



Appeal Decision

Site visit made on 14 April 2022

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2022

Appeal Ref: APP/D0840/W/21/3286974

78 Carn Brea Lane, Pool TR15 3DS

- 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 Ian Moore, Tescan Ltd, against the decision of Cornwall Council.
 - The application Ref PA20/02959, dated 3 April 2020, was refused by notice dated 26 July 2021.
 - The development proposed is Demolition of single detached dwelling and replacement with student accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of single detached dwelling and replacement with student accommodation at 78 Carn Brea Lane, Pool TR15 3DS in accordance with the terms of the application, Ref PA20/02959, dated 3 April 2021, and subject to the conditions set out in the schedule to this decision.

Application for costs

2. An application for costs was made by Mr Ian Moore, Tescan Ltd, against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appellant's appeal statement puts forward a fallback scenario relating to demolition of the property under permitted development rights. However, the proposed development is for what is described as demolition of single detached dwelling and replacement with student accommodation. I have therefore considered the appeal proposal on the basis of the description of development as originally applied for and as shown on the submitted plans. However, the fallback scenario is a relevant consideration to which I shall return later.

Main Issue

4. The main issue is the effect of the proposed development on the Cornwall and West Devon Mining Landscape World Heritage Site (WHS), with particular regard to the demolition of the existing building.

Reasons

5. The appeal site is located within the Camborne and Redruth Mining District of the WHS. The submitted evidence, including the Heritage Impact Assessment, indicates that the dwelling on the site was constructed during the time of the

- period of interest for the WHS and was occupied, at least initially, by an employer and Carrier involved in the works at the Carn Brea dumps.
6. 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, amongst other things, the creation or remodelling of towns and villages. Mining settlements are one of seven identified attributes through which the OUV of the WHS is expressed.
 7. The Management Plan describes the Camborne and Redruth Mining District as the most heavily industrialised mining district in the WHS, containing its most significant urban centres of mining population and including the important mining settlements of Redruth and Camborne. It sets out that the area's mineral resources brought fabulous wealth to the district and that the mining towns of Camborne and Redruth are now connected by an almost continuous ribbon development of mining settlements and modern light industry. Forged by industry, Camborne is identified as containing the best example in the area of large-scale urbanisation associated with the Industrial Revolution in metal mining and engineering, while Redruth was acknowledged as the capital of the Cornish mining industry in the eighteenth and nineteenth centuries. Clearly, mining settlements and the buildings associated with mining are an important characteristic of the WHS and form part of its significance.
 8. The Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP) and the National Planning Policy Framework (Framework) attach great weight to the conservation of designated heritage assets. The Framework sets out 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.
 9. Despite being constructed towards the end of the interest period and situated on the edge of an outlying part of the WHS, the building on the site is nevertheless within the designated area and the available evidence indicates that it was built within its period of interest. Even if only for a short period, it was also occupied by someone involved in ancillary mining-related activity. The building is clearly therefore connected both physically and culturally to the WHS and contributes to the understanding of the historic development of the Camborne-Pool-Redruth mining settlement(s) and thus the history of the designated area. On this basis, it is a relevant element of the WHS and, being part of an important mining settlement, contributes to the expression of the OUV as part of that key attribute. In coming to this view, I have taken into account that the dwelling is not listed, has a similar architectural form to other buildings in the locality and is not one of the features listed in the statement of OUV in appendix one of the Management Plan.
 10. The building is in a relatively poor state of repair and has various unsympathetic alterations and additions. Given the recent development of the highway network, the site fronts a busy junction while the link road provides

views of elevations that were not necessarily designed to address the street and intrudes into the now not-particularly-useable rear garden. The building is therefore now in a rather unfortunate situation and somewhat sorry state, its architectural value and aesthetic contribution to the locality are undermined by these aspects, and the site's layout has changed from its historic form. It is also rather divorced from other standing mining features in the wider area due to the degree of separation and presence of intervening modern built form.

11. Nevertheless, I observed on my site visit that its original, locally distinct design is still apparent and it reads as a historic feature that positively reflects its setting within the WHS. Despite its value being impacted by the link road, there seems little reason to me why the building could also not be brought back into a better state of repair and the various negative alterations and additions removed or improved. Furthermore, situated in a prominent position in an area where much of the surrounding built form is relatively modern, it is perceived as a rather landmark building. That it remains in spite of surrounding land being developed emphasises its broadly intact form and heightens its contribution to the OUV rather than diminishes it.
12. Providing a legible historic link to the area's past, the existing building therefore positively contributes to the WHS. Its loss would thus harm the setting, authenticity and integrity of the designated heritage asset and negatively affect the OUV of the WHS. The negative EIA screening decision, the previous granting of permission for the link road and the building not being within a historic building group or cluster do not lead me to a different conclusion.
13. Given the scale and nature of the building, the harm I have identified from its demolition would be relatively localised, while some of the above aspects also serve to limit its contribution to the WHS. Accordingly, its loss would constitute, in the words of the Framework, 'less than substantial harm' to the significance of the designated asset. Although I therefore do not agree with the Council's contention that the appeal proposal would result in 'substantial harm', less than substantial harm still constitutes harm, and in such circumstances the less than substantial harm should be weighed against the public benefits.
14. In this instance, the development would provide public benefits including the provision of student accommodation, short term employment opportunities during the construction phase, and an improvement in stormwater drainage by diverting surface water run-off away from the combined sewer and into a soakaway. Being on an accessible and already-developed residential site within a settlement with a comprehensive range of services and facilities, the Council identify that the principle of providing student accommodation is also acceptable. However, based on the development and its use, the benefits would be relatively limited. The benefits are further tempered by the site already providing residential accommodation and there being little substantive evidence that student accommodation is needed in the area, particularly given that Cornwall College is said to be contracting.
15. 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. Although the proposed replacement building would be finished in materials prevalent in the area, provide a transition between competing architectural styles and the Council considers its design is

acceptable, for the reasons above the development also cannot reasonably be described as enhancing the site or making best use of land.

16. Consequently, I conclude that the proposed development would result in unjustified harm to the WHS, with particular regard to the demolition of the existing building. I therefore find that it conflicts with CLP Policy 24. Amongst other aspects, this gives great weight to the conservation of Cornwall's heritage assets, expects development to sustain designated heritage assets and accord with the WHS Management Plan, and sets out that harm to the authenticity and integrity of the OUV of the WHS should be wholly exceptional. The proposal would also be inconsistent with the provisions in the Framework in relation to conserving and enhancing the historic environment.

Other matters

17. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such as overdevelopment; highway concerns including traffic flows on the highway, inadequate access, congestion and insufficient on-site parking for vehicles and cycles; air quality concerns for rooms adjacent to the highway; unsuitable and overbearing design and scale; noise, disturbance and anti-social behaviour; discrepancies in the submitted plans; the need for student accommodation; incompatibility with the residential area; inadequate publicity of the planning application; and management of the student accommodation.
18. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. In addition, the Council has not raised concerns with respect to these aspects and there was also no objection from the Highway Authority. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Planning Balance

19. I have found that the proposed development would harm the WHS and conflict with CLP Policy 24. Accordingly, and although other CLP policies may support the appeal proposal, I find that it would be contrary to the development plan as a whole. However, in this instance, the evidence before me indicates that the existing dwelling on the site could be demolished under permitted development rights. Although the Council sets out that it could either list the building or issue an Article 4 direction to remove such permitted development rights, there is little evidence before me that it intends to – or would – do either of these. Referring to the appellant's references to demolishing the building under permitted development rights, the Council's appeal statement also sets out that such a scenario is feasible. Consequently, I consider that the fallback is a practicable scenario and could realistically occur. I therefore attach significant weight to it.
20. When considered against this lawful fallback position, the effect of the proposed development on the WHS would be neutral since the existing building could be demolished and the resulting harm to the designated heritage asset would, it seems to me, be likely to happen irrespective of the appeal proposal. In this instance, the Council has also not identified that the proposed development would cause any other unacceptable harm, including in relation to matters such as the effect of the proposed replacement building on the

character and appearance of the surrounding area, highway safety and the living conditions of adjoining occupiers. On the basis of the available evidence, I concur.

21. Planning law requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. I place great weight on the conservation of designated heritage assets, that assets should be conserved in a manner appropriate to their significance and that World Heritage Sites are identified as being of the highest significance and of international importance. I also attach significant weight to the conflict I have identified with the development plan and the Framework.
22. However, in this instance, the above material considerations indicate that the appeal proposal would have a neutral effect on the WHS in relation to the realistic fallback scenario. The proposal would also not result in any other unacceptable harm. This indicates that permission should be granted, notwithstanding the conflict with the development plan and the great weight given to the conservation of designated heritage assets.

Conditions

23. I have had regard to the various planning conditions that have been suggested by the main and interested parties. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, to ensure that details are submitted to and considered by the Council where relevant, and for clarity and consistency.
24. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. A condition securing the provision of a suitable surface water drainage system is necessary in relation to flood risk and given the site's position within a critical drainage area.
25. Given the historical land use of the surrounding area, conditions relating to land contamination are necessary in order to ensure that any contamination issues arising from the development can be sufficiently dealt with. However, on the basis of the information before me, including the submitted Contaminated Land Desk Study Phase I Report, it is not necessary for a further risk assessment to be submitted and there is no reason why demolition cannot occur prior to the detailed remediation scheme being approved by the Council. I have therefore not included the first condition suggested by Environmental Protection and amended the Council's third suggested condition in order to allow for demolition to take place.
26. The Police Architectural Liaison Officer's consultation response to the planning application refers to two possible conditions. However, the Council have not suggested either condition and have indicated that both would not serve a planning purpose and fail to meet the tests in the Framework. On the basis of the submitted evidence, I agree and have therefore declined to impose them.

Conclusion

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

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Survey (Drawing No 294-001); Site Location and Block Plans (Drawing No 294-010); Site Plan (Drawing No 294-011); and Plans and Elevations (proposed) (Drawing No 294-011).
- 3) With the exception of demolition, no development including excavation shall take place on the site until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.
- 4) The approved remediation scheme shall be carried out in accordance with the approved details and upon completion and prior to first occupation of the development hereby approved, a verification report by a suitably qualified contaminated land practitioner that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority.
- 5) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.
- 6) Prior to the first occupation of the development hereby permitted, details of the scheme for the management of the site's surface water shall be submitted to and approved by the local planning authority. The approved scheme shall be installed in accordance with the approved details prior to the first occupation of the development hereby permitted and the system shall thereafter be maintained in accordance with the approved details.

END OF SCHEDULE