



Appeal Decision

Site Visit made on 11 December 2020

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/D0840/W/20/3257767

Tregarth, Road From District Boundary At Scorrier To Junction At Westfield, Whitehall, Scorrier TR16 5BB

- 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 Peter Hall against the decision of Cornwall Council.
 - The application Ref PA20/04529, dated 4 June 2020, was refused by notice dated 10 July 2020.
 - The development proposed is Construction of a new residential dwelling and detached garage within the garden curtilage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be in an appropriate location, having particular regard to the character and appearance of the surrounding area, accessibility and development plan policies; and
 - the effect of the proposed development on the Cornwall and West Devon Mining Landscape World Heritage Site (WHS).

Reasons

Location

3. The appeal site forms part of the relatively large plot of Tregarth, whose private garden is described by the Design and Access Statement as being located to the east. There are some scattered properties in the surrounding area and there are some dwellings near to the east and south of the site. However, built form in the vicinity of the site is generally set in spacious plots and separated by extensive areas of woodland and fields, which appear as the predominant features in the locality. The surrounding area therefore reads as sporadically developed countryside with a rural character and a verdant appearance. Amongst other aspects, the site includes some existing development – including part of the shared driveway, an area of hardstanding and a timber outbuilding set down in one corner – and areas of grass and plants which are somewhat overgrown in places. There are also various trees, with several situated on its southern and northern boundaries. Accordingly, and irrespective of whether the entire site could be described as previously developed land, the site has a relatively open character and soft landscaped

appearance and, reading as a mostly undeveloped parcel of land, positively contributes and relates to its undeveloped and wooded rural surroundings.

4. I observed on my site visit that with existing boundary treatment and soft landscaping not providing significant screening, the proposed development would be visible in the locality, including from the adjoining highway. The proposed development would result in the erection of a relatively large dwelling that would appear as a significant feature in the locality. The new dwelling and garage would erode the open and verdant nature of the site and, increasing the density of built form in the locality, would read as an incongruous extension of the built environment into the rural landscape. Although the layout of the dwelling and garage within the site would not be unacceptable given the varied development pattern in the locality, the design and appearance of the dwelling would appear out of character with surrounding built form, which for example generally does not include slate hung walls. The appeal proposal would therefore fail to respect and enhance quality of place, contrary to Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP). The suggested removal of the garage from the appeal proposal would not alter this.
5. The distance to settlements with services and facilities, including Scorrier, and the bus stops on the highway running past the site is not particularly significant. Occupiers of the proposed development could therefore theoretically walk or cycle to the bus stops – which serves several settlements in the district – and the various local services and facilities. However, doing so would involve negotiating sections of unlit, relatively busy highway with little dedicated separation from vehicular traffic and few safe crossing points. Accessing local services, facilities and public transport on foot or by bicycle from the site would thus neither be particularly safe nor appealing.
6. The prevalence of public footpaths and trails in the surrounding area, which are likely to be unlit and unmade, and the potential for future occupiers to access them through the appellant's wider land holdings, does not lead me to a different conclusion. Although my attention has been drawn to the potential for hailing down local rural buses, it seems to me that the presence of the nearby bus stops means that it is also unlikely that hail and ride would be an option in this instance. Accordingly, the site's situation is not conducive to accessing the development except predominantly by private vehicle.
7. I accept that this may be the case for rural areas in general. Amongst other aspects, the National Planning Policy Framework (Framework) also recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, in this instance, the lack of safe alternative transport options mean that future occupiers of the development would be likely to be highly reliant on one mode of transport – the private vehicle – for a significant majority of their journeys and to serve their daily needs. This indicates that the proposed development cannot reasonably be considered as being, in the words of CLP Policy 21, sustainably located. Location is also one of the attributes listed in CLP Policy 1 in relation to considering whether a development proposal is sustainable or not. As such, and notwithstanding identification of the site as previously developed land, the proposed development is not supported by CLP Policies 1 and 21 and cannot be described as making best use of land.

8. It has been put to me that Whitehall is a settlement/rural hamlet because, amongst other aspects, the surrounding area contains more than 15 properties, the name Whitehall appears on maps, and there a number of historic smallholdings in the locality that provided a settlement for miners and served a common mining area. Be that as it may, the scattered nature and low density of built form in the vicinity means that the properties in the locality are not experienced as a well-defined group. Instead, they read as a loose straggle of dwellings with no clear form or shape. For the purposes of applying planning policies, and with regard to the definitions and descriptions of settlements in the CLP and the guidance contained with the Chief Planning Officer's Advice Note: Infill/Rounding Off (CPOAN), Whitehall cannot therefore reasonably be described as a settlement/rural hamlet.
9. The site is thus neither within nor adjacent to a settlement. In coming to this view, I have taken account of the line included on the map in appendix A of the appellant's Design and Access Statement, and that Wheal Busy, said to be similar to Whitehall, is identified in the Chacewater Parish Neighbourhood Development Plan 2018-2030 (CPNDP) as a main settlement with a defined settlement boundary.
10. Accordingly, and based on the evidence submitted and irrespective of whether the appeal proposal could be described as development of previously developed land, the development proposed does not meet the criteria of CLP Policy 3, including in relation to the rounding off of settlements and development of previously developed land within or immediately adjoining that settlement. Being a permissive policy, the development does not conflict with it. However, for the above reasons, neither does the proposal accord with the policy nor receive support from it.
11. The site is not located within the identified settlement boundaries in the CPNDP. However, as CPNDP Policy HN1 does not place a blanket exclusion on all development located outside of the identified settlement boundaries, I am satisfied that there would also be no direct conflict with this policy. Be that as it may, neither does the policy support the development proposed.
12. The simple fact that a site is outside of a settlement does not automatically mean that it reads, on the ground, as being within open countryside. However, the supporting text in the CLP sets out that open countryside is defined as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape). Elsewhere, it also defines countryside as the area outside of the urban form of settlements and the CPOAN sets out that the open countryside may include areas containing groups of dwellings which might not constitute a settlement due to the lack of a clear form and shape. Given my findings that Whitehall – with its scattered nature, low density straggle of dwellings and lack of form and shape – is not a settlement/rural hamlet, and on the basis of the site's setting and context, I am satisfied that the site is in the countryside and falls within the development plan definition of being within the open countryside. CLP Policy 7 is thus applicable.
13. However, no special circumstances have been put forward and the submitted evidence does not indicate that the appeal proposal would meet any the exemptions listed in the policy. Accordingly, I find that it would conflict with CLP Policy 7. The fact that the site would not create an isolated home in the countryside does not lead me to a different conclusion. I am also satisfied that

Policy 7 and the general aims of the CLP, in seeking to protect the character and appearance of the countryside and to avoid new houses in inaccessible locations, are broadly consistent with the Framework. Policy 7 is therefore given significant weight.

14. For the above reasons, I conclude that the proposed development would not be in an appropriate location, having particular regard to the character and appearance of the surrounding area, accessibility and development plan policies. In coming to this view, I have taken account of the recently approved units nearby. However, as they were for replacement dwellings, they are not determinative as to the acceptability of the appeal proposal. That CLP Policy 3 and CPNDP Policy HN1 are said to be permissive policies and that the proposed development would not conflict with them or CLP Policies 1 and 21 do also not lead me to a different conclusion.

WHS

15. 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 area comprises the most authentic and historically important components of the Cornwall and west Devon mining landscape. The significance, or Outstanding Universal Value (OUV), of the WHS 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.
16. The site is located within the Gwennap Mining District with Devoran and Perran and Kennall Vale area of the WHS. The Management Plan describes this area as a rural mining district which produced a major proportion of the world's supply of copper during the eighteenth and first half of the nineteenth century. Amongst other aspects, it sets out that the boundary of the Gwennap Mining District has been drawn to include all of the principal mines, large areas of mineworkers' smallholdings in the north and east, and country houses and estates in the south and west. It also identifies that the central and northern sections of the area are notable for their well-preserved landscape of smallholdings, interspersed with small mining settlements together with the mines which they served.
17. The site forms part of the plot of Tregarth. Having been built between 1840 and 1879, the Heritage Impact Assessment (HIA) identifies Tregarth as dating from the latter half of the Cornwall mining era and clearly having some historical relevance and significance in terms of its links to the mining history covering the area. There have been some recent changes to Tregarth and its plot, including extensions to the property, elongation of its garden and removal of original boundary features. Despite this, the HIA identifies that the traditional character and appearance of the property and the evidenced original layout of its grounds suggests that Tregarth was a miner's smallholding which contributes to elements of the OUV of the WHS. The main remaining historic features of the former smallholding relevant to the OUV are, as shown in the

- submitted historic mapping, Tregarth itself and the site's boundary wall to the highway.
18. The available evidence indicates that Tregarth was a miner's cottage. Irrespective of its current state and the modern additions and alterations, the cottage also remains a notable feature in the locality, appears to retain its traditional, historic appearance, and currently reads as standing alone and as the primary element in its plot and surroundings. The approved replacement dwellings to the south do not change this given the degree of separation, their set back position and the screening provided by soft landscaping.
 19. Although Tregarth may no longer demonstrate the characteristics of a smallholding with respect to boundaries, smallholdings are nevertheless identified in the Management Plan and WHS Supplementary Planning Document (SPD) as involving not only smallholding boundaries but also comprising mineworkers' farms and their buildings. The SPD also identifies the cultural landscape of the mineworkers' smallholdings attribute type as extensive landscapes of distinctive mineworkers' smallholdings...including cottages.
 20. The proposed dwelling would be relatively large and read as a significant feature in the locality. However, being set back and away from Tregarth, there would be a reasonable degree of separation between the two and sufficient space for additional intervening soft landscaping to be provided. The closest part of the development – the proposed garage – to the cottage would appear as a relatively insignificant feature given its limited scale, modest appearance and set back position. With boundary treatment providing some screening, public views where both the proposed development and Tregarth would be seen together would also be generally limited to a small section of the highway in the vicinity of the site entrance. Furthermore, due to the highway conditions in the vicinity of the site, it seems likely to me that the main public views would involve mainly fleeting glimpses from passing vehicles.
 21. The development would therefore read as a background feature that would neither compete with Tregarth nor unacceptably affect its setting and primacy. One of the main remaining WHS characteristics that the site provides would therefore not be harmed by the development. Although the development would reduce the openness of the site, I have limited substantive evidence which indicates that openness is of itself either an important component of the OUV of the WHS or is representative of the smallholding and its historical layout.
 22. With the majority of the original boundaries having been removed, there is now little visual or physical evidence of the site forming part of a former smallholding, whose overall extent is no longer particularly legible. Accordingly, and with the site's remaining historic boundary to the highway proposed to be retained, neither would the proposed development harm this characteristic of mineworkers' smallholdings in the WHS.
 23. For the above reasons, I conclude that the proposed development would not harm the Cornwall and West Devon Mining Landscape WHS. I therefore find that it accords with CLP Policy 24 and CPNDP Policy HE2. Amongst other aspects, these require development to sustain designated heritage assets and to comply with the WHS Management Plan and SPD. In coming to this view, I have attached great weight to the conservation of the WHS, which is of the highest significance.

Other matters

24. The site lies within the zones of influence for the Fal and Halford and Penhale Dunes Special Areas of Conservation. 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 these areas in respect of recreational pressure. 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.

Planning Balance

25. I have found that the proposed development would not be in an appropriate location, having particular regard to the character and appearance of the surrounding area, accessibility and development plan policies, and would conflict with CLP Policies 2 and 7. As set out above, although there would be no conflict with CLP Policies 1, 3 and 21 and CPNDP Policy HN1 in relation to the first main issue, and I have found that the development would not conflict with CLP Policy 24 and CPNDP Policy HE2 with regards to the second main issue, the development proposed would not be supported by these policies. Taking all of this into account, I find that the appeal proposal would be contrary to the development plan as a whole.
26. There would be some benefits associated with the proposed development, including the provision of an additional energy-efficient dwelling and some construction-related employment. However, given the scale of the development, the benefits would be relatively limited. The provision of one additional residential unit would also have only a limited effect on the supply of housing in the area, while the evidence before me indicates that the local plan housing target for the area has been met and that the windfall development is not needed in relation to ensuring a sufficient supply of housing land in the district. Accordingly, I find that the benefits neither outweigh the harm I have identified nor the conflict with the development plan. The harm I have identified also means that the proposed development cannot reasonably be described as making effective use of land.

Conclusion

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

T Gethin

INSPECTOR