



Appeal Decision

Site visit made on 30 August 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2023

Appeal Ref: APP/Q1153/D/23/3316253

Treyard, road from Weir Quay to Lower Birch Cross, Weir Quay, Bere Alston, Devon PL20 7BS

- 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 & Mrs Coombs against the decision of West Devon Borough Council.
- The application Ref 3072/22/HHO, dated 31 August 2022, was refused by notice dated 18 November 2022.
- The development proposed is a new storage enclosure in the back garden of Treyard.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- the effect of the development on heritage assets, with particular regard to the West Devon Mining Landscape World Heritage Site and to the character and appearance of the Weir Quay Conservation Area and the setting of the Grade II listed former smelting works and lime kiln; and
- the effect of the development on the character and appearance of the area, with particular regard to the Tamar Valley Area of Outstanding Natural Beauty and the undeveloped coast.

Reasons

Heritage assets

3. Treyard is a residential property within the Weir Quay Conservation Area (CA) and the setting of listed buildings. I am therefore mindful of my statutory duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and have considered the appeal accordingly.
4. The site is also within the West Devon Mining Landscape World Heritage Site (WHS). Paragraph 189 of the National Planning Policy Framework (the Framework) advises that World Heritage Sites are heritage assets of the highest significance and are internationally recognised to be of Outstanding Universal Value. The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan identifies the smelting works as a feature of particular interest in the WHS.
5. Industrial smelting works were established in Weir Quay during the 19th Century. The Grade II listed lime kiln within the garden of Treyard and the

Grade II listed Count House of the Former Tamar Union Tin Smelting Works, located to the north east of the site, formed part of one of those smelting works. The listed buildings have a group value within the CA as they historically formed a single entity.

6. The significance of these heritage assets derives, in part, from their status as surviving indicators of the former smelting works that played an integral role in the processing of material within the Cornwall and West Devon mining industry.
7. There is a vehicular entrance into the property that provides the only public view into the garden when the gates are open. The development would also be significantly screened from private views within the property itself due to the vegetation around the location for the proposal. The high boundary wall with the adjoining property should also screen it from neighbours.
8. Whilst the development would be largely well screened, its positioning on the site of former smelters that were removed in the 19th Century, between the two listed buildings, would impact on the legibility and intrinsic character of the historic environment. The development would be constructed adjacent to the remaining wall of the smelters, which is considered to be an important link back to the industrial past of the site.
9. Furthermore, the development would interrupt the understanding of the relationship between the two listed buildings, and their wider historic connection with the significance of the CA and the WHS. The local distinctiveness of the CA and WHS would be negatively impacted on as a result of the introduction of the development into the historic setting of the site.
10. I acknowledge that the appellants consider that the proposal is for an ancillary outbuilding and therefore suggest it should be sited where ancillary smelters to the smelting works once stood, as shown on a map dated 1844. However, the design and material finish of the development would not be reflective of the historic vernacular and therefore would be an incongruent built form in this historic setting.
11. I note there would be a link to the quay, which forms part of the CA, as it would be used for storing boats. The quay is a different part of the CA with its own individual character. The site's proximity to the quay and river does not necessarily mean that a boat storage building is appropriate within the context of a site that has an industrial past as a smelting works.
12. Having regard to all of the above, the proposed development would harm the West Devon Mining Landscape World Heritage Site, the Weir Quay Conservation Area and the setting of the Grade II listed former smelting works and lime kiln. Consequently, the proposal would conflict with Policies DEV20, DEV21, DEV22 and DEV23 of the Plymouth & South West Devon Joint Local Plan (LP) and Policy E1 of the Bere Peninsula Neighbourhood Plan (NP), which collectively seek, in part, to conserve and maintain the significance, character, setting and local distinctiveness of heritage assets and the historic environment. The proposal would also conflict with the aims of the Framework, which places great importance on the design of the built environment and on the conservation of heritage assets.

13. The harm to the significance of the designated heritage assets would be less than substantial. Paragraph 202 of the Framework states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
14. The appellants explain that the proposed development would provide storage for the boats and canoes that are stored on trailers at the property during the winter. They submit that this would tidy up the site and therefore enhance the setting of heritage assets. However, there is limited evidence before me that demonstrates that these benefits cannot be achieved through the provision of alternative new storage space that would cause less harm to the historic environment. Additionally, there is a notable difference between the current temporary storage using moveable trailers to the proposal that would result in permanent development.
15. The appellants also assert that the construction of the development would benefit the local economy through increased employment and spending. However, this would be a limited and short-term benefit during the construction period. My attention has been drawn to the support of the proposal expressed by the Parish Council and third parties. However, this only carries limited weight.
16. As such, I find that the limited benefits set out by the appellants would not outweigh the less than substantial harm I have identified.

Tamar Valley Area of Outstanding Natural Beauty

17. The site is within the Tamar Valley Area of Outstanding Natural Beauty (AONB). In accordance with Paragraph 176 of the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB.
18. As the proposed development would be relatively small in scale and not overtly visible from the public realm, it would have limited visual impact on the scenic beauty of the AONB. Additionally, the development would be designed and used for domestic purposes and erected in an existing residential garden.
19. For these reasons, the proposed development would conserve the landscape and scenic beauty of the AONB. Consequently, the proposal complies with Policies DEV23, DEV24 and DEV25 of the LP, which seek, in part, to conserve and enhance the natural beauty of the protected landscape and undeveloped coast. Furthermore, in respect of the impact on the landscape, the proposal would not conflict with the Framework, which seeks, in part, to protect and enhance valued landscapes, and maintain the character of the undeveloped coast.

Conclusion

20. For the above reasons, and having regard to all other matters raised, whilst the proposed development would conserve the Tamar Valley Area of Outstanding Natural Beauty, it would harm the significance of designated heritage assets. I therefore conclude that the proposal would not conflict with policies of the development plan in relation to the effect on the AONB and there may be other policies with which it complies. However, the proposal would conflict with Policies DEV20, DEV21, DEV22 and DEV23 of the LP and Policy E1 of the NP,

and this means that it conflicts with the development plan as a whole. In the same way, it also conflicts with the Framework. I have not found any material considerations that would outweigh that conflict. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR