



Appeal Decision

Site visit made on 15 November 2022

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2022

Appeal Ref: APP/D0840/W/22/3296196

Land North East of 6 Carnyorth Terrace, St Just TR19 7QE

- 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 Mrs C Anderson against the decision of Cornwall Council.
 - The application Ref PA21/05538, dated 25 May 2021, was refused by notice dated 5 October 2021.
 - The development proposed is construction of single dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, the St Just-in-Penwith Parish Neighbourhood Development Plan 2021 – 2030(NP) has been 'made'. I have had regard to the relevant policies in my consideration of this appeal.

Main Issue

3. The main issue in this appeal is:
 - The effect of the proposed development on the character and appearance of the area having particular regard to the effect of the proposed development on the setting and significance of Heritage Assets.

Reasons

4. The appeal site is an area of garden associated with 6 Carnyorth Terrace and within the settlement of Carnyorth. The site is broadly triangular in shape and located in a prominent position adjacent the B3306 highway. The site, which lies to the south of 20 Carnyorth Hill is largely open, with views from the highway across to garden buildings and the rear elevations of Carnyorth Terrace. The site is within the Carnyorth Conservation Area (CA), the West Penwith section of the Cornwall Area of Outstanding Natural Beauty (AONB) and the Cornwall and West Devon Mining Landscape World Heritage Site (WHS).
5. Carnyorth is a small settlement notable for its pattern of development which includes the clear distinction between the prominent Carnyorth Terrace near the centre of the settlement, more scattered mix of both detached and attached buildings to the north along each side of Carnyorth Hill, and buildings at Falmouth Place to the south.

6. The proposal would introduce a new dwelling, albeit of a modest size into the appeal site. I note that the design of the proposal has been subject to amendments and utilises design cues and materials sympathetic to the local vernacular. Furthermore, the proposal will retain a substantial area of boundary wall and will utilise a site within a settlement.
7. However, the appeal site is in a prominent location which currently contributes to the visual separation between Carnyorth Terrace, and built form to the north. This open area importantly provides a setting for Carnyorth Terrace and helps differentiate between the distinct areas of the settlement. Notwithstanding the proposed design being sympathetic to the local vernacular, the appeal proposal would introduce built form into a site which would visually erode the separation identified above, resulting in harm to the wider character and appearance of the settlement.
8. It has been put to me that the proposal would provide an opportunity to provide infill development that will help conceal adapted elevations to the rear of Carnyorth Terrace. Given the location of the appeal site, the proposal would help screen existing garden buildings, however the rear elevations of Carnyorth Terrace would still be prominent when travelling along Carnyorth Hill, and the benefits of such screening would therefore be limited.
9. Although 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. The support for unplanned organic growth, or the definition of infill development within the CPOAN does not lead me to a differing view on the effect of the proposed development on the character and appearance of the area identified above.
10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
11. Paragraph 189 of the National Planning Policy Framework (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 Cornwall Local Plan Strategic Policies 2010-2030 (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) and are expected to maintain the special character and appearance of Conservation Areas.
12. The WHSMP places the appeal site within Area 1, the St Just Mining District of the WHS. The WHSMP describes the area as a coastal mining district including dispersed mining villages with associated mineworkers' smallholdings, illustrating the high degree of influence post-Medieval mining had on many towns and villages across Cornwall. In respect of Outstanding Universal Value (OUV) the WHS assets have been categorised under seven different attribute types that individually and collectively express OUV, identified as the radical reshaping of the landscapes of Cornwall and West Devon as a result of deep mining, and includes mining settlements and social infrastructure. The Cornwall and West Devon Mining Landscape World Heritage Site Supplementary Planning Document (SPD) provides further guidance on the protection of the WHS. Para

- 1.8 of the SPD has been highlighted to me in terms of the areas of the WHS comprising a mixture of physical assets, and their attendant cultural traditions.
13. There are opposing views as to the historical association of the appeal site with a small holding, and also the historical occupation of the settlement by agricultural or mine workers. Notwithstanding, based on the evidence before me, I find that the wider historic association with the extensive mining activity of the area and associated historic development of the settlement contributes to the significance of the area. Furthermore, I find the historic pattern of development, and distinction between differing characters of built form stemming from the reasons for their creation, contributes to the significance of the CA.
14. As I have previously identified above, the appeal proposal would introduce a dwelling, including vehicle parking into this otherwise largely open area, harmfully eroding the sense of separation between Carnyorth Terrace, which I note the appellant's Heritage Appraisal (HA) states as being one of the least altered terraces of all the mining settlements in the St. Just Area, and dwellings to the north.
15. I note planning permissions granted in the area as highlighted within the HA. Although I do not have full details of these permissions, they are in differing locations within the settlement, and therefore differ in their relationship with the established pattern of development and any associated effect. Any direct comparison with other examples does not therefore, indicate that the form of this proposal would not harm the wider setting, and the existence of other examples does not justify further harm.
16. As the significance of the heritage assets are linked to character and appearance, I find that the harm that would be caused to the heritage assets would be less than substantial and this accords with the appellant's findings within the HA. Irrespective of the degree of harm, the Framework is clear that great weight should be given to an asset's conservation. The Framework requires that where less than substantial harm to the significance of a designated heritage asset is identified, this harm should be weighed against any public benefits that would arise from the development.
17. There is no doubt that the benefits of the proposal include housing provision within a settlement 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 proposal relates to a single house, I only afford this minor weight. Taking all 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 CA and the significance of the WHS as a designated heritage asset through harmful development.
18. In the overall planning balance, benefits 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, and the housing targets set out within the West Penwith Community Network Area housing apportionment, are not sufficient to outweigh the harm that I have identified.

19. I conclude on the main issue that the proposed development would cause harm to the character and appearance of the area, and harm to the setting and significance of heritage assets, contrary to the aims of LP Policies 1, 12 and 24, and NP policies AD2, AD4 and WHSMP Policy C2. These seek, amongst other things, to achieve high quality appropriate development which maintains and enhances natural character and is respectful of the setting, and conserves and enhances Cornwall's heritage assets. The proposal would also be contrary with the provisions of the Framework in relation to achieving well-designed places which are sympathetic to local character including the surrounding historic environment.

Other Matters

20. WHSMP Policy C7 is referred to within the Council's reason for refusal. This Policy refers to the requirement to ensure the biodiversity and geological diversity that contributes to the distinctiveness of the mining landscape is conserved and where appropriate enhanced. I have not been made aware of any concerns in this respect, however as I am dismissing the appeal for the reasons given above, I have not pursued this matter further.

Conclusion

21. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR