



Appeal Decision

Site visit made on 20 April 2022

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Appeal Ref: APP/D0840/W/21/3289951

Goonvrea Barton, St Agnes, Truro, Cornwall TR6 0NX

- 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 John Reynolds against the decision of Cornwall Council.
 - The application Ref PA21/07632, dated 21 July 2021, was refused by notice dated 5 October 2021.
 - The development proposed is the demolition of existing agricultural building and erection of two rural workshops.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development on the application form refers to the use of the proposed building as falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987. However, before this submission, the Regulations¹ had altered and the B1 Use Class had been incorporated into a new Class E.
3. I have therefore removed the reference to the B1 Use Class from the description of the development and I will consider the appeal based on the proposed use falling within the new Class E. The Council has commented that the use of the building would fall within Class E in its appeal statement and the appellant indicates in final comments that the proposed use should be considered to be within Class E(g). Therefore, no prejudice arises with considering the use class of the building as within Class E.

Main Issues

4. The main issues are:
 - whether or not the development plan would support the proposal in this location,
 - the effect of the development on the character and appearance of the area, having particular regard to the location within the Heritage Coast, and
 - the effect of the development on heritage assets, in particular on the Outstanding Universal Value of the Cornwall and West Devon Mining Landscape World Heritage Site.

¹ Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

Reasons

Whether or not the development plan would support the proposal in this location

5. The development plan includes the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) and the St Agnes Parish Neighbourhood Development Plan 2018-2030 (the Neighbourhood Plan) which together provide the adopted policies to assess the proposed development.
6. Policy 2 of the Local Plan sets the overall spatial strategy and includes a criterion to provide jobs in a proportional manner, where they can best sustain the role and function of local communities and that of their catchment. The role and function of places is set out in Policy 3 of the Local Plan which establishes a hierarchy to deliver housing and employment growth centred on the larger settlements. Outside the main towns, in summary, employment growth is to be delivered through rounding off of settlements and development of previously developed land within or immediately adjoining that settlement, infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside, and the identification of sites through neighbourhood plans.
7. In this case, the site is a section of land alongside the drive to the dwelling. The site includes a modest sized building, which the evidence indicates has an agricultural use, and two dark green enclosures which are explained to be temporary and which the Council say do not benefit from a planning permission. In these circumstances, I attribute these latter enclosures little weight in my considerations.
8. The appeal site has the appearance of generally merging with the adjoining field and is separated from the nearby physical form of the housing and can be considered to fall within the countryside. This is confirmed by the settlement boundary of St Agnes which is identified in the Neighbourhood Plan and which includes the dwelling of Goonvrea Barton but excludes the adjoining field and appeal site.
9. The proposed building would not be constructed on previously developed land and, as it would visually extend development further from the built form into more open land, it would not constitute a rounding off of the settlement. The scheme would not infill a small gap in an otherwise continuous built frontage and the site has not been identified for employment development in the Neighbourhood Plan. As a consequence, the scheme would not meet with the requirements of Policy 3 of the Local Plan in terms of development of business sites for settlements such as St Agnes.
10. Additionally, Policy 5 of the Local Plan is also relevant to the appeal considerations and sets out a series of criteria against which business and tourism development can be considered. In terms of the justification for the building the evidence explains the background and nature of the two businesses which are intended to occupy the building. These are a jewellery design and manufacturing business and a car restoration business, both operated by the appellants and occupants of the dwelling. It seems that these businesses have relocated with the move of the appellants to the property. The jewellery business is explained to operate from the dwelling at the present time and therefore the proposed building would allow an expansion of an existing business use on the site, including initially providing two full time positions. I

have read and understood the Business Statement that supports the need for the development² and the particular circumstances and business needs that seek to justify the building on this site. However, while the high value nature of the work and products would benefit from the security provided on the site, the convenience for the appellants, and it is explained that there is a lack of alternative premises locally, I am not satisfied, in terms of the related tests in Policy 5, that there is an overriding locational need for the businesses to be on this site and that re-location would be impractical or not viable.

11. Furthermore, the building would extend development further away from the settlement into open land and therefore would not appear well integrated with the built form of the village. The evidence does not clearly demonstrate that this rural area is well served by public transport. In the light of these findings, the scheme would not accord with the relevant criteria in Policy 5 of the Local Plan.
12. Finally in terms of the Local Plan, the proposed development would not accord with Policy 21 of the Local Plan, concerning the best use of land and existing buildings, because it would not be appropriate to increase building density in this location when taking into account the character of the surrounding area.
13. I am conscious of the positive approach of the National Planning Policy Framework (the Framework) towards business and, in particular, the policies that support a prosperous rural economy. These include that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements. In these circumstances, amongst other things, the Framework explains it is important that the development is sensitive to its surroundings. The growth and expansion of businesses in rural areas can include, in accordance with the Framework, the construction of well-designed new buildings.
14. When examining the relationship between the Framework and the Local Plan, Policies 3 and 5 of the Local Plan detail a locally specific approach to the provision of commercial development. Like the Framework, the Local Plan does not exclude development beyond the boundary of a settlement. For instance, there is the ability to construct new buildings in association with rounding off or with the use of previously developed land. The development plan approach to the location of business development therefore seems to be broadly consistent with the general policy approach in the Framework. Consequently, as the scheme would conflict with Policies 3 and 5 of the Local Plan and, for the reasons explained later, the development would not be sensitive to its surroundings, I am not satisfied that there would be Framework support for the scheme in this location.
15. I am also conscious of the approach to supporting employment development in the Neighbourhood Plan. However, because I have found, following my analysis below, that the scheme would harm the character of the immediate surroundings it would not comply with Policy 15 of the Neighbourhood Plan. I note the comments that the settlement boundary of St Agnes has been drawn tightly around the village so as to exclude opportunities for housing and business development and that the Neighbourhood Plan does not allocate sites for business development. However, the plan is an adopted part of the

² I have noted the details in the Business Statement that in relation to the garage space it would also house a small collection of private classic cars and hold all the garden equipment.

development plan following local consultation and the Neighbourhood Plan does allow, subject to meeting the relevant policy criteria, housing and business development. I am not satisfied by the evidence that the Neighbourhood Plan can be considered out of date or that for any other reason the presumption in paragraph 11d of the Framework should be engaged.

16. In the light of the above analysis, I conclude that the proposed development would not be supported by the development plan in this location. In particular, the proposal would conflict with Policies 1, 2, 3, 5 and 21 of the Local Plan, Policy 15 of the Neighbourhood Plan and the Framework which set, amongst other things, the approach to the location of business development.

Character and appearance

17. The site falls within Landscape Character Area 12 – St Agnes (LCA12) as identified within the Cornwall and Isles of Scilly Landscape Character Study. In particular, it is located within part of the undulating plateau set down from St Agnes Beacon. The surroundings display some of the key landscape characteristics identified for LCA12, including the mining heritage features within the landscape and the mainly recent enclosure pattern of small to medium fields of improved permanent pasture and rough grazing with more recent farming over former miner's smallholdings.
18. The site also falls within the Heritage Coast. I consider this to be a valued landscape designation and which Framework policy seeks decisions to protect and enhance. Policy 23 of the Local Plan explains that in such locations development should maintain the character and distinctive landscape qualities of the area.
19. In long distance and elevated views, such as from the St Agnes Beacon, the proposed building would be seen within the open and expansive countryside and amongst a scatter of other buildings. It would be a minor addition, barely perceptible and would have a neutral effect on the character and appearance of the wider landscape.
20. In closer views, such as from within the land and from some limited parts of the adjoining road, the site appears somewhat separated from the dwelling and its enclosed garden area. It is located next to the drive but visually appears to be more associated with the field and the more open land to the generally west of the settlement area than with Goonvrea Barton and the other dwellings. The existing agricultural building on the land already appears isolated within the site, although its modest size and fairly low ridge help to reduce its impact. Overall the appeal site has a reasonable countryside feel and is generally experienced as part of the open expansive countryside surroundings.
21. The proposed commercial building is a reduced scheme and, as a piece of stand-alone design, has some positive attributes including with the external materials and roof form which would help to reduce some of its bulk. However, in the context of its position away from the main house and other buildings, together with the reasonable depth and width of the building, it would appear as a fairly sizeable structure. With some elements of an industrial rather than agricultural appearance, I consider that the development would appear as a somewhat arbitrary and discordant incursion of development into the countryside. The building would encroach into a fairly undeveloped and open section of the land beyond the edge of the settlement and would undermine,

albeit to a modest extent, the identified landscape qualities of this pastoral area of the plateau and the open character of this section of land. In this way, and in these localised views, despite the proposed landscaping it would undermine the landscape character of this part of LCA12 and the Heritage Coast.

22. The retention and strengthening of the Cornish hedge and the other landscaping proposals may help to a limited extent to mitigate some of the effect of the proposed building. However, the development would still be apparent and a building of this size, design and in this location would not maintain the character and distinctive landscape quality of this part of the countryside.
23. In coming to this judgement I have had regard to all the evidence, including the case made in support of the external appearance of the building and its references to the industrial heritage within the landscape and the conclusions of the Landscape and Visual Impact Appraisal. However for the reasons explained, the presence of the development in this position would be harmful and undermine local character.
24. Accordingly, I conclude that the scheme would unduly harm the character and appearance of the area, including the Heritage Coast. It follows that the development would not accord with Policies 2, 12 and 23 of the Local Plan, Policies 10 and 15 of the Neighbourhood Plan and the Framework which seek, amongst other things, that development should sustain local distinctiveness and character.

Heritage assets

25. The site and the surrounding area is located within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). In particular, it lies within the section A7 St Agnes Mining District. The WHS Management Plan 2020-2025 sets out the seven attributes of Outstanding Universal Value (OUV) and explains that these attributes, and their component features, embody the OUV and impart the distinctive character of the Cornish mining landscape. One of the seven attributes are mineworkers' smallholdings. These smallholdings are a characteristic feature of the A7 St Agnes Mining District and help define its significance as a heritage asset.
26. The boundaries of the fields in which the proposed development would be located are all shown on the 1841 Tithe Survey, which the evidence explains helps to identify and define these as smallholdings belonging to miners. It seems that the proposed development would be within a field that was amalgamated with the field to the east sometime in the period 1841-1880. There is also a mound of mine spoil to the north east which is explained to represent the remains of a mine site and forms a component of the character of this part of the WHS. The site and surroundings are therefore rich in its references to the historic mining use of the area.
27. Examining the effect of the proposal, the scheme would not harm or alter the field boundaries and the construction of the dwellings to the broadly east of the site have already compromised part of the legibility of the original extent of the smallholdings in that area. The laying of the drive, together with the provision of the modest sized agricultural building, have also affected the character and appearance of the field. However the proposed reasonably sizeable business

building would intrude to a greater extent than the drive and agricultural building. It would become a visually prominent component of this field. With its business use and related appearance, together with its size and prominence within the field, it would erode part of the openness and identity that contributes positively to its smallholding character. I am not satisfied that the development would appear as an agricultural building serving the land and its introduction would diminish the distinctive character and authenticity of this part of the Cornish mining landscape.

28. The proposed building would also be reasonably close to the mine spoil mound and, with its height and position, the building would have the effect, in some views, of appearing to frame one side of this feature. While the spoil mound would not be directly affected and its boundaries retained, the proposal, in this respect, would nevertheless add to the overall impact and undue change to the character of the surroundings in which the mining heritage was appreciated.
29. As a result of this analysis, I consider that the scheme would harm the OUV of this part of the WHS. In coming to this conclusion, I have carefully considered all the submissions regarding the effect of the proposal on this designated heritage asset, including the Statement Heritage Report (April 2020) titled Land at Goonvrea Barton and the appeal statement of case by Dr Samuel Walls of South West Archaeology. I consider that the harm, while localised, would nevertheless be greater than these reports have concluded because of the extent of adverse change that I have described above and the related impact that would result.
30. The harm to the OUV and thereby the significance of the WHS as a whole would be less than substantial within the meaning of paragraph 202 of the Framework. In accordance with the Framework, this harm should be weighed against the public benefits of the proposal. I am conscious that Policy 24 of the Local Plan sets a number of tests including, in summary, that proposals causing harm to a heritage asset will be weighed against the *substantial* (my emphasis) public, not private, benefits of the proposal.
31. The benefits of this scheme would include the economic benefits from the construction works and from the business activities which would subsequently take place. The two businesses would have a stable, secure and appropriate base from which to operate helping to meet their needs, allowing full time employment and the ability for future expansion within the building. There would be accompanying positive effects to the local economy, including sub-contracting work in relation to the car restoration and the potential for retail sales of jewellery locally from other premises. The appellants would be able to train other staff, walk to the building and therefore not need to travel to work by private vehicle. The scheme would make a small contribution towards meeting business space targets set by Policy 2a of the Local Plan.
32. There would also be a positive benefit in terms of the biodiversity and landscaping of the site. Additionally, the case is made that the land with its historic boundaries would be managed and enhanced as a result of the scheme. However, I have no clear reason to believe that the land holding would not be well maintained even if the appeal was not to succeed and therefore I attribute this matter little weight.
33. Taking together all the benefits of the scheme which have been advanced, I consider that, while they are worthwhile, given the level of employment and

likely extent of benefits from the operation of the business premises on this site, that cumulatively the public benefits from the development would be reasonably modest. In these circumstances, while accepting their importance and being conscious of the positive requirements in the Framework to support economic growth and productivity, in particular in paragraph 81, I attach the extent of the benefits limited weight in support of the scheme.

34. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the potential harm to the significance. I have found that the extent of public benefits of the proposal afford limited weight and therefore would not outweigh the harm to the WHS and its OUV, which although I judge to be moderate, in accordance with the Framework, is required to be attributed great weight.
35. For completeness, the development would not adversely affect the setting or significance of the Bolster Bank, a Scheduled Ancient Monument which lies to the very broadly south of the site because of the nature of the proposal, its separation and intervisibility with this feature.
36. Nevertheless, for the reasons I have explained above, I conclude that the scheme would unduly and adversely effect the OUV of the WHS and that the public benefits would not outweigh this harm. Accordingly, the scheme would conflict with Policies 2 and 24 of the Local Plan, Policy 11 of the Neighbourhood Plan, Policies P3, C2, C8 and C9 of the WHS Management Plan and the Framework which, notably, require that proposals that would result in harm to the authenticity and integrity of the Outstanding Universal Value of the WHS should be wholly exceptional.

Conclusion

37. I have taken into account the views of the Parish Council in coming to my conclusions. The scheme would provide a range of benefits which I have summarised above. These benefits would be worthwhile but, because they would be reasonably modest, I attribute the extent of the benefits limited weight. On the other hand, the scheme would not accord with the locational strategy for development as set out in the development plan, would harm the character and appearance of the area and unduly detract from the OUV of the WHS. These harms and related policy conflicts are matters which cumulatively I attach very substantial weight. It follows that the harm would not be outweighed by the benefits.
38. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and other material considerations do not indicate that a decision should be made other than in accordance with the development plan. Accordingly, and taking all other matters into account, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR