



Appeal Decision

Site Visit made on 23 November 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2021

Appeal Ref: APP/D0840/W/21/3279438

Land at West Kitty, St Agnes TR5 0SU

- 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 Ms Charlotte Graham against the decision of Cornwall Council.
 - The application Ref PA20/05348, dated 29 June 2020, was refused by notice dated 29 January 2021.
 - The development proposed is proposed erection of three dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is made in outline with all matters except access and layout reserved for future consideration. I have therefore assessed the submitted drawings and visuals as merely illustrative insofar as they relate to the reserved matters of scale, appearance and landscaping.
3. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021. However, the main parties submitted appeal documents after this and therefore had the opportunity to comment on its relevance to the appeal proposal. Consequently, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Background and Main Issues

4. The Council's Decision Notice includes four reasons for refusal. However, due to the additional details submitted by the appellant with the appeal, the Council confirmed in its appeal statement that the fourth refusal reason (contaminated land) and part of the third reason (relating to protected species) could be sufficiently dealt with by conditions. From the evidence before me, I concur. Although the Council continue to question whether the proposed development could provide a net gain in biodiversity, it seems to me that any net gain calculation would also most appropriately be undertaken at reserved matters stage given the uncertainties associated with outline applications. In addition, the submitted Reptile Survey and Preliminary Ecological Appraisal both identify potential enhancement measures which would contribute towards net gain.
5. Accordingly, I am satisfied that all the matters covered in the third and fourth refusal reasons could all be dealt with suitably worded planning conditions. On this basis, the proposal would therefore not conflict with Policies 16, 22 and 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP) and Policy 12 of the St. Agnes Parish Neighbourhood Development Plan (NDP) in relation to their relevance to the matters of biodiversity and contaminated land. There

would also be no inconsistency with the related provisions in the section on conserving and enhancing the natural environment in the Framework.

6. Consequently, the main issues are:

- whether the proposed development would be in an appropriate location, with particular regard to its effect on the character and appearance of the surrounding area; and
- the effect of the proposed development on the Cornwall and West Devon Mining Landscape World Heritage Site (WHS).

Reasons

Character and appearance

7. The appeal site consists of a small grass field surrounded by hedges. Situated outside of but adjacent to the St Agnes settlement boundary defined by the NDP, the site is bounded by St Agnes School and the property known as Peace Haven, and there are residential properties on the opposite side of the well-used lane/track. However, just past the entrance to the plot of Peace Haven, the track – which is a public right of way – narrows, turns increasingly verdant and the presence of the countryside becomes apparent. Before reaching the site, the developed suburban character has therefore turned into a more rural setting with the built environment, including the large school buildings and the housing to the east and north, in the background. Given its greenfield character and verdant appearance, the site also relates to the undeveloped landscape to the west and north-west. Accordingly, rather than having a visual connection with the settlement's urban form, it reads as forming part of the countryside and positively contributes to the rural setting of the settlement.
8. Introducing residential development into an undeveloped parcel of land, the appeal proposal would extend built form into the rural landscape. Although it would have a relatively low density and existing hedges – which would be retained – would reduce its presence to some extent, the development would nevertheless be visible in some public views even if the proposed dwellings were to have a lesser height than that shown in the indicative drawings. This includes from the site access and, as I observed on my site visit, via glimpses through the hedges from the track. Due to topography, it would also likely be visible in the wider area. Whereas built form currently appears from the section of track that runs past the site as a background feature to the rural landscape which extends away to the west and north-west, and which the site forms part of, the proposal would also bring development into the foreground.
9. Accordingly, the development would read as having a suburbanising effect, extending the built environment into the open countryside. This would erode the site's undeveloped form and detract from the open and undeveloped rural landscape setting of St Agnes. With the red line boundary of the site being separated from the boundaries of the school and Peace Haven, the appeal proposal would also result in the development appearing somewhat detached from the existing built environment in the locality. In coming to this view, I have taken into account that: the matters of appearance, scale and landscaping are reserved for future consideration; the intention – as shown in the indicative drawings – is that the finishes to the proposed dwellings would follow the local vernacular; and that Peace Haven is said to have already

developed part of the original field and has been extended in the past few years. The site being outside of both the St Agnes Conservation Area and the Cornwall Area of Outstanding Natural Beauty, as identified in the Design, Access and Planning Statement, does also not lead me to a different conclusion.

10. Notwithstanding the small gap between the redline boundary and the field boundary, the site is substantially enclosed by hedges, the track runs along two sides of it and there is existing development to the south, east and north-east. The site also immediately adjoins the settlement and the development would be of a scale appropriate to the size and role of St. Agnes. However, as I have found above, the appeal proposal would read as visually extending built form into the countryside. With regard to the supporting text to CLP Policy 3, it cannot therefore reasonably be described as meeting the definition of rounding off. Given it would extend beyond the built form of the settlement into the countryside, the development would also appear as incremental ad-hoc growth rather than, in the words of the Chief Planning Officer's Advice Note (CPOAN) on Infill/Rounding Off, providing a symmetry or completion to the settlement boundary. The site being an end corner plot, the presence of housing on the other side of the track and further housing to the north, beyond the intervening field, the silence of the NPD in relation to rounding off and that the NDP does not allocate space within the tightly drawn village settlement boundary for future development do not lead me to a different conclusion.
11. Given I have found that the appeal proposal would harm the character and appearance of the surrounding area, the CPOAN's reference to other development that does not entirely fit the definition of rounding off being acceptable is not relevant in this case. My findings above also indicate that the proposed development cannot be defined as appropriately increasing building density. The encouragement in Policy 21 for proposals is therefore not applicable to the appeal proposal. In coming to this view, I have taken account of the other appeal decisions that have been put to me.
12. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it does not accord with CLP Policies 3 and 23 and NPD Policies 1, 6, 7 and 10. Amongst other aspects, these set out the development plan's approach to accommodating new housing, support development within identified settlement boundaries and which sustain local character and have appropriate regard to the identity of the local surroundings, and require development proposals to respect the character of the surrounding area and sustain local distinctiveness.
13. Due to the proposed buildings incorporating the use of vernacular materials, it has been put to me that the proposal accords with CLP Policy 12. However, given my findings above, I find that the proposal does also not accord with this policy which, amongst other aspects, requires development to ensure Cornwall's enduring distinctiveness and maintain its distinctive character.

WHS

14. Early deep mining radically reshaped and transformed the landscapes covered in the WHS, which 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

WHS Management Plan 2013-2018 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.

15. The appeal site is located within the St Agnes Mining District of the WHS. The Management Plan describes this area 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 mineworkers' smallholdings. It sets out that St Agnes exemplifies a coastal mining tradition which is of enormous antiquity in Cornwall and identifies that the area contains the best preserved and highest density of smallholdings. Mineworkers' smallholdings are therefore highly important in understanding the significance of the WHS.
16. The 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 and of international importance.
17. The Council alleges that the development would overwrite a site which comprises a small field typical of mineworkers' smallholdings and provides a tangible and visible link to the past. On the basis that the site could have been a mineworkers' smallholding given that, amongst other aspects, its location and form indicate the potential for it to have been used as such at some point, the Council and WHS Office deem that it should be considered on a precautionary basis that the site was a miner's smallholding.
18. However, this seems to be based more on speculation and the submitted evidence provides no substantiation that it was or was likely to have been a mineworker's smallholding. On the contrary, the available information¹ submitted by the appellant, the Council and other parties instead indicates that mining was the main interest in the site. The site being surrounded by numerous mine workings and spoil heaps – likely to be a result of previous mining activity from the extensive surface workings in the surrounding area – supports this. Ownership of the site during the peak of nearby mining activity has also been shown to have involved a publican and then a mining engineer along with other shareholders with various professions, with no evidence found of sub-letting for agricultural tenancies.
19. Other than some conjecture, there is therefore very little before me which indicates that the site was used or was likely to have been used as a mineworker's smallholding. On the contrary, the evidence indicates the main interest was mining, although such a use of the site was never realised. Consequently, I am satisfied that the development would not overwrite one of identified attributes of the WHS and through which its OUV is expressed. The references to the mainly recent enclosure pattern of small to medium fields with more recent farming over former miners' smallholdings and to various historic features in the Landscape Character Study for the St Agnes area do not lead me to a different conclusion.

¹ Including various maps, the Heritage Impact Assessment, title deeds, archive records and the additional heritage-related details submitted by the appellant with the appeal.

20. In coming to this view, I have taken account of the appeal decisions put to me which have taken a precautionary approach in relation to such matters. However, on the basis of the submitted evidence, such an approach is not necessary in this case. In addition, the various spoil heaps/mine dumps are outside of the site's redline boundary and would not be altered by the proposed development, while the available evidence indicates that no other attributes of the WHS or the historic character of the St Agnes Mining District would be harmed by the development. I am therefore satisfied that it would not harm the OUV of the WHS.
21. For the above reasons, I conclude that the proposed development would not harm the WHS. I therefore find that it accords with CLP Policy 24 and NPD Policy 11. Amongst other aspects, these require development to sustain designated heritage assets and accord with the WHS Management Plan. The proposal would also be consistent with the provisions in the Framework in relation to conserving and enhancing the historic environment. In coming to this view, I have taken into account the details and policies in the WHS Management Plan.

Other matters

22. The site is within the zone of influence of the Penhale Dunes Special Area of Conservation (SAC). In combination with other plans and projects, the addition of a residential unit within this area would be likely to have a significant effect on the internationally important interest features of the SAC due to increased recreational disturbance. In accordance with CLP Policy 22, appropriate mitigation needs to be secured for such development, and the submitted evidence indicates that this could be secured by a suitably worded condition. 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.
23. A number of other matters have been raised by interested parties, including in relation to access and highways considerations. However, given my conclusions on the main issues and that the appeal is dismissed, there is no need for me to address these in further detail.
24. It has been put to me that the disused field, at just 0.3 hectares, is degraded and does not serve any useful agricultural purpose. However, it seems to me that there is no reason why it could not be put to an agricultural use of some sort and I note that the field is said to be ploughed annually and maintained.

Planning Balance

25. I have found that the proposed development would harm the character and appearance of the surrounding area. Although the wording of some of the relevant development plan policies means that the appeal proposal would not necessarily conflict with them, I have found that it would nevertheless not accord with CLP Policies 3, 12 and 23 and NPD Policies 1, 6, 7 and 10. Taking all of this into account, and although the proposal would incorporate sufficient parking, garden space and waste facilities, in-line with CLP Policy 13, I find that the appeal proposal would be contrary to the development plan as a whole.
26. The site is within walking distance of the services and facilities in the village centre and the Council describes the site as being within a sustainable location. A buffer is proposed along the southern boundary to provide biodiversity

enhancement and avoid overlooking between the site and adjoining uses. The site is within a location with the lowest probability of flooding and the main parties agree that the proposed development would not harm the living conditions of adjoining occupiers. There would also be some benefits associated with the proposed development. This includes the windfall provision of three dwellings which, occupied as permanent residences forming the sole or main residence for the future occupiers, would contribute towards the mix and supply of housing in the area. There would also be some construction-related employment, and future occupiers would utilise local services and facilities.

27. However, given the scale of the development, the benefits would be relatively limited. Although there is no maximum or ceiling on housing supply and windfall development is envisaged and relied upon by the NPD and CLP, the provision of three additional dwellings would also only have a limited effect on the mix and supply of housing in the area. In addition, the available evidence indicates that it is not needed to ensure a sufficient supply of housing land in the district and there is a surplus in the relevant community network area. Consequently, I find that the above matters neither outweigh the harm I have identified nor the conflict with the development plan. The identified harm also means that the appeal proposal cannot reasonably be described as sustainable development in relation to CLP Policy 1 or as making best use of land.

Conclusion

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

T Gethin

INSPECTOR