



Appeal Decision

Site visit made on 3 May 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2023

Appeal Ref: APP/D0840/W/22/3312711

The Old Orchard, Ropewalk Lane, Charlestown, St. Austell PL23 3PA

- 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 A Cook against the decision of Cornwall Council.
 - The application Ref PA21/09839, dated 21 September 2021, was refused by notice dated 23 June 2022.
 - The development proposed is formation of detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reason for refusal on the Council's decision notice refers to Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan). In its appeal statement the Council acknowledges that this was an error, as it should have cited Policy 24. The appellant has referred to Policy 24 in his appeal documentation, and has had the opportunity to comment in the light of the Council's admission. I am therefore satisfied that there would be no prejudice to either party in my proceeding on the basis that Policy 24 is the relevant policy.

Main Issue

3. The main issue is whether the proposal preserves or enhances the character or appearance of the Charlestown Conservation Area (the CA).

Reasons

4. The appeal site is a roughly rectangular and level piece of land contained by a stone wall on three sides, and the rear of buildings in West Polmear Court to the other. It lies within the CA, and borders the rear boundaries of 33, 34 and 35 Quay Road, which are Grade II listed buildings. It is also immediately adjacent to the boundary of the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS), and the Grade II listed chimney at the former Lovering's china clay dry is a prominent feature on the hill to the east. Of these heritage assets, the Council's reason for refusal only refers to harm to the CA. Nevertheless, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed buildings, or their settings, or any features of special architectural or historic interest which they possess.

5. The site is closely associated with residential buildings in Charlestown to the south, west, and east. Policy 3 of the Local Plan is supportive of infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside. Paragraph 1.68 says Neighbourhood Plans can provide detailed definition on which settlements are appropriate for infill, and the boundaries to which the policy will operate. The site lies within the Development Boundary identified by the St Austell Bay Parish Neighbourhood Plan: 2019-2030 (the Neighbourhood Plan), where Policy H1 says small-scale high-quality new housing will be supported. The proposal would, therefore, accord with the development plan's broad spatial strategy for residential development.
6. However, the support given by Neighbourhood Plan Policy H1 for housing within the development boundary is dependant on it being compatible with the conservation of the historic environment. Policy HE1 also requires that development proposals preserve or enhance the historic character and appearance of settlements. Furthermore, Policy 24 of the Local Plan says that development proposals will be expected to maintain the special character and appearance of Conservation Areas, especially those positive elements in any Conservation Area Appraisal. Consequently, to comply with the development plan when read as a whole, the proposal should not result in harm to the CA.
7. Since making its decision on the application, the Council has endorsed the Charlestown Conservation Area Character Appraisal and Management Plan 2022 (the CACA) as a material consideration for land use planning purposes. The CACA identifies that Charlestown has great historic and cultural significance, as one of the finest examples of a late 18th and early 19th century industrial harbour in Britain, and the best-preserved china clay and copper ore port of its period in the world. Part of its special interest lies in the fact that very little development took place within the historic settlement after the mid-19th century, and consequently the historic fabric abuts the surrounding fields. The CACA comments that its rural setting is an important feature in many views within and from the settlement, and also links it to the wider rural landscape.
8. Whilst the updated CACA does not refer to the importance of open spaces within the settlement in the same way as its predecessor, the site is identified as part of the Green Setting of the settlement on Map 3. I saw that it is visible when looking down Ropewalk Lane from the main street. From here it is seen as a green space, surrounded by a stone wall. Although there is evidence that the site has accommodated buildings in the past, it is currently open, apart from a small single storey derelict store in the southeast corner. The lack of any significant buildings allows views through the site to the clay dry chimney beyond, providing a visual link between the historic core of the village and this reminder of its industrial origins.
9. I am mindful that the site is not publicly accessible, and its description as a verdant green space has been challenged. However, the low vegetation on the site, combined with the ivy clad walls, the trees on the southeast boundary, and the woodland opposite gives this end of the lane a semi-rural character. In combination with adjoining green spaces to the north and southeast, the appeal site therefore makes an important contribution to the rural setting of the historic settlement, which is recognised as an important feature in the

CACA. I therefore find that the site currently makes a positive contribution to the significance of the CA.

10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
11. The proposed design and materials of the dwelling would successfully emulate the historic character of other buildings in the CA, and retain a walled garden appearance. However, the presence of a substantial two-storey dwelling on the site would inevitably compromise its openness. Consequently, the visual link that the site provides with the other open, undeveloped land to the north and southeast would be severed. Furthermore, the provision of a driveway/turning area, parked cars, and the general domestication of the site would diminish the semi-natural character of this end of the lane. The planting of a row of apple trees behind the front boundary wall would do little to conceal the presence of the building, and would not compensate for the loss of openness. There would, therefore, be an erosion of the cumulative role that the site and adjacent land plays in providing the rural setting for the historic core of the CA.
12. It is contended that the siting of the dwelling would maintain the open views across the site from the western end of Ropewalk Lane. However, whilst the setback from the lane would go some way towards reducing its prominence, the dwelling would, nevertheless, be readily visible, and would intrude into the open green space to the east of the existing frontage buildings. Views and glimpses out through lanes to the Green Setting are recognised in the CACA as an important characteristic of the CA. The proposal would involve the construction of a two-storey building on part of this Green Setting, which would erode the contribution it makes to the significance of the CA. Furthermore, it would also reduce views through the site to the green hillside beyond, thus diminishing the visual link with the surrounding fields, which is recognised as a notable feature in the summary of special interest in the CACA.
13. For these reasons, I find that the proposal would not preserve or enhance the character or appearance of the CA. In view of the limited scale of the proposal, and its localised impact, the harm to the heritage asset would be less than substantial for the purposes of paragraph 199 of the National Planning Policy Framework (the Framework). Nevertheless, paragraphs 199 and 200 state that great weight should be given to the conservation of heritage assets, and that any harm to, or loss of, their significance should require clear and convincing justification.
14. Paragraph 202 advises that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the development. Paragraph 60 of the Framework seeks to significantly boost the supply of homes, and Section 11 promotes the effective use of land to provide dwellings. The development would provide a dwelling, which would assist with this aim, and would be a benefit of the proposal. However, the evidence indicates that the Council can demonstrate a five-year supply of deliverable housing sites. Furthermore, there is no evidence that the dwelling is intended to meet an identified local need for affordable housing. Consequently, I can only give modest weight to this benefit.
15. There would be economic benefits associated with the construction phase of the development, and the future spend by occupants in the local area.

However, due to the relatively small scale of the proposal, these benefits would be modest, so the weight I give them is limited.

16. It is reported that the site has been subject to fly tipping in the past, and that bringing the site into a viable use would prevent the reoccurrence of this activity. I am also advised that there is Japanese Knotweed and asbestos on the site, and that their removal would be a public benefit. Whilst the elimination of these issues would be desirable, I am not persuaded that they could only be resolved by allowing a development that would be harmful to the character and appearance of the CA. Consequently, they carry little weight in my decision. Overall, therefore, the public benefits associated with the proposal would not outweigh the great weight that the Framework gives to the conservation of heritage assets.
17. In view of the degree of separation between the proposed dwelling and the rear elevations of 33, 34 and 35 Quay Road, there would be no harm to the settings of these listed buildings. The dwelling would be seen in juxtaposition with the china clay dry chimney in views down Ropewalk Lane, but this would not amount to harm to its setting. There is also no evidence to indicate that the site was formerly used in association with port activities, so the proposal would not involve the overwriting of historic artefacts. Consequently, the proposal would preserve the settings of the listed buildings and the Outstanding Universal Value of the WHS.
18. However, for the reasons given above, I find that the proposal would harm the character and appearance of the CA, and that the public benefits would not be sufficient to outweigh that harm. The development would, therefore, be contrary to Policy 24 of the Local Plan and Policies D1, D2 and HE1 of the Neighbourhood Plan, which seek to maintain the special character and appearance of the CA. The proposal would also fail to meet the Framework's aim to conserve and enhance the historic environment. The Council's decision notice also refers to Policy HE3 of the Neighbourhood Plan, but this policy refers to non-designated heritage assets, so is not relevant.

Conclusion

19. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR