



Appeal Decision

Site visit made on 8 November 2023

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22ND November 2023

Appeal Ref: APP/Q1153/D/23/3320171

Pump Cottage, Road from Pengarth to Lower Birch Cross, Bere Alston, Devon, PL20 7BY

- 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 Thornton against the decision of West Devon Borough Council.
 - The application Ref 4034/22/HHO, dated 16 November 2022, was refused by notice dated 21 March 2023.
 - The development proposed is detached garage serving dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of detached garage serving dwelling at Pump Cottage, Road from Pengarth to Lower Birch Cross, Bere Alston, Devon, PL20 7BY, in accordance with the terms of the application Ref 4034/22/HHO, dated 16 November 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, 644/01, 644/02, 644/03 and 644/04.

Main issue

2. I consider that the main issue in this case is its effect on the character and appearance of the area, in particular the WHS and the AONB.

Reasons

3. Pump Cottage is a two storey house located at the southeastern end of the small hamlet of Cotts on a narrow rural road. The house is immediately adjacent to and perpendicular to the road. The site as a whole is relatively large and includes a store/wood shed at the eastern end and a sizeable building, Daffodil Shed Cottage, midway along the site boundary with the road, which is used as a seasonal holiday let. The eastern end of the site is laid to rough gravel with a concrete slab below the road level and adjacent to the boundary wall, and there are several trees, shrubs and other vegetation in the garden area.
4. Pump Cottage is a non-designated heritage asset and is located in an open agricultural landscape within the Cornwall and West Devon Mining Landscape

World Heritage Site Protected Heritage Landscape (the WHS) and the Tamar Valley Area of Outstanding Natural Beauty.

5. I consider that the policies relevant in this case include DEV20, DEV21, DEV22, DEV23 and DEV29 of the Plymouth and Southwest Devon Joint Local Plan (2014-2034) (the local plan). DEV20 requires good standards of design, having regard to the pattern of local development, in terms of among other things, visual impact, scale, materials and landscaping. DEV29 relates to transport matters, including the provision of car parking.
6. Policies DEV21, DEV22 and DE23 relate to development affecting the historic environment, the WHS and the landscape in general, where proposals should not harm the significance of heritage assets and should meet a number of criteria including the conservation and, where appropriate, enhancement of the historic environment, with regard to those attributes which express the Outstanding Universal Value of the WHS.
7. Policy E1 of the Bere Peninsula Neighbourhood Plan (June 2018) supports the protection given to the area by the WHS and AONB designations and requires development proposals to avoid adverse impacts on the local environment.
8. The Council refers to policies P3, P6, C2 and C9 of the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025 (the WHSMP), but these are not before me and I have not taken them into account.
9. The National Planning Policy Framework 2021 (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation. World Heritage Sites are of the highest significance and are internationally recognised to be of Outstanding Universal Value.
10. The proposed garage would be visible on the approach to the small hamlet which consists of former miners' cottages and a former chapel. The Council states that the cottages and former chapel exhibit some attributes of OUV in the context of the WHS as former miners' dwellings and through the cultural identity of non-conformism. It is evident that in recent years the cottages have been extended and altered since they were first built and much of their original character has been lost. The chapel retains much of its original form but has long been used as a house and has also been altered and extended.
11. The garage would have internal dimensions of 5.1m x 4.8m. This compares with the Council's standard for garages for new residential properties of 6.5m x 3.5m designed to accommodate an EV charging point, as set out in its Supplementary Planning Document 2020 (the SPD). However, the proposal would result in a floor area of 24.48sqm, which is larger than the 22.75sqm of the Council's standard. Since the proposed internal length is sufficient to accommodate most private cars, and is longer than the Council's recommended length for a parking bay, I consider that, overall, the proposal would not result in a substandard domestic garage. Any future proposal for another garage or outbuilding would be considered on its own merits in the particular circumstances at that time.
12. I conclude that the proposal would not result in a substandard garage and that it is consistent with local plan policy DEV29 and section 8.5 of the SPD.

13. The garage would be approximately 2.8m to the eaves and 3.5m to the ridge and located on the existing concrete slab. Although it would be close to the boundary with the road, it would be set down from the latter and largely screened by the existing substantial wall and vegetation. The materials of timber with a corrugated metal roof would be wholly appropriate in an area which is both rural and has an earlier mining association. They would blend in with the surrounding garden as they weather and would be in keeping with other small outbuildings in the area.
14. The garage would be modest in size and scale with little more than the roof visible above the wall and would appear in the context of the larger and more prominent Daffodil Shed Cottage which stands between it and Pump Cottage itself. I consider that its siting, size and scale would be such that it would not detract from the setting of Pump Cottage or the former chapel, or the more distant row of cottages further away round the bend in the road, nor would it detract from the authenticity of the WHS. It would have no detrimental effect on the character and appearance of the AONB.
15. I conclude that the proposal would conserve the OUV of the WHS and would respect the scenic quality and distinctive sense of place of the immediate surroundings and the countryside in the wider AONB. It would not cause harm to the significance of the heritage assets and would not be in conflict with local plan policies DEV20, DEV21, DEV22 and DEV23.
16. Policy DEV22 states that development proposals should be informed by proportionate historic environment assessments which will identify the significance of heritage assets which would be affected. This is consistent with the Framework which states that Local Planning Authorities should require applicants to describe the significance of affected heritage assets to a level sufficient to understand the potential impact on that significance.
17. The appellants state that the Council did not request a Heritage Statement, that the application was registered without requesting one and that they would have provided one if requested. In view of the modest, low key nature of this proposal and based on the information before me and my observations, I have found that the proposal would not harm the significance of the WHS.
18. On this basis, I conclude that the absence of a historic environment assessment as referred to in policy DEV22 has not impeded my consideration of the relevant issues in this case and is insufficient reason to warrant dismissing the appeal.
19. For the reasons given above, the appeal is allowed.

Conditions

20. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt.

PAG Metcalfe

INSPECTOR