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# Appeal Decision

Site visit made on 12 December 2023

**by S Harrington MA MRTPI**

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

**Decision date: 19 December 2023**

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**Appeal Ref: APP/D0840/D/23/3316368**

**Chynoweth, Chapel Terrace, Trewellard, Pendeen TR19 7SY**

- 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 Robert Totty against the decision of Cornwall Council.
  - The application Ref PA21/07192, dated 13 July 2021, was refused by notice dated 18 January 2023.
  - The development proposed is 2 parking spaces on front garden.
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## Decision

1. The appeal is allowed and planning permission is granted for 2 parking spaces on front garden at Chynoweth, Chapel Terrace, Trewellard, Pendeen TR19 7SY in accordance with the terms of the application, Ref PA21/07192, dated 13 July 2021, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block Plan; Proposed Plan - Revised A – 09062022; Section S-01;
  - 2) The parking area shall be constructed with materials and at levels to ensure that surface water or loose materials do not discharge on to the highway, and maintained as such thereafter;
  - 3) No obstruction shall be placed along the frontage of the site, or no shrubs, trees or other vegetation be allowed to grow above 0.9 metres in height, within 2 meters from the road frontage.

## Preliminary Matters

2. It was clear from my site inspection that removal of the boundary wall has already taken place and a vehicle was parked within the front garden area. However, the development undertaken differs from the submitted plans in that while the wall has been removed, items including the parking area, gravel path or planting have not been completed. For the avoidance of doubt and notwithstanding the work that has already commenced, my responsibility is to consider the appeal based on the scheme as it appears on the plans submitted.
3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONB) in England and Wales became "National Landscapes". The legal designation and policy status of AONBs are unchanged, but I have replaced reference to the Cornwall AONB with the Cornwall National Landscape (CNL) in my decision to reflect this change.

## **Main Issue**

4. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to the CNL and the Heritage Coast (HC), the Trewellard Conservation Area (CA), and the Cornwall and West Devon Mining World Heritage Site (WHS).

## **Reasons**

5. The appeal site is one of a number of dwellings that fronts the highway leading into and through Trewellard. Although partly within the CA, the CA boundary traverses the front garden of the appeal property, resulting in a large part of the front garden and highway boundary being outside the designated CA. The site is also within the WHS, the CNL and HC.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached great weight. From my observations I consider the special qualities, and thus significance in part, of the CA derive from its traditional period buildings, pattern of development and links to the surrounding historic mining industry.
7. There is a visual consistency in the area, provided in part by the setback of properties from the highway and front gardens along the historic dwellings of Chapel Terrace to the north, which form an important grouping within the CA. The relationship between built form and the highway provides a visual transition with the surrounding rural landscape and contributes in part to the semi-rural historic character of the area.
8. Notwithstanding, there are existing breaks within boundary walls elsewhere in the wider street scene notably to the north at Chapel Terrace, as well as vehicle parking within front garden areas within the wider CA. Furthermore, although respecting the build line of the historic dwellings to the north, the appeal site, due to architectural details and scale, is seen as a more modern addition to the street scene and has more visual affinity with modern dwellings to the south, as opposed to the historic grouping to the north.
9. Moreover, parking of two vehicles within the appeal site would not, due to its spatial relationship, significantly block views of Chapel Terrace or result in a cluttered streetscape. It would be seen as part of the modern development, and not detract from the visual importance to the CA of the remaining historic boundary features to the north of the site, or diminish the established building line and wider historic pattern of development in the area. The proposal would not be uncharacteristic and thus would have a neutral effect on the character and appearance of the CA, and wider area.
10. The National Planning Policy Framework (Framework) states that WHS are a designated heritage asset which are an irreplaceable resource, and which should be conserved in a manner appropriate to their significance. Policy 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) provides that development within the WHS will be restricted in accordance with the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025 (WHSMP).

11. The WHSMP places the appeal site within Area A1, the St Just Mining District of the WHS. The WHSMP describes the area as a coastal mining district including dispersed mining villages with associated mineworkers' smallholdings, illustrating the high degree of influence post-Medieval mining had on many towns and villages across Cornwall.
12. In respect of Outstanding Universal Value (OUV) this is expressed as the radical reshaping of the landscapes of Cornwall as a result of deep mining, and includes mining settlements and social infrastructure. I note the WHS Office consultation response. However, I observed there to be a clear visual differentiation between modern development at the appeal site and to the south, and the historic adjacent built form to the north. The proposal would not harm the historic pattern of development, appearance, or wider historic association with the extensive mining activity of the area and associated historic development of the settlement. I therefore find that the proposal would also have a neutral effect on, and therefore preserve the OUV and integrity of the WHS.
13. As the appeal proposal is located within the CNL, I have had regard to the purpose of conserving and enhancing the natural beauty of the area as set out in section 85 of the Countryside and Rights of Way Act 2000 (as amended). The LP, the Framework, and the Cornwall Area of Outstanding Beauty Management Plan 2022-2027 (MP) also seek to protect such designated landscapes, recognise the intrinsic character and beauty of the countryside, and attach great weight to conserving and enhancing the landscape character and scenic beauty of the CNL, which has the highest status of protection in relation to these issues.
14. However, the appeal site is located within a settlement with surrounding built form. Although within the CNL and HC, given the modest scale, and that the proposal is one that is not uncommon within a residential context, I find that the proposal would not have a harmful impact on the surrounding landscape.
15. For the above reasons, I conclude the proposal would not harm the character and appearance of the area including the landscape and scenic beauty of the CNL and HC, and significance of the CA or WHS. It would therefore accord with LP policies 1, 2, 12, 23 and 24, and policies AD2, AD3 and AD4 of the St Just-in-Penwith Neighbourhood Development Plan 2021-2030, which in combination seek to, amongst other things, ensure that high quality design maintains the special character and appearance of Conservation Areas. The proposal would also accord with MP policies PD-P1, PD-P2 and PD-P11, and WHSMP policies P3, C2 and C9 which seek, amongst other things to ensure development is of high quality that takes into account the character and distinctiveness of the historic built environment. Likewise, the proposal would accord with the provisions of the Framework in relation to achieving well-designed places which are sympathetic to local character including the surrounding historic environment.

## **Other Matters**

16. Although the proposal does not make provision for a turning area, given the low speeds of passing traffic I observed and the visibility that is available, I do not find that the lack of turning provision would result in highway safety concerns.

## **Conditions**

17. The Council has provided a list of suggested conditions in the event of the appeal being allowed, which I have assessed with regard to the advice provided in the Planning Practice Guidance. As I have found that the boundary wall has already been removed, a statutory time limit condition is not required. However, a plans condition is required to provide certainty.
18. A suggested condition in relation to the submission of details of landscaping is not necessary and overly onerous given the details already submitted in the plans, the modest scale of the proposal and the resultant lack in harm to the character and appearance of the area.
19. However, whilst not suggested by the Council within the appeal questionnaire, conditions relating to ensuring that surface water or loose materials do not discharge onto the highway, and that visibility from the parking area is not obstructed are necessary in the interests of the safety of highway users.

## **Conclusion**

20. For the reasons given above, I find that the proposal is in accordance with the development plan, considered as a whole. There are no considerations of sufficient materiality to indicate that the decision should be made other than in accordance therewith. Therefore, the appeal is allowed.

*S Harrington MA MRTPI*

INSPECTOR