



Appeal Decision

Site visit made on 6 September 2022

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 November 2022

Appeal Ref: APP/D0840/W/22/3296639

Land Rear Of Lydford, Carnkie, Redruth TR16 6RZ

- 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 Liam Ducker against the decision of Cornwall Council.
- The application Ref PA21/11619, dated 22 November 2021, was refused by notice dated 2 February 2022.
- The development proposed is erection of two dwellings, new access and amenity areas.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Liam Ducker against Cornwall Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the location of the appeal site is suitable for new dwellings; and
 - The effect of the proposed development on the setting and significance of Heritage Assets.

Reasons

Character and appearance

4. The appeal site is an area of rear garden associated with a property known as Lydford which is located to the north of the highway known as Monument View, and which extends to the rear of the neighbouring property San Jo. Within the site is an existing outbuilding, with the site bordered by other gardens, and countryside to the north.
5. Carnkie is a small settlement featuring a predominantly linear settlement pattern along the highway, with a broad mix of single and two storey dwellings.
6. The proposal would introduce new dwellings into the rear garden environment of the locality which would be significantly at odds with the linear pattern of development nearby. They would significantly erode the landscape setting of this part of the settlement. Whilst not prominent in views from Monument

View, or from distant viewpoints, the dwellings would be visible from the rear of nearby dwellings and from close up views from Carn Brea Lane to the north west. From these places the new dwellings would catch the eye and be seen to harmfully visually project beyond existing built form along Monument View.

7. Consequently, I conclude on this main issue that the proposed development would cause harm to the character and appearance of the area, contrary to the aims of Cornwall Local Plan Strategic Policies 2010-2030 (LP) Policies 2, 12 and 21 which seek, amongst other things, to achieve high quality appropriate development which maintains and enhances natural and historic character. The proposal would also be contrary with the provisions of the National Planning Policy Framework (Framework) in relation to achieving well-designed places which are sympathetic to local character including the surrounding built environment and landscape setting.

Location of development

8. The main parties do not dispute that Carnkie should be regarded as a 'settlement' for policy purposes or that the site can be considered as previously developed land (PDL). Given the sufficiently substantial form, shape and definable boundaries of Carnkie and the existing use of the land as garden outside of a built-up area, I have no compelling reason to disagree.
9. Policy 3 of the LP sets out a hierarchical strategy for the delivery of new housing. Carnkie is not a location named within Policy 3(1), and therefore Policy 3(3) provides that, outside these larger named settlements, housing growth is to be delivered through, amongst other means, development of PDL within or immediately adjoining settlements.
10. LP Policy 7 sets out that new homes in the open countryside will only be permitted where there are prescribed special circumstances. No such special circumstances have been put before me within the evidence.
11. LP Policy 21 seeks to ensure the best use of land and encourage sustainably located proposals which amongst other things, use PDL providing they are not of high environmental or historical value and increase building density where appropriate, taking into account the character of the surrounding area.
12. My attention has also been drawn to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (The CPOAN). The CPOAN does not form part of the statutory development plan and is to be regarded as informal guidance. However, it does provide some clarity on the locally adopted approach in relation to matters such as infill, rounding off of settlements and PDL, and as such I have had regard to it in the determination of this appeal.
13. The Council have cited conflict with Policy 3 in that the proposal would not represent infill or rounding off. Whilst this may be so, Policy 3 is clear that development could be accommodated on PDL within or immediately adjoining a settlement of a scale appropriate to its size and role.
14. In conclusion on this main issue, whilst the proposal does not meet any of the requirements of LP Policy 7, my finding is that the evidence supports the view that the site can be regarded as PDL which is immediately adjoining the settlement. Therefore, the proposal would be an allowable form of development, in accordance with LP Policy 3. However, as discussed above within *character and appearance*, as the proposal harms the linear character of

this part of the settlement, the proposal would conflict with LP Policy 21 and would not be a location suitable for new dwellings. The proposal would also be contrary with the provisions of the Framework in relation to ensuring developments are sympathetic to local character and the surrounding built environment.

Heritage assets

15. The appeal site is located within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) and to the southwest of the West Bassett and Wheal Bassett mining complex which contain a number of buildings identified within the Officer Report and appellants Heritage Statement¹ (HS) including the Grade II listed Stamps engine house, Lyles Shaft engine house, Frue Vanner house and chimneys.
16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
17. Paragraph 189 of the Framework states that WHS are a designated heritage asset which are an irreplaceable resource, and which should be conserved in a manner appropriate to their significance. Policy 24 of the LP provides that development within the WHS will be restricted in accordance with the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan (WHSMP).
18. The WHSMP places the appeal site within Area 5, the Camborne and Redruth Mining District of the WHS. The HS describes the significance of this area as the association with the previous mining uses, changing fortunes of the Camborne and Redruth Mining District Area, and contribution to character of the WHS area and associated built heritage including views into and within the WHS area itself. The WHSMP describes the area as being the most heavily industrialised tin and copper mining district in the WHS, and also contains its most significant urban centres of mining population. It includes the remains of mines, related transport infrastructure, ancillary industries and important mining settlements. In respect of Outstanding Universal Value (OUV) the WHS assets have been categorised under seven different attribute types that individually and collectively express OUV including mining sites including ore dressing sites, and mining settlements and social infrastructure.
19. Based on the evidence before me, I find that the significance of the specified cluster of listed buildings relate to the contribution to the built environment of the WHS and the association with the previous mining uses of the area although with particular regard to those buildings identified within the WHSMP, the Stamps Engine House is noted as being unusual in that it contained two separate beam engines, side by side, and the Frue Vanner House due to its prominence in the landscape.
20. The appeal site forms part of a visual gap which separates the built form of Carnkie from the West Bassett and Wheal Bassett mining complex, the separation of which, as well as the linear form of Carnkie, in my view,

¹ Heritage Statement – Chartwood Planning Nov 21

contributes positively to the setting of the WHS. When viewed from the lower part of Carn Brea Lane, the appeal site is seen in-conjunction with Lyles Shaft Engine house and chimney beyond. Whilst the separation of the complex to the built form of Carnkie is somewhat diminished by the buildings at Trenwith, the separation is nevertheless an important part of the character of the area.

21. The development of the appeal site would introduce development and domestic paraphernalia into this otherwise largely open area which would erode the sense of separation between these features and would be detrimental to the positive contribution that the appeal site provides to both the WHS and setting of nearby listed buildings, in conflict with Policy 24 of the LP which seeks, amongst other things, for development to conserve and enhance Cornwall's heritage assets.
22. The harm that would be caused to the significance of these designated heritage assets, which is not in dispute, would be less than substantial in terms of paragraph 201 of the Framework. In accordance with paragraph 202 of the Framework, it is appropriate to weigh the harm caused by the proposal against any public benefits that would arise from the development. In this regard, I will return to the level of public benefits in the Planning and Heritage Balance given below.

Planning and Heritage Balance

23. There is no doubt that the benefits of the proposal include housing provision and use of PDL, matters to which I give moderate weight. There would also be economic benefits in terms of employment opportunities during the construction phase, with further economic benefits through the spend of future occupants within the local economy, although given the low number of housing involved I only afford this minor weight. Taking all of these matters into account the public benefits of the proposal would not, either individually or cumulatively, be sufficient to outweigh the harm that would be caused to the setting of nearby Listed Buildings and the significance of the WHS as a designated heritage asset through harmful development on the appeal site. This brings the schemes into conflict with the conserving and enhancing of the historic environment aims of the Framework.
24. In the overall planning balance, whilst numerous, including the development of a deliverable small site for housing and acknowledging the findings of Securing Homes for All: A Plan to respond to Cornwall's Housing Crisis, the benefits of the proposal are not sufficient to outweigh the harm that I have identified and the conflict with the development plan as a whole.
25. Whilst I have found that there would be no conflict with LP Policy 3 in terms of the location of the development, there would be conflict with LP policies 2, 7, 12, 21 and 24 and the development plan, read as a whole.

Conclusion

26. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with the development plan. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR