



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

Appeal Ref: APP/D0840/W/23/3321020

Carn Ros Farmhouse, Boscaswell Road, Lower Boscaswell, Pendeen, Cornwall TR19 7UF

- 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 Christopher Neal against the decision of Cornwall Council.
 - The application Ref PA22/07238, dated 7 August 2022, was refused by notice dated 26 October 2022.
 - The development proposed is construction of 2No. energy efficient family homes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's determination of the application the subject of this appeal, the Council adopted its Climate Emergency Development Plan Document. This document forms part of the development plan and I have had regard to it as such. The parties have had opportunity to comment on its relevance during the appeal process.
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 Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area, with particular regard to the Boscaswell Conservation Area (CA), the Cornwall and West Devon Mining Landscape World Heritage Site (WHS), the CNL and Heritage Coast (HC); and
 - whether the proposal would provide adequate vehicular parking arrangements.

Reasons

Character and appearance

5. The appeal site is located within Lower Boscaswell, which is a former mining settlement featuring a mixture of traditional period and modern housing

development. The site is vacant and in combination with adjacent modest single storey garages, provides an openness which is consistent with the spacious character of the area created by often generous plots.

6. The site is within the CA and the WHS. 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 CA, to which I have attached considerable importance and weight. 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.
7. Dwellings surrounding the appeal site are traditional buildings, some of which are more modern housing, but all tend to feature simple uncluttered architecture and have a modest appearance which contributes to the character of the wider settlement. The significance of the CA is partly drawn from its cohesive, modest miner cottages as well as its exposed coastal setting, scattered mining artefacts and former miner's smallholdings directly linked to Lower Boscawell's mining heritage.
8. Furthermore, the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025 (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. Mining settlements such as Lower Boscawell, its miner's dwellings and associated modest appearance, contribute directly to the Outstanding Universal Value (OUV) of the WHS.
9. The proposed dwellings would feature a number of design elements including projections to the front and rear elevation, the front of which incorporates a green flat roof, a mix of recessed roof light sizes, a significant amount of glazing at first floor level within the front facing elevation, as well as a combination of facing materials. Due to the appearance and scale, the proposal would draw the eye in this prominent location and would not appear as secondary to the adjacent Penvilla as suggested by the appellant.
10. I acknowledge the appellant's attempt for the proposal to be interpreted as a combination of informal and ancillary structures, noting those in the vicinity. However, the cumulative effect and composition of the various design elements combine to create a complex external appearance which is not reflective of the surrounding simple architecture, historic character of the area or maintains local distinctiveness. The proposal would therefore diminish the character and appearance of the CA. Moreover, the proposal would appear incongruous against the modest appearance of historic miner's dwellings in the area, thereby reducing the area's contribution to the OUV of the WHS.
11. I consider the harm to the CA and the WHS to be less than substantial on both counts. Nonetheless, these harms attract great weight under the terms of the Framework and fall to be weighed in the balance with the public benefits. The scheme would provide two new dwellings to the area which I am informed would be energy efficient. There would also be associated economic benefits to the scheme during the construction period and from future occupation. However, due to the modest scope and scale of the proposal, these benefits

attract limited weight and would not outweigh the individual harms to the CA and the WHS.

12. The site is also within the West Penwith section of the CNL and defined HC. The Framework identifies that great weight should be given to conserving and enhancing landscape and scenic beauty in such landscapes, which have the highest status of protection in these regards.
13. The landscape characteristics¹ which particularly characterise this part of the CNL include exposed coastal shelf with a plateau landscape containing small fields surrounded by ancient granite hedges with granite geology exposed to the Atlantic Ocean.
14. In landscape terms, the proposal would introduce built form, within a prominent currently vacant site. However, the site is seen against the immediate backdrop of the surrounding built form and the proposal would do little to prejudice the characteristics of the CNL or HC from vantage points either within the settlement, or from the surrounding landscape. Thereby the proposal would conserve the landscape and scenic beauty of the CNL and HC.
15. Consequently, I conclude that the proposal would not harm the wider landscape and scenic beauty of the CNL and HC and there would be no conflict with Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) and policies PD-P1 and PD-P11 of the Cornwall AONB Management Plan 2022-2027. Nevertheless, it would have a harmful effect on the character and appearance of the immediate area, with particular regard to the CA and WHS. It would therefore conflict with LP policies 1, 2, 12, 24 and policies AD2, AD4 and BD1 of the St Just-in-Penwith Parish Neighbourhood Plan 2021-2030 (NP). These policies seek to ensure, amongst other things, that development is of high-quality design which respects surrounding areas and enhances the quality of place and conserve and enhance Cornwall's heritage assets. The proposal would also be contrary with the provisions of the Framework in relation to achieving well-designed places which are sympathetic to local character and conserving and enhancing the historic environment.

Parking

16. NP Policy BD5 requires homes with three or more bedrooms to provide a minimum of two off-street parking spaces in order to mitigate harmful impacts of development on traffic and parking congestion.
17. The proposal provides for shared parking between the two dwellings that accommodates a total of 2 vehicles parallel parked. I observed that the adjacent Highway 'Carn Ros' is narrow. At the time of my visit, although I accept a snapshot in time, a number of vehicles were parked along the highway, resulting in limited places to park, and further narrowing the width of the highway.
18. It is put to me that the parking arrangement has previously been accepted in a lapsed planning permission, and that alternative arrangements at this site could be feasible. Notwithstanding, the proposal before me could result in both additional pressure for parking on the highway from future occupants and visitors, as well as the requirement to reverse onto or off the highway. Given

¹ As identified within LCA Area CA02 of the Cornwall and Isles of Scilly Landscape Character Study (2007) and the Cornwall Area of Outstanding Natural Beauty Management Plan 2022-2027.

the narrow width of the highway, proliferation of on-street parking and lack of footway, such an arrangement would have a harmful effect on users of the highway.

19. I therefore conclude that the proposal would not provide adequate vehicular parking arrangements. The proposal would conflict with NP Policy BD5, the purposes of which I have outlined above.

Other Matters

20. I note the appellant's comments about the Council's handling of the application. This has little to do with the planning merits of the case, which I have considered on the basis of the evidence and the proposal before me.
21. The proposal would provide benefits in terms of the contribution of two dwellings towards housing supply and is within a settlement where the Council accepts the principle of new residential development. I also note the appellant's stated attachment to the site and local community, and desire to create innovative high quality energy efficient dwellings to a PassivHaus Standard within the use of a sensitive material palette.
22. Notwithstanding, the benefits of the proposed scheme would be limited given the scope and scale of the development. Such matters therefore neither individually nor in combination outweigh the identified harm and the associated development plan conflict described above.

Conclusion

23. For the reasons given above, I find that the proposed development would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR