



Appeal Decision

Site visit made on 3 May 2023

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2023

Appeal Ref: APP/D0840/W/22/3301818

Land West of 4 Parc An Peath, St Buryan TR19 6ES

- 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 and Mrs Hosking against the decision of Cornwall Council.
 - The application Ref PA21/05216, dated 14 May 2021, was refused by notice dated 30 May 2022.
 - The development proposed is construction of three dwellings
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr and Mrs Hosking against Cornwall Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, with reference to the Area of Great Landscape Value (the AGLV); and,
 - the settings of the St Buryan Conservation Area (the CA) and the Grade I listed Church of Saint Buryan (the Church), bearing in mind the special attention that should be paid to the desirability of preserving the setting of the Church.

Reasons

Character and appearance

4. The site is a parcel of open land to the west off and set above the B3283 Lands' End Road at the southern edge of the rural settlement of St Buryan. It is part of a wider section of land which has permission granted in 2016 covering the erection of 12 dwellings¹. The site has also been subject to subsequent permission for housing, and at the time of my visit a row of housing to the northwest of the site appeared either recently finished or not far off it.
5. St Buryan is defined by its commanding position in an otherwise plateaued landscape atop a high plain, within a locally designated AGLV. The site and its environs mark a point where the village gives way to the surrounding lower field slopes. 1 Parc An Peath, to the northeast, is the last house aside the west

¹ Initiated by Appeal Ref APP/D0840/W/15/3140541

of Land's End Road, and is set back behind soft landscaping. Whilst the housing around Kew Pendra to the east of Lands' End Road is closer to the highway, it is formed of bungalows or modest cottages which are set down a little from the road and appear to step down the slope deferentially. This creates a gentle and harmonious transition from the village to the surrounding rural landscape.

6. Due to its elevation above the highway and a gentle bend in the B3283 as it passes, the site is very exposed and centralised to one's line of sight right at the point of transition between the village gateway and the countryside. Yet, its clear openness helps the wide pastoral horizon to dominate in views out of the village which, together with the extent of sky visible, emphasises the elevation of St Buryan within its landscape setting. Thus, the openness of the site makes a significant contribution to the character and appearance of the area.
7. This attribute would be all but removed by the proposed development because the southern dwelling would obtrude into outward views, close to the roadside edge and domineeringly above it. The enclosing effect would be harmful, and particularly pronounced by the massing of the dwelling, which would fill much of the width of the southernmost plot with limited visual break. Whilst I acknowledge that St Buryan has and may well continue to evolve and expand, the southernmost dwelling would not assimilate successfully with its context.
8. Accordingly, the proposal would have an unacceptable effect on the character and appearance of the area, with reference to the AGLV. It would conflict with the landscape and design objectives of Policies 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 2016) (CLP), saved Policy CC-5 of the Penwith Local Plan (2004) and the National Planning Policy Framework (the Framework).

The settings of the CA and the Church

9. The CA is close by to the east of the site, where it incorporates the village hall, and a converted forge and a terrace on the opposite side of Lands' End Road. It covers the historic core of the village, the informal vernacular architecture within which largely explains its significance. However, the significance of the CA is also defined by St Buryan's elevated location relative to its hinterland.
10. For the same reasons already explained, the site's openness makes a clear contribution to the setting of the CA, particularly as one stands by the terrace opposite the village hall and looks out of the settlement; this view appears little changed from the 19th Century. Due again to the issues of mass and dominance, this important visual interplay between the CA and its rural setting would be impeded by the southernmost dwelling within the proposed scheme.
11. At the centre of the CA is the medieval Church. The significance of its setting is drawn from its position at the precipice of St Buryan atop an enclosure, from where its four-stage tower presides imposingly over the parish. Indeed, its tower is the highest in the west of Cornwall. This intentional conveyance of the Church's divine authority is highly appreciable when traveling to the village via the main roads, which feel inescapably drawn to the Church.
12. The relationship between the site and the Church is not entirely clearcut, not least because I share the opinion that at no point would the proposed dwellings sit within the outline of the Church in public views. Nonetheless, the setting of the Church does not turn simply on the issue of its clear visibility, but rather its

uncontested primacy as the supreme feature within the parish. Given its mass, proximity to Lands' End Road and height, the southern dwelling would likely unduly occupy the attention of the beholder and distract from the primacy of the Church on the immediate approach to the village from high sided vehicles, such as public busses. In my opinion this effect would also be observed from the footpaths around the front of Kew Pendra. The affected area would be small and the effect fleeting, but it would nonetheless be appreciable.

13. It follows that there would be respective less than substantial harms to the significance that the CA and Church derive from their settings. Paragraph 199 of the Framework explains that great weight should be given to the conservation of designated heritage assets. Paragraph 202 goes on to require us to weigh any less than substantial harm to a designated heritage asset against the public benefits of the scheme. Here, that exercise takes place in the context of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets a strong presumption against a grant of permission for development that would cause harm to the setting of a listed building.
14. There would be social and economic benefits associated with the provision of the three open market houses and these public benefits would be delivered within the context of the Council's 'Securing Homes for All: A Plan to respond to Cornwall's Housing Crisis' agenda. I also recognise that open market housing can have the knock-on effect of freeing up housing stock elsewhere. However, given the small number of houses that would be delivered, these benefits are limited. They fall short of justifying the harms that would arise; harms that must each be given considerable importance and weight in the balancing exercise.
15. Consequently, the proposal would have an unacceptable harmful effect on the settings of the CA and the Church, bearing in mind the special attention that should be paid to the desirability of preserving the setting of the Church. There would be conflict with the heritage and design objectives of Policies 2, 12 and 24 of the CLP, the Cornwall Design Guide 2021 and the Framework.

Other Considerations

16. I recognise the extant 2016 permission on the wider site as a fallback position and have no clear reason to doubt it would be completed if I were to dismiss this appeal. The approved plans show that three houses could be developed on the appeal site. However, the dwelling nearest Lands' End Road within 'Plot 12' would be further away from the highway than the house now proposed. It would also have a far narrower northeast profile and therefore less visual mass in the critical views to and from the village. Consequently, this fallback position would deliver the same number of houses but in a materially less obtrusive manner. Given such, it offers very little in support for the appeal scheme.
17. With regard to the 48 houses permitted north of St Buryan², this scheme has had a less pronounced impact upon the village setting, where the topography is generally gentler with a more piecemeal, meandering transition between the built and natural environments. Each case must be assessed on its own merits, and it is the character of the appeal site environs, and the massing and layout of the appeal scheme, that have formed the basis for the harms identified. For the same reason, the rationale for the 2016 decision to permit the less intrusive housing on the appeal site has little bearing on my own assessment.

² Appeal Ref: APP/D0840/A/14/2228721

Planning Balance

18. The proposal would conflict with the development plan when read as a whole and the other considerations before me, including the aforementioned benefits of the scheme, do not indicate that I should make a decision other than in accordance with the development plan.

Conclusion

19. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones
INSPECTOR