



Appeal Decision

Site visit made on 14 November 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2023

Appeal Ref: APP/D0840/W/23/3319170

The Old Stonemason's Yard, Tram Cross Lane, Lanner, Redruth TR16 5TZ

- 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 C Andrew (Andrew Bros Ltd) against the decision of Cornwall Council.
 - The application Ref PA22/06074, dated 30 June 2022, was refused by notice dated 28 September 2022.
 - The development proposed is erection of dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) The effect of the proposal on the authenticity and legibility of the historic use of the site as a former coal yard, and whether it would affect the significance of the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS) through development within its setting; and,
 - b) The effect of the development on the intrinsic character and beauty of the countryside.

Reasons

Historic environment

3. The site lies just outside the built-up areas of Redruth to the northwest and Lanner to the southeast. It comprises a rectangular yard surrounded by stone walls to a height of about 2.5m. The evidence indicates that it originates from the mid-19th century, and was probably first built as a small transhipment and coal storage yard at the crossing of the Tresavean Branch of the Hayle Railway, and the Redruth and Chacewater Railway, which were built in the first half of the 19th century to connect local mines and ports. It appears to have recently been in use as a builder's yard, but it is now largely disused, although it accommodates a storage container in one corner.
4. The courses of the railways are included in the WHS designation, but the yard itself is not. It is a matter of dispute whether the site was deliberately omitted from the WHS, or if its exclusion was an oversight. Nevertheless, it is a matter of fact that the site does not lie within the boundaries of the WHS, and is not therefore a designated heritage asset as defined in the glossary of the National Planning Policy Framework (the Framework). However, the course of the

former Tresavean Branch of the Hayle Railway runs immediately alongside the yard, and has been repurposed as a public footpath. There is, therefore, a discernible visual and historic relationship between the two. Consequently, development on the appeal site has the potential to affect the setting of the designated heritage asset.

5. The yard itself is not locally listed, or otherwise clearly identified as a non-designated heritage asset (NDHA) by the Council. Furthermore, it is not listed as a structure held to be of value by the community in Appendix Five to the Lanner Neighbourhood Plan 2017-2030 (the Neighbourhood Plan). However, the Planning Practice Guidance does say that, in some cases, local planning authorities may also identify NDHAs as part of the decision-making process on planning applications¹.
6. In this case, there is a clear association between the structure and the adjacent former railway, which is part of the WHS. Furthermore, the Heritage Impact Assessment submitted with the application acknowledges that the structure is of historical importance, being one of the very few surviving storage/transshipment yards associated with one of Cornwall's early railways. It also identifies that it contributes to the setting of the Tresavean Branch, which, as part of the key mine transport infrastructure, is a component expressing the Outstanding Universal Value of the WHS. There is, therefore, sufficient evidence for me to support the Council's conclusion that the structure is a NDHA.
7. The significance of the building as a NDHA lies in its utilitarian form and robust character, which clearly reflect its historic use as a secure compound for the open storage of materials. Its location immediately adjacent to the course of a former railway, which can still be readily discerned, and is a waymarked footpath, provides a tangible link with the wider mining history of the WHS.
8. The footprint of the proposed dwelling would cover a considerable area of the open yard, and would extend across almost its entire width. Consequently, the simple rectangular form of the enclosure would no longer be readily evident from any point within the site. Furthermore, the dwelling would abut the southwest and northwest walls along most of their lengths, concealing the historic stonework, and further obscuring the functional origins of the site. The dwelling would be very much higher than the walls of the compound, so would be readily evident from outside the site. The height of the building, and its proximity to the original boundary walls, would give it a relative dominance over the historic structure. Consequently, the scale of the dwelling, combined with its domestic character and proportions, would relegate the apparent status of the historic structure to a subservient residential boundary wall, which would be harmful to its significance as a NDHA.
9. The Framework advises that, in weighing applications that affect NDHAs, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset. In this case, the structure has considerable historic significance through its close functional association with the WHS. The scale and proportions of the proposed dwelling would result in considerable harm to that significance.

¹ Paragraph: 040 Reference ID: 18a-040-20190723

10. The reduction in the legibility of the original form and function of the structure would diminish the extent to which it would still be appreciated as a mining artefact associated with the adjacent former railway. As a result, there would be a loss to the cultural and historic relevance of the waymarked footpath which follows its course, and is part of the WHS. The appellant's suggestion that an interpretation board could be provided to enhance the understanding of the structure would not fully compensate for this loss. The proposal would, therefore, be harmful to the setting of the designated heritage asset.
11. I am mindful that the appellant has indicated a willingness, as part of the proposal, to retain and enhance the historic walls. I saw that some areas were overgrown with vegetation, and there was a partial collapse of a small area of the interior stonework near the access gate. However, overall, they appeared to be in reasonable condition, and there is no evidence to suggest they are at imminent risk. Nevertheless, the sensitive repair and ongoing maintenance of the walls would be a benefit of the development. However, this benefit would not outweigh the harm that would result from the loss of the legibility of the structure and the concealment of much of its fabric.
12. The harm that I have identified to the setting of the WHS would be limited to a relatively small part of the heritage asset, so it would be less than substantial for the purposes of paragraph 199 of 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.
13. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the development, including securing its optimum viable use. In this regard, it is contended that the proposal is likely to constitute an optimum viable use. However, no evidence has been submitted to demonstrate the cost of repairing and maintaining the structure, and whether alternative, less intrusive, uses could provide sufficient financial resources. Furthermore, even if I were to accept that a residential use was the optimum viable use, it has not been demonstrated that a dwelling of the proposed scale would be necessary to maintain the structure.
14. The proposal would give rise to some economic benefits, through employment during the construction phase, and through the ongoing spend of occupants in the local area. However, these benefits would be small, due to the limited scale of the development, so do not outweigh the great weight that the Framework gives to the conservation of heritage assets.
15. I therefore conclude that the proposal would result in less than substantial harm to the setting of the WHS, which is not outweighed by public benefits. It would also be harmful to the significance of the NDHA. Consequently, it would be contrary to Policies 2, 12 and 24 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (the Local Plan), Policies 6 and 13 of the Neighbourhood Plan, and Policies P3, P8 and C2 of the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025. Taken together, these policies seek to ensure that new development maintains and enhances historic character, protects heritage assets, and respects the setting of the WHS. The proposal would also conflict with the Framework's aim of conserving and enhancing the historic environment.

Character and beauty of the countryside

16. The site lies outside the Settlement Boundary for Lanner as identified by the Neighbourhood Plan. However, it is common ground that the site is previously developed land, and has easy access to facilities and services in the village and, by bus, to Redruth and beyond. It is not, therefore, disputed that the site is suitable for a dwelling in accordance with the settlement policies of the development plan.
17. Whilst outside the Settlement Boundary, the site is closely associated with a large domed covered reservoir, which is a dominant feature in the local landscape. There is also a loose scatter of residential buildings on the opposite side of the road to the west, and a village hall and telecommunications site to the east. The site is not, therefore, located in open, undeveloped countryside.
18. The proposed dwelling would be contained from the wider countryside within the 2.5m stone walls that define the existing yard, so the domestication of the land would not be evident in broad public views. Only the upper parts of the building would be visible. The walls of the dwelling would be largely clad in natural stone and the roof would be slate, so the materials would be appropriate within a rural setting. From all viewpoints, the building would be seen amongst a cluster of similarly scaled buildings, or against the background of the much larger reservoir dome. Consequently, it would not appear as an isolated dwelling in the countryside. Rather, it would appear as an inconsequential addition to a scatter of buildings on the fringes of an established settlement.
19. I therefore find that the proposal would not result in any harm to the intrinsic character and beauty of the countryside. It would, therefore, accord with Policy 23 of the Local Plan and Policy 7 of the Neighbourhood Plan, which seek to conserve and enhance the landscape and natural environment.

Planning Balance

20. Although I have not found any harm to the character and appearance of the countryside, I have concluded that there would be harm to the significance of the NDHA and the setting of the WHS. The Framework advises that great weight should be given to the conservation of heritage assets. Nevertheless, the harm should be balanced against any considerations in favour of the proposal.
21. 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 these aims, and would be a benefit of the proposal. However, as the site does not lie within the settlement, this benefit does not attract the great weight applied by paragraph 69 of the Framework.
22. The Framework makes it clear at paragraph 12, that the presumption in favour of sustainable development does not change the statutory status of the development plan, and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. The limited benefits associated with the proposal do not outweigh the conflict that I have found with the policies of the development plan that seek to protect designated and non-designated heritage assets and their settings.

Conclusion

23. 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