

Appeal Decision

Site visit made on 22 February 2022

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2022

Appeal Ref: APP/D0840/W/21/3281400

Land known as The Ground, W of Treen Villas, Road between Millpool and Treen Villas, Mousehole TR19 6RH

- 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 & Mrs David and Maureen Kneebone against the decision of Cornwall Council.
 - The application Ref PA21/00949, dated 31 January 2021, was refused by notice dated 19 April 2021.
 - The development proposed is much needed low impact, single storey, low-energy dwelling replacing a dilapidated agricultural, Industrial style structure with a building of traditional form and material which improves the setting and 'Preserves and Enhances'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, and whether it would preserve or enhance the character or appearance of Mousehole Conservation Area.

Reasons

3. The appeal site lies on an elevated area of sloping ground, covered with scrubby vegetation. Its uppermost and side boundaries are formed from hedgerows with many trees. In the northern, narrower part of the site is a dilapidated Nissen Hut. The site can only be accessed on foot via the network of pedestrian paths that wind up through the denser area of the settlement. Public Rights of Way (PROWs) extend to the west in close proximity to the site, but these are arguably linked by a publicly accessible path that runs directly in front of the site as per the evidence and the existence of a handrail and bench.
4. The site falls within the Area of Outstanding Natural Beauty (AONB) and the Mousehole Conservation Area (CA). Under Section 72(1) of the Listed Building and Conservation Areas Act 1990 (LBCAA), I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. Despite the absence of a conservation area appraisal, I consider the special qualities, and thus significance, of the CA to be its tightly-grained urban form, with cottages framing the narrow, winding streets and the manner in which the area's topography results in a picturesque scene of a fishing village cascading down the tiers of the slope when viewed from the harbour. The buildings are a mixture of C18 and C19, traditional pitched-roof dwellings with vertical emphasis,

and vernacular, low-level cottages in terraces, though both types are almost all built from granite stone and have slate roofs.

6. The appeal site lies just above the tight-knit urban form of the village and largely appears to form part of the backdrop to it, along the transitional tier which has a combination of green, undeveloped and domesticated influences, with the more obviously agricultural tier sitting above it. Although its vegetation has a scrubby, unkempt quality, the site is currently perceived as a largely green pocket of land which follows the natural contours. The Nissen hut is discernible in views from the harbour, though partially obscured by the house below. From the PROWs close to the site, the Nissen hut is a far more obvious feature, and whilst not particularly attractive, could not be regarded as a 'mess' as suggested by the appellants' evidence. Thus, the site contributes to the significance of the CA through providing a low key, largely natural backdrop that serves to contain the historic townscape.
7. The proposal is to demolish the Nissen hut and construct a single storey dwelling in a broadly similar position. The dwelling would have a decked walkway across the site's frontage from the access point, but given its location, would not be provided with any means of vehicle access or parking. The proposal follows an earlier dismissed appeal¹ for a single storey dwelling of a modern design.
8. Due to the way in which the building would be larger than the existing Nissen hut, it would be more noticeable. Though it is alleged it would only be 13.7% longer and 19% higher, those calculations focus only on the length and width of the main part of the dwelling, ignoring that there would be substantial engineering interventions to construct the retaining wall enclosure of the courtyard and the rearward flat roof projection. Rather than appear as a naturally sloping, green backdrop, the development would result in a far more noticeable gap and hardness to the interface between the site's green areas and the built retaining structures that would result in a visible extension of the settlement up, and into the slope from both close and longer views.
9. Whilst it is suggested that the building has been designed to be a modest 'barn', attempting to overcome issues highlighted in the previous appeal, this ethos has been lost in the desire to provide a generously-proportioned dwelling with three bedrooms. Rather than a small and simple structure that nestles on the site similarly to the Nissen hut, the rearward projection of the dwelling into the hillslope and its larger footprint and courtyard space would impact the site to a far greater extent, and, in the absence of evidence to the contrary, could also undermine the hedgerow trees to the higher rearward parts of the site. This would be an additional harm to the important green backdrop to the CA.
10. Whilst the use of high quality, traditional materials would be a positive aspect of the proposal, it would not suitably offset the interference with the site's more natural qualities and visual harm to the appearance of the area. Further, the use of timber elements on the principal elevation could help to carry the design concept of a simple barn, but that they could simply slide across to reveal three sets of double glazed doors would likely result in instances of the dwelling appearing far more atypical of a suburban scene and, thus, visually jarring when considered within the context of the sensitive receiving landscape.
11. I also note the appellants' intentions to considerately manage the site through the planting of a wildflower meadow and to minimise the visual harm from domestic

¹ Appeal reference: APP/D0840/W/21/3222084 dated 19 September 2019

paraphernalia. However, such stated intentions fall short of offering the certainty that they, or perhaps future occupiers, would not alter the site in a manner that would be harmful given the site's highly visible position.

12. In view of the above, the proposal would be harmful to the character and appearance of the area and AONB, and would fail to preserve the character and appearance of the CA. It would therefore conflict with, in particular, Policies 2, 3, 12, 23 and 24 of the Cornwall Local Plan (2016) (Local Plan) which collectively seek to ensure that the design of development is high quality, conserves and enhances the landscape character and natural beauty of the AONB and maintains the special character and appearance of conservation areas. For similar reasons, it would also fail to adhere to Policy MD9 of the Cornwall AONB Management Plan (2016).
13. Under the terms of the National Planning Policy Framework, the harm to the CA would be 'less than substantial'. Such harm should be weighed against the public benefits of the proposal. I return to this matter below.

Other Matters

14. I note the appellants suggestion that a far larger development will occur on land near the appeal site that would be more harmful. However, the inclusion of such a site within the Strategic Housing Land Availability Assessment is only a theoretical indication that it is available and hasn't been screened out for more fundamental reasons. It does not mean it is suitable, or that development will be certain to take place. Consequently, I attribute this matter no weight.
15. Whilst I note reference to the dwelling being a self-build proposal, this aspect does not appear to be formalised through any planning obligation and consequently, does not attract additional weight in the overall balance.
16. I do not find reason to disagree with my colleague that the proposal would not constitute an infill or rounding-off development. However, I note that part of the site is occupied by a structure, which brings the reuse of previously developed land (PDL) into consideration. Policy 3 of the Local Plan allows the redevelopment of PDL either within, or immediately adjoining a settlement, of a scale appropriate to its size and role. In principle, the scale and role of the settlement is appropriate for a single dwelling, but the environmental considerations are still of critical importance, and in this case, the harm to the character and appearance of the area, including the AONB and CA, is decisive.

Planning Balance and Conclusion

17. I have identified that the proposal conflicts with the development plan, when considered as a whole. Though there would be benefits from the construction of a dwelling on PDL and its contribution to the local housing stock and economy, the scale of the benefits would be limited. Therefore, the promoted benefits of the scheme do not outweigh the less than substantial harm to the significance of the CA or indicate that a decision should be made other than in accordance with the development plan.
18. For the reasons outlined above, the appeal is dismissed.

Hollie Nicholls
INSPECTOR