it presents a vista to the east of an exposed post-industrial landscape scattered with mining structures and artefacts. It is a notable opportunity to appreciate various components of the WHS designation and understand the extent to which mining shaped Troon. As such, this area of countryside, including the SAM, makes a significant contribution to the Outstanding Universal Value (OUV) of the WHS¹. The tall and imposing form of the Engine House makes an obvious contribution to OUV and the significance of the SAM. It, in turn, benefits from its prominent location within this former mining landscape.
13. The appeal site is enclosed by vegetation which prevents it from adding to wider landscape views when one is stood close by. However, from higher land along Polgine Lane the Engine House is framed by the alignment of the carriageway and appears to rise against the sky above the site. The greenery which shrouds the site reinforces the historic placement of the Engine House within Troon's industrialised landscape setting. The effect is picturesque. The urbanisation of the site would detract from the quality of this scene, and dwellings would diminish the primacy of the Engine House. This would harm the settings of the SAM and the Engine House and their contributions to the OUV of the WHS. This harm would not be offset by any improvements to the PROW through clearance work along the site's north boundary.
14. The harm to each individual designated heritage asset would be less than substantial. Any such harm nonetheless 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. I return to this later in my decision.
15. Policy 21 of the CLP, like the Framework, seeks to make the best use of land. The encouragement it provides, amongst other things, precludes land of high environmental or historic value and requires consideration of the character of the area. Given my findings in relation to the historic environment here, the scheme would not find support under Policy 21.
16. I therefore conclude on this issue that the proposal would have an unacceptable effect on the character and appearance of the area, with particular regard to the WHS, the SAM and the Engine House. It would conflict with the heritage and design aims of Policies 12, 21, 23 and 24 of the CLP.

¹ Identified by the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2013-2018

Other Considerations

17. The main parties have referred to the extant permission for the affordable housing led scheme for 9 homes, which incorporates the site and other adjoining land². This scheme was assessed under Policy 9 of the CLP as an affordable housing led exception site, and its circumstances are therefore materially different to this appeal scheme. Given such, it does not establish the principle for a wholly open market housing scheme on the site.
18. That said, it is logical that a higher quantum of housing here would have greater visual effect and therefore greater harm. However, there is clear evidence that the extant scheme is not viable, due to the limited extent of the site which could practically be developed, and due to an inability to find a Registered Provider for the affordable homes, despite thorough efforts to do so. As it is unlikely that the extant scheme will come forward, any visual comparison between it and the appeal proposal attracts very limited weight in my assessment.
19. With regard to Policy 1 of the CLP, its section a) relates to instances where there are no relevant development plan policies or those relevant are out of date. There is no clear evidence that this is the case here.
20. The appellant has also made the point that the large-scale presence of the WHS designation at Troon may inhibit the provision of housing in the area. As not all land within a WHS should be assumed to contribute to its OUV, the presence of the WHS does not add further urgency or justification to this proposal in my opinion. My attention has also been drawn to decisions to grant planning permission elsewhere in the WHS locally³. As only limited details of these decisions are before me, I have not been able to draw any significant parallels between them and the appeal scheme.
21. I have also had regard to concerns raised about the procedural conduct of the Council prior to the refusal of planning permission for the appeal scheme. However, these matters are not for me to consider in my assessment of this section 78 appeal, which is focused on the planning merits of the proposal.

Planning Balance

22. The Government is seeking to significantly boost the supply of housing. The scheme would provide homes in an accessible and serviced location, with evidence of an existing housing need. However, the proposal would make only a small contribution to the housing stock. Economic benefits to local services and facilities and through additional employment, and the environmental benefits of remediating this small plot of land, would also be modest. Moreover, I have found that the location of the proposed dwellings beyond the settlement would undermine the Council's plan-led approach to the delivery of housing. In this context, I have given moderate weight to the scheme's social, environmental and economic public benefits.
23. Conversely, I have found that the proposal would harm the character and appearance of the area, with particular regard to the WHS, the SAM, and the Engine House. Collectively, these harms carry significant weight against the proposal. Taking the above factors into consideration, I am not persuaded that a clear and convincing justification for permitting the less than substantial

² Ref PA17/08778

³ Refs PA18/11484 and PA19/0216

harm to the heritage assets has been demonstrated. Such harm would therefore outweigh any public benefits associated with this scheme.

Conclusion

24. 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.
25. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR