The Planning Inspectorate

Appeal Decision

Site visit made on 18 August 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/D0840/W/20/3248159
21 Goonown Road, Goonown, St Agnes TR5 0UX

- 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 David Johnson, Dannatt Johnson Architects against the decision of Cornwall Council.
- The application Ref PA19/00458, dated 17 January 2019, was refused by notice dated 9 January 2020.
- The development proposed is for a new house on land adjacent to 21 Goonown Lane St Agnes.

Decision

1. The appeal is dismissed.

Main Issues

2. The second reason for refusal in the Council's Decision Notice refers to, amongst other aspects, harm to a wall. However, with the submitted evidence containing few other references to a wall, it is clear to me that this refusal reason relates to the alleged harm of the proposed development on the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). I have therefore determined the appeal on this basis and on the evidence before me.

3. Accordingly, the main issues are:

    - the effect of the proposed development on the WHS; and
    - whether the proposed development would be in an appropriate location with particular regard to development plan policies.

Reasons

Heritage assets

4. The appeal site is located within the St Agnes Mining District of the Cornwall and West Devon Mining Landscape WHS. The site forms part of the plot of 21 Goonown Lane, which the Heritage Impact Assessment (HIA) identifies as an early- to mid-19th century cottage. The HIA sets out that an older field system at Goonown was subdivided into smallholdings and that the 1841 Tithe award shows the cottage – typical of a mid nineteenth century smallholder cottage – with a small garden plot before its frontage and an arable enclosure to the immediate north west. Confirming this, historical mapping and census returns identified by the WHS Management Team indicate that the site forms part of what was a mineworker's smallholding, and the 1880 OS map in the HIA also clearly shows the smallholding.

5. Early deep mining radically reshaped and transformed the landscapes covered in the WHS, contributed to the Industrial Revolution in Britain and influenced the development of mining globally. The WHS Management Plan 2013-2018 sets out that the WHS comprises the most authentic and historically important components of the Cornwall and west Devon mining landscape. The area's significance, or Outstanding Universal Value (OUV), stems from amongst other aspects its survival in a coherent series of distinctive cultural landscapes. The Management Plan sets out that the development of industrialised mining in the area led to the evolution of an industrialised society manifest in the transformation of the landscape through the creation of, amongst other things, smallholdings. Mineworkers' smallholdings are identified as one of seven attributes through which the OUV of the WHS is expressed.

6. The Management Plan describes the St Agnes Mining District area of the WHS as an ancient coastal mining district that includes a number of important tin and copper mines, the mining settlement of St Agnes and extensive areas of minerworkers' smallholdings. It sets out that St Agnes exemplifies a coastal mining tradition which is of enormous antiquity in Cornwall and identifies that St Agnes and a lobe to the south and east contain the best preserved and highest density of smallholdings. Endorsing this, the HIA indicates that this part of the WHS contains significant areas of well preserved 'small-holding enclosure', including the field system at Goonown.

7. The National Planning Policy Framework (Framework) attaches great weight to the conservation of designated heritage assets. It indicates that the more important the asset, the greater the weight should be, and that assets should be conserved in a manner appropriate to their significance. World Heritage Sites are identified as being of the highest significance.

8. The HIA identifies that the site is of similar dimensions to the subdivision shown on the 1907 mapping, which shows that the site was separately enclosed from No 21 at that time and included a separate access and four buildings within it. Although one of those buildings is said to be cottage sized and while the site access strip remains, those buildings and the subdivision of the smallholding no longer exist and had been removed by the time of the 1972 OS map, thus essentially returning the site to its previous overall form as a smallholding.

9. The site now forms part of the private garden of No 21, has a domestic appearance and contains modern and extensive mature landscaping, including fruit and ornamental trees and hedging. However, its size and visual and physical connection with No 21 is nevertheless indicative of its form as a historical smallholding enclosure. I also observed on my site visit that the low Cornish earth hedgebanks bounding the site appear to be relatively intact, well defined and align with the smallholding's historical boundaries.

10. Amongst other aspects, Cornish hedges are identified within the Council's WHS Supplementary Planning Document (SPD, 2017) as attribute features of mineworkers' smallholdings. The SPD also sets out that although the way land is used and managed has changed significantly over time, with traditional miners' smallholdings no longer being occupied or managed under their original use or tenure, their authenticity is retained through the preservation of historic field boundaries and the relationship between domestic buildings and their associated land-holdings.

11. Accordingly, despite it not being used as a productive enclosure and although it may not be easily observed or appreciated from the public realm as a historic smallholding, its integrity and character as a legible smallholding enclosure remains. Although not all elements of a designated area will, as set out by the Framework, necessarily contribute to its significance, the site does therefore positively contribute to the WHS. In coming to this view, to have taken account of the Management Plan setting out that the most authentic and historically important components of the WHS date principally from 1700-1914 and that the 1907 map within the HIA shows the smallholding as sub-divided.

12. There is various development in the surrounding area, including relatively large modern dwellings to the east/south-east and the adjoining tennis clubs and courts. Although these serve to visually separate the site from the wider smallholding landscape and surrounding OUV components, the smallholding which the site forms part of remains relatively intact despite the changes surrounding it. That it remains in spite of surrounding plots being developed also emphasises its intact form and heightens its significance and contribution to the OUV rather than diminishes it. I therefore cannot agree that the contribution to the WHS is very low and essentially residual.

13. Although the appellant states that there is no intention to subdivide the plot, the proposed development would effectively divide the existing plot of No 21 into two and I note that the HIA also refers to proposed subdivision. This and the erection of a separate dwelling would fragment and split the historic plan form of the smallholding. Although the proposal includes for the consolidation of the boundary wall and the overall boundaries would remain, its legibility, integrity and character would therefore nevertheless be eroded and it would no longer be appreciable as a broadly intact smallholding.

14. It has been put to me that the only the upper gables and roof of the development, clad in recessive materials, would be visible and would be experienced against existing built form. However, neither this nor the consent in the past few years of nearby dwellings, to the east and south-east of the site, within existing residential curtilages lead me to a different conclusion. Given its differing context, including in relation to its location and setting, the appeal decision at Elton Cottage is not directly comparable and is thus not determinative to my conclusion on this matter.

15. I accept that contribution to the OUV of the WHS may be modest on an individual basis. Understanding of the significance of mineworkers' smallholdings to the historic environment may also be less widespread and appreciable than for other existing and more readily identifiable and visible features, such as mines. Nevertheless, smallholdings are one of the attributes through which the OUV of the WHS is expressed and are an identified feature in this part of the WHS. As such, the proposed development would have a negative effect on the significance of the designated heritage asset.

16. As the harm I have identified would be relatively localised, it would – in the words of the Framework – constitute "less than substantial harm" to the significance of the WHS. However, this still constitutes harm, and in such circumstances, the less than substantial harm should be weighed against the public benefits.

17. The development would provide public benefits including: the provision of a new dwelling which would contribute towards local housing supply; short term

employment opportunities during the construction phase; and future occupiers contributing to the vitality of nearby settlements and helping to sustain services and facilities in the area. However, based on the development and its use, the extent of the benefits would be relatively limited. The benefits would therefore not outweigh the great weight given to the conservation of the designated heritage assets, of which World Heritage Sites are of the highest significance and the Framework states should be conserved in a manner appropriate to their significance.

18. For the above reasons, I conclude that the development would harm the WHS. I therefore find that the proposal conflicts with Cornwall Local Plan Strategic Policies 2010-2030 (CLP) Policies 12 and 24 and Policies 6 and 11 of the St Agnes Neighbourhood Development Plan 2018 - 2030 (SANDP). Amongst other aspects, these set out that harm to the authenticity and integrity of the OUV of the WHS should be wholly exceptional, and require development to: respect the historic environment; show regard to the mining heritage of St. Agnes parish; conserve and where appropriate enhance the significance of designated assets; and be in accord with the WHS Management Plan, which itself contains similar policies seeking to protect and conserve the WHS. The proposal would also be inconsistent with the provisions in the Framework in relation to conserving and enhancing the historic environment.

Location

19. The site includes an existing access track and forms part of the garden of No 21. It is enclosed by boundary treatment including mature soft landscaping. It is also surrounded by residential built form on three sides – generally containing two-storeys – and tennis courts adjoin it to the north/north-east.

20. The recently 'made' SANDP establishes settlement boundaries for a number of villages, including St Agnes. Policy 1 of the SANDP sets out that development within settlement boundaries will be supported subject to conformity with other SANDP policies. Policy 2 sets out that the provision of affordable homes on exception sites in accordance with the CLP is supported. Policy 7 states that small scale "infill" housing schemes will be supported within the settlement boundaries.

21. The site is adjacent to but outside of the defined settlement boundary of St Agnes and it has been put to me that the boundary was consciously drawn to exclude the site. On this basis and given that an open-market dwelling would be provided on a site that the Council considers exhibits various attributes associated with in-fill development, the Decision Notice alleges that the appeal proposal is contrary to various policies including, amongst others, SANDP Policies 1, 2 and 7 and CLP Policy 9, which covers rural exception sites.

22. I note that the supporting text to SANDP Policy 1 states that new development outside these boundaries would be treated as exception sites. However, none of the three SANDP policies place a blanket exclusion on other forms of development located outside of settlement boundaries and which do not seek to provide affordable homes on exception sites. The Examiner's Report on the SANDP, considering the relationship between CLP policies and SANDP Policy 7, substantiates this, concluding that the policy met the Basic Conditions because it relates only to infill and is silent on 'rounding off' and therefore does not preclude it in accordance with CLP Policy 3. Setting out the Council's hierarchy to accommodating new development, this CLP policy allows development under

certain other specific circumstances, including rounding off of settlements. Providing further confirmation, the supporting text to the policy also sets out that Neighbourhood Plans can provide detailed definition on which settlements are appropriate for infill and boundaries to which the policy will operate.

23. Consequently, the appeal site's location outside of the defined settlement boundary does not of itself indicate that other forms of non-infill development for an open-market dwelling on the site would be unacceptable in principle. I also have little substantive evidence which indicates that development cannot be considered to exhibit the characteristics of both in-fill and rounding off.

24. The main parties agree that the site is outside of the defined settlement boundary. Given its position in relation to St Agnes as a whole, it also reads as being located outside of the main urban form of the settlement. However, being surrounded by existing development means that it physically appears as being within the settlement, is substantially enclosed and contains edges which are clearly defined by physical features that act as barriers to further growth. The proposed two-storey dwelling would also be of an appropriate scale to its context and would not visually extend built form into the open countryside. The characteristics of the site and appeal proposal therefore mean that it would meet the description of rounding off in part 3 of CLP Policy 3 and the definition at paragraph 1.68 in the supporting text.

25. Although the submitted Chief Planning Officer's Advice Note: Infill/Rounding off is not adopted, it provides some additional helpful guidance. This includes, amongst other aspects, setting out that rounding off provides a symmetry or completion to a settlement boundary, is not intended to facilitate continued incremental growth, and suitable sites are likely to be surrounded on at least two sides by existing built development. In this instance, the site is surrounded by existing built form on more than two sides and as such would be unable to facilitate continued incremental growth. With the defined settlement boundary essentially skirting the edges of the site, the appeal proposal would also be read as completing the settlement boundary.

26. Consequently, it seems to me that appeal proposal fits within the definition of rounding off. I therefore conclude that the proposed development would be in an appropriate location with regards to development plan policies and find that there would be no conflict with CLP Policies 3, 7 (covering housing in the countryside) or 9. Although SANDP Policies 1, 2, and 7 do not provide policy support to such development, and I give significant weight to SANDP as the most recently adopted part of the development plan, there would also therefore be no direct conflict with these policies.

27. Irrespective of the defined settlement boundary, the site is clearly within a built up area given it is surrounded by existing built form. Having regard to the definition in the Framework and with it being in use as a residential garden, it cannot therefore be described as previously developed land. Accordingly, CLP Policy 21 is not particularly relevant in relation to whether the proposed development would be in an appropriate location and has therefore not been determinative in my decision.

Other matters

28. I recognise that pre-application discussions may not have identified issues relating to effects on the WHS. However, this is not determinative as to the

acceptability of the appeal proposal, which I have determined on its merits, based on the plans and evidence before me.

29. The Council's Officer Report sets out that the site is within the zone of influence for the Penhale Dunes Special Area of Conservation and that the appeal proposal would place additional recreational pressure on it. This indicates that the development may be likely, in combination with other plans and projects, to have a significant effect on the internationally important interest features of the area. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.

30. The site is within in close proximity to a Grade II listed building. However, the Council does not allege that the development would have an adverse effect on the listed building, or its setting or any features of special architectural or historic interest which it possesses. Having considered the development and visited the site, I concur with that view and find that the development would preserve the listed building and its significance as a designated heritage asset.

Planning Balance

31. The Council does not allege that the proposed development would harm the character and appearance of the surrounding area, and I have found that it would be in an appropriate location with regards to development plan policies relating to the Council's hierarchy for accommodating new development. Nevertheless, the appeal proposal would fragment and split the historic form of the broadly intact smallholding and I have found that the public benefits of the proposal would not outweigh the harm to the significance of the WHS.

32. The proposal's benefits include the provision of a new dwelling, short-term construction employment, and future occupiers contributing to the vitality of nearby settlements and helping to sustain services and facilities in the area. However, given the scale of the development, I am satisfied that the benefits would be relatively limited. The evidence before me also indicates that there is a sufficient supply of housing land in the district and that no further windfall sites are needed to meet the CLP's target for new housing in the locality.

33. Consequently, I find that the benefits would not outweigh the harm I have identified and the great weight given to the conservation of the designated heritage assets, and do not justify a departure from the development plan. Although the appeal proposal would make use of a large garden which is said to be underutilised, the harm that would arise to the WHS also means that the development cannot reasonably be described as making effective use of land.

Conclusion

34. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR