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# Appeal Decision

Site visit made on 18 July 2023

**by Helen O'Connor LLB MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 July 2023**

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**Appeal Ref: APP/D0840/D/22/3309734**

**Seaward Barn, Access Track to Cruder Meadow, Lower Boscaswell, Pendeen, Cornwall TR19 7ER**

- 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 J McGowan against the decision of Cornwall Council.
  - The application Ref PA22/05663, dated 20 June 2022, was refused by notice dated 23 September 2022.
  - The development proposed is the construction of extensions and alterations.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal on:
  - The character and appearance of the area having regard to the significance of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS), the Boscaswell Conservation Area (CA) and the appeal building as an undesignated heritage asset; and the qualities of the Cornwall Area of Outstanding Natural Beauty (AONB) and designated heritage coast.
  - Protected species.

## Reasons

### *Character and appearance*

3. The appeal site lies in an area where multiple heritage and landscape designations apply, which signals an area possessing a wealth of visual and cultural qualities. Below I have highlighted some specific attributes in relation to individual designations. However, there is considerable cross-over in the important components that in combination result in the distinctive mining and coastal landscape of this part of Cornwall.
4. The appeal site falls within the St Just Mining District of the WHS. The Outstanding Universal Value (OUV) of the WHS is derived from many attributes relating to the important historic industrial expansion of copper and tin mining. This includes not only the remains of the mines themselves but also associated infrastructure, mining settlements, mineworker smallholdings and their farms and buildings. Paragraph 189 of the National Planning Policy Framework (the

Framework) confirms that World Heritage Sites comprise heritage assets of the highest significance and are internationally recognised.

5. The CA covers a notable part of Lower Boscawell, a settlement that dates back to prehistoric times. Nevertheless, the focus of the CA is largely derived from the heavy influence of mining during the 18<sup>th</sup> and 19<sup>th</sup> centuries. The combination of the vernacular form and local materials of dwellings, surviving traditional agricultural buildings, walls and tracks set within the exposed coastal landscape reflect the evolution of the settlement and its industrial heritage. I have a statutory duty<sup>1</sup> to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
6. An important component of both these designated heritage assets is the distinctive landscape setting, shaped by the granite geology and exposed geographical position. These qualities are also recognised in the Cornwall Area of Outstanding Natural Beauty Management Plan 2022-2027 (AONBMP). Moreover, the appeal site lies within the Penwith heritage coast. The Framework defines heritage coasts as areas of undeveloped coastline which are managed to conserve their natural beauty, and where appropriate, to improve accessibility for visitors. The scenic and distinctive qualities of the landscape and geology are closely interwoven with the historic significance of the industrial heritage of the area.
7. The appeal building is a modest, stone building that was a former chall barn. Such dual purpose, split level agricultural buildings are characteristic of Cornwall, and are often found built into rising banks of land. Despite the building having been converted into residential use, its age, simple traditional form and materials give it a degree of historic significance meriting consideration in planning decisions. There is no dispute between the parties that the appeal building is an undesignated heritage asset.
8. Furthermore, the siting of the structure on the western periphery of Lower Boscawell, close to a public footpath to the north, means it occupies a conspicuous position at the edge of the settlement. The presence of the nearest and other nearby footpaths means it is visible from the exposed seaward landscape.
9. Overall, the appeal building makes a small but valuable positive contribution to the character and appearance of the CA and the OUV of the WHS, thereby reinforcing their significance. In turn it enriches the landscape and scenic beauty of the AONB and heritage coast. It follows that the appeal building positively influences and has been influenced by its sensitive surroundings.
10. The proposal would introduce a two storey extension to the western end of the building, thereby providing more residential accommodation. The resulting form would markedly elongate the building, increase the overall volume and include a significant number of openings signalling domestic habitation. An example of the latter are the proposed French doors and Juliet balcony at upper level which would be in addition to double doors at ground floor level.
11. The unassuming scale and simple form of the building is intrinsic to its former agricultural use. Consequently, these factors would adversely dilute those important elements, instead giving greater emphasis to a domestic use.

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<sup>1</sup> Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

12. I acknowledge that the appellant has followed generic guidelines contained in the Cornwall Design Guide 2021 in relation to keeping the extension lower in height and subordinate to the main property as well as the choice of materials and roof pitch. In most circumstances that general advice would apply successfully. However, as outlined the appeal building was not always a residential property and furthermore, it is in a particularly sensitive context. Therefore, seemingly modest physical alterations are more likely to have a greater effect.
13. In this case, those effects would be detrimental as the proposed extension would undermine the proportions of the building and would add greater complexity that would make it harder to discern and appreciate its simple agricultural origins. Moreover, the proposals would make most changes to the western end of the structure, the portion of the building that is closest to the surrounding exposed landscape. Given this, the alterations particularly at the upper level would be conspicuous and visible from the nearby public right of way.
14. It is drawn to my attention that an extension has recently been permitted<sup>2</sup> at the appeal site, which I agree is relevant to the consideration of the appeal scheme. This was under construction at my site visit. However, the approved scheme is single storey and considerably smaller in volume and height than the proposal before me. Furthermore, the simple lean-to form would be more sympathetic, more obviously subordinate to the main dwelling and less visible within the context described. Given these considerable differences, it would not constitute a full justification for the harmful larger scheme proposed in this case.
15. Taking these factors together the proposal would result in harm to the significance of the appeal building as an undesignated heritage asset. It would also erode rather than preserve the CA and would dilute the OUV of the WHS. However, cognisant of the modest scale of the proposal this would cause less than substantial harm to the significance of the designated heritage assets (the CA and WHS). Paragraph 202 of the Framework indicates that in such circumstances the harm should be weighed against the public benefits of the proposal.
16. The main benefit would be the provision of additional and improved accommodation for the appellant, which would primarily be a private benefit. It is put to me that the proposal would enable the building to function as a meaningful dwelling, which could provide a wider public benefit. However, the evidence indicates the building has been used as a dwelling since about 1991, and furthermore, the recent planning approval allows a modest single storey extension. As such, the information does not show that the appeal proposal would be a pre-requisite for a meaningful domestic use, which tempers the weight attributed to it. The extent of public benefits arising from an upgrade in housing stock and economic benefits from construction would be small and overall, attract limited positive weight.
17. Paragraph 199 of the Framework stipulates that great weight should be given to conserving the significance of designated heritage assets. Moreover, the more important the asset, the greater the weight should be. Therefore, the limited weight attributed to public benefits would not outweigh the harm

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<sup>2</sup> Planning reference PA20/09653

identified to the significance of the designated heritage assets, which includes a WHS.

18. In addition, the adverse effects arising from the proposal would be visible from the adjacent public right of way and would detract from the natural scenic qualities of the AONB and heritage coast. As such, the proposal would fail to comply with policies PD-P1, PD-P2 and PD-P11 of the AONBMP which, amongst other things, stipulate that development should maintain local distinctiveness, respond to the landscape context and enhance and feel part of the existing landscape. I am mindful that paragraph 176 of the Framework stipulates that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB.
19. In support of the proposal, the appellant highlights two planning approvals<sup>3</sup> for residential extensions that have been permitted in the vicinity of the appeal site. Both concern cottages and there is no suggestion that either were former agricultural chaff barns. Furthermore, as they both lie eastwards relative to the appeal building, those properties are more visually contained by other buildings in Lower Boscaswell and therefore, do not feature as prominently within the wider landscape. Combined with further differences in the specific nature and form of the extensions in those cases, I am not convinced that either amounts to a direct parallel with the appeal scheme. As such, whilst they attract limited positive weight, this is insufficient to lead me to find otherwise on this main issue.
20. Accordingly, I find that the proposal would be harmful to the character and appearance of the appeal building as an undesignated heritage asset and would result in unjustified harm to the significance of the CA and WHS, designated heritage assets. Furthermore, it would undermine the attractive qualities of the AONB and heritage coast. Consequently, it would conflict with policies AD2, AD4 and AD8 of the St Just-in-Penwith Parish Neighbourhood Plan 2021-2030, Made February 2022 (NP) and policies 2, 12, 23 and 24 of the Cornwall Local Plan, adopted November 2016 (LP). Read in combination, these policies, amongst other things, seek development that ensures the conservation or enhancement of the historic environment and respects and enhances landscape character, with great weight given to conserving the scenic beauty of the AONB.
21. Refusal reason one on the Council's decision notice also refers to policy 1 of the LP. This policy sets out the presumption in favour of sustainable development broadly in alignment with that in the Framework. Given the positive wording and generic nature of the policy, I have not found a specific conflict with it in this case.

#### *Protected species*

22. An ecological survey does not accompany the proposal, in the absence of which the Council is concerned that the impact upon protected species has not been properly considered, and therefore harm cannot be ruled out.
23. Policy 23.3d of the LP states that adverse impacts on European and UK protected species must be avoided wherever possible. Moreover, amongst other things, policy AD10 of the NP states that where required, development

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<sup>3</sup> Planning references PA20/04709 and PA12/10878

proposals should be accompanied by a preliminary ecological survey outlining the biodiversity of the site.

24. However, the wording of the policy does not explicitly describe the circumstances for this requirement. Neither has the Council specified which protected species they consider might be affected by the proposal, nor how likely that would be.
25. The appeal site is in residential use, and so has previously undergone conversion works. Furthermore, it is stated that the recent planning approval for a single storey extension was granted in the absence of an ecological survey and construction was taking place at the time of my visit. The appellant points out that the proposal would not require works to be undertaken to the roof space of Seaward Barn.
26. The proposed extension would be relatively modest and the information before me does not show that the site has been specifically identified as one that is reasonably likely to provide important habitat for protected species. Furthermore, I am mindful that there are provisions contained in the Wildlife and Countryside Act 1981 that would safeguard protected species in any event.
27. Accordingly, overall, the balance of evidence does not demonstrate that the proposal would result in harm to protected species, and therefore I find no conflict with policy AD10 of the NP or policy 23 of the LP in this regard.
28. Refusal reason two on the Council's decision notice also refers to policy 1 of the LP. Again, given the positive wording and generic nature of the policy, I have not found a specific conflict with respect to this issue.

## **Conclusion**

29. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise<sup>4</sup>. I have found that the proposal would cause harm to the sensitive and distinctive historic and natural environment. As such, a compelling case would need to be made to justify the proposal and the information provided fails to do so. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

*Helen O'Connor*

Inspector

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<sup>4</sup> Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.