



Appeal Decision

Site visit made on 30 November 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022

Appeal Ref: APP/D0840/W/21/3278787

Clifden, Polurrian Cliffs, Mullion TR12 7EW

- 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 S Sharland & and Miss D Gilmore against the decision of Cornwall Council.
 - The application Ref PA21/01125, dated 5 February 2021, was refused by notice dated 15 June 2021.
 - The development proposed is demolition of existing dwelling and erection of 2 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of 2 dwellings at Clifden, Polurrian Cliffs, Mullion TR12 7EW in accordance with the terms of the application, Ref PA21/01125, dated 5 February 2021, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect on the character and appearance of the area, with particular regard to the scenic beauty of the Area of Outstanding Natural Beauty (AONB).

Reasons

3. The landscape around the site is dominated by the rugged coastline, with dark coloured cliffs rising dramatically from the sea to an undulating plateau above. Clifden is the last in a line of dwellings that stretch out along the clifftop. They are accessed from a roughly surfaced road that also forms part of the coast path. The buildings are prominent when viewed from this part of the coast path, especially walking from Mullion Cove, and also from further away, looking back across Polurrian Cove.
4. Like many of its neighbours, Clifden has a single storey with rooms in the roof. Although the first floor is lit only with rooflights, the roof is steep and the overall roof is large. It is made more prominent by its uncharacteristic orange/red tiles. The building is wide, stretching across much of the plot, although there is a clear gap between it and the closest neighbour, Nonsuch.
5. Proposed plot 1 would sit closer to Nonsuch than the existing dwelling. Its siting broadly parallel to the boundary would visually reduce the gap to this neighbour and the extensive glazing in the gabled elevation facing the sea, together with a change in external material at first floor level would give it a clear two-storey form, despite the first floor being set well within the roof.

However, there would still be a gap to Nonsuch and the overall height and shape of the building would be similar to this neighbour.

6. Plot 2 would be set back on the site, broadly on the site of an existing garage. It would be distinctly different to Plot 1, but given the varied designs amongst nearby dwellings that would not be harmful in itself. The gap to plot 1 would be fairly narrow, but at close range, the set back would accentuate the separation and, when viewed in the most prominent approach from Mullion Cove, its single storey form would have very little presence within the surrounding landscape.
7. Viewed across Polurrian Cove, the gap between the buildings would be harder to distinguish and may read as built form spreading across the site. However, the natural recessive materials would, overall, result in a less prominent building than the existing one. In these longer views, the landscape would, therefore, dominate and the scenic beauty of the AONB would be conserved.
8. The traditional vernacular for white painted walls and robust architecture with relatively small windows is evident amongst the older properties in the area. The proposal clearly departs from this, however, its use of natural materials that reflect the colours of the landscape would nevertheless respect its setting. Moreover, there are other examples in the vicinity of the site, also visible from the coast path, where buildings have been finished in similar materials or have extensive areas of glazing facing the sea, that would be similarly illuminated at night.
9. I, therefore, find that the proposal would not harm the character and appearance of the area. There would be no conflict with those aims of Policies 2, 12 and 23 of the Cornwall Local Plan 2010-2030 that require high quality design that respects the special historic and natural character of Cornwall, responding to its landscape, seascape and townscape setting, and conserving the landscape and scenic beauty of the AONB. Nor would there be any conflict with the aims of Policy MD9 of the AONB Management Plan 2016-2021 that require development to be compatible with the distinctive character of the locality.

Other Matters

10. The Council has confirmed that planning policies concerning the location of development do not restrict the provision of additional dwellings at this site. I have no reason to disagree. Any applications for other development in the area would have to be considered on their own merits.
11. The existing dwelling is said to have been allowed to deteriorate in condition, but the condition of the dwelling has not influenced my assessment of the appeal. The road giving access to the site is in poor condition and I understand that there have been problems with stability in the past. However, there is no substantive evidence that construction access to the site will not be possible and cannot be appropriately managed through a construction method statement. This is, therefore, of little weight in my decision.

Appropriate Assessment

12. The European Sites Mitigation Supplementary Planning Document 2021 (SPD) indicates that the site is within a 'zone of influence' (ZOI) of the Fal and Helford Special Area of Conservation (SAC). The SAC is designated for its saltmarsh,

intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs.

13. The SPD sets out that recreational pressure, predominantly from those living or staying within the ZOI are causing harm to the habitats. There is, therefore, potential that additional residents at the site, in combination with other development, could result in adverse effects on the integrity of the SAC.
14. The SPD indicates that mitigation in the form of Strategic Access Management and Monitoring (SAMM) can avoid such adverse effects. This is to be funded through developer contributions proportionate to the scale of development proposed. In this case, a contribution of the amount required for 2 dwellings has been paid and is detailed in an undertaking pursuant to S111 of the Local Government Act 1972. Following appropriate assessment under the Conservation of Habitats and Species Regulations 2017, I am satisfied that adverse effects on the integrity of the SAC will be avoided.

Conditions

15. A plans condition is needed in the interests of certainty. To protect the character and appearance of the area, details of external facing materials and a landscaping scheme must be provided. To safeguard the living conditions of future residents and access along the coast path, a construction method statement is required.
16. I have made some revisions to the Council's recommended conditions in the interests of certainty and to ensure compliance with the Framework. Other than where it is required for the proper operation of the condition, I have removed lists of required details to allow the parties to agree the required information specific to issues at this site, based upon best practice at the time that approval is requested. I have also removed any requirement to notify the Council that works have been completed as such is not necessary to secure compliance or enforceability.

Conclusion

17. For the reasons given, I conclude that the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 22.2020/01; 22.2020/02; 22.2020/03; 22.2020/04; 22.2020/05; 22.2020/06.
- 3) Prior to their installation, details of the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 4) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period.
- 5) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall provide planting plans with written specifications including details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development, and cultivation proposals for the maintenance and management of the soft landscaping.

The protection measures proposed shall be completed in accordance with the approved scheme before the development hereby permitted commences and shall thereafter be retained until it is completed.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted.