



Appeal Decision

Site visit made on 5 March 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2024

Appeal Ref: APP/D0840/W/23/3320346

Land adjacent to Fairfield, Telegraph Hill, St. Day TR16 5AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Oliver Coyle against the decision of Cornwall Council.
 - The application Ref is PA22/04033.
 - The development proposed is construction of single dwelling with except access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with only details of access to be determined at this stage. Matters of appearance, landscaping, layout and scale are reserved for future consideration (the 'reserved matters'). I have therefore treated any references to reserved matters in documentation as illustrative.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties have had the opportunity to comment on the implications of this change and no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issues

4. The main issues are:
 - whether the appeal site would provide a suitable location for the proposal, having regard to the local development strategy and the effect of the proposal on the character and appearance of the area;
 - whether the proposal would preserve or enhance the Outstanding Universal Value (the OUV) of the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS); and
 - the effect of the proposal on highway safety.

Reasons

Location

5. The appeal site is an open area of land on the fringe of the settlement of St. Day and is located within the Cornwall Character Area CCA15: Carnon Valley (CCA). The CCA description of the area includes a post-medieval mixed farming landscape, with features of the mining industry strongly influencing the areas landscape character, former mining settlements such as St. Day and semi-

natural habitats. Views and perceptual qualities referenced within the CCA include a strong sense of human intervention, with many areas of open ground and spoil heaps creating strange topographical mounds, much of which is becoming reclaimed by nature as old heaps and areas of bare ground become covered in heathland and scrub creating a sense of abandonment. The surrounding area features a number of these characteristics.

6. The evidence before me indicates that the appeal site was utilised during the construction of an adjacent residential development for storage during the works. However, following the completion of those works, the land has naturally vegetated. Even if an underlying hard surface has been exposed during clearance works as is put to me, I observed at my site visit that the site is well vegetated and has the appearance of an undeveloped area of land with a rural character.
7. The Council's settlement strategy is set out within policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP). The Strategy seeks to maintain the dispersed development pattern of Cornwall, and provide housing based on the role and function of each place. St. Day is not a main town as detailed within LP Policy 3, and as such, this Policy provides that, outside of main identified towns, housing growth is to be delivered through, amongst other criteria, rounding off of settlements.
8. LP Paragraph 1.68 defines rounding off as "development on land that is substantially enclosed, but outside of the urban form of a settlement" and "it should not visually extend building into the open countryside". LP para 2.33 states that 'open countryside is defined as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape).
9. The Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (CPOAN) does not form part of the statutory development plan and is to be regarded as informal guidance. However, it does provide some clarity on the locally adopted approach in relation to matters such as rounding off, indicating that 'rounding off provides a symmetry or completion to a settlement boundary' and 'it is not intended to facilitate continued incremental growth'.
10. I am mindful that the CPOAN advises that a judgement will be required as to whether a site has the appearance of being within the physical boundaries of that settlement. It further states suitable sites for rounding off must be contained within long standing boundary features and are likely to be surrounded on at least two sides by existing built development.
11. Although the easterly boundary of the appeal site is adjacent open fields, the site is located between residential development at Fairfield and Northfield Close, a footpath, and the designated byway, Barrack's Lane, which prevents further expansion in these particular directions. The adjacent Fairfield development is prominent from the B3298. Notwithstanding, from the appeal site access, the raised ground level of the appeal site results in only the rooftops of Fairfield being visible, with the appeal site appearing as the prominent feature, and open countryside. Similarly, when viewed from Fairfield, the rising topography of the appeal site is seen as part of the countryside landscape, with the rear of development at Fairfield providing a clear shape and form to the settlement.

12. The appellant's statement suggests a single dwelling set back from the access at Barrack's Lane, reflecting the character of neighbouring residential plot to the west. Nevertheless, even if significant landscaping was part of any future reserved matters, residential built form would change the character of the site and inevitably result in the appearance of development extending away from the settlement edge and as continued incremental growth. This would be emphasised by the prominence from both Barrack's Lane and Fairfield due to the raised site levels. Therefore, the proposal would not constitute rounding off.
13. Furthermore, the site itself currently provides an important landscape buffer to the settlement and as such makes a positive contribution to the surrounding landscape. The proposal would diminish this contribution, resulting in harm to the character of the area.
14. LP Policy 21(c) seeks to ensure the best use of land and encourage sustainably located proposals that increases building density where appropriate, taking into account the character of the surrounding area and access to services and facilities. The appeal site is in a location that would provide future occupiers easy access to services and facilities without the reliance of a private vehicle. However, even if I were to find the proposal were an efficient use of land and the site is not viable for any other use as is put to me, I have nevertheless found that the proposal would result in harm to the character of the area.
15. Consequently, I conclude that the appeal site would not provide a suitable location for the proposal, having regard to the local development strategy and the effect of the proposal on the character and appearance of the area. There would be conflict with LP Policies 2, 3, 7, 12, 21 and 23. These policies seek, as well as the matters previously outlined, to ensure development does not harm the character of the countryside or its natural resource. Furthermore, the proposal would be contrary with the provisions of the Framework in relation to ensuring development is sympathetic to local character and landscape setting and contributes to and enhances the natural and local environment.

WHS

16. The Framework states that World Heritage Sites are heritage assets of the highest significance, which are internationally recognised to be of OUV. The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025 (WHSMP) describes the WHS as a series of ten Areas comprising the distinctive patterns of buildings, monuments and sites which together form the coherent series of distinctive cultural landscapes created by the industrialisation of hard-rock mining processes in the period 1700 to 1914.
17. The Statement of OUV states that the remains of mines, engine houses, smallholdings, ports, harbours, canals, railways, tramroads, and industries allied to mining, along with new towns and villages reflect an extended period of industrial expansion and prolific innovation. It adds that the ten areas form a unified, coherent cultural landscape and share a common identity.
18. The appeal site lies within Area A6 – Gwennap Mining District with Devoran Perran and Kennall Vale. Characteristics of this area are described within the WHSMP as a rural mining district and is a largely heathland landscape, considerably modified by mining carpeted with waste rock, dotted with islands of consolidated building remains, and with shafts surrounded by distinctive

Cornish mine hedges. The central and northern sections of this Area are notable for their well-preserved landscape of smallholdings, interspersed with small mining settlements together with the mines which they served. St. Day is noted as a particular fine example of a mining village.

19. The site forms part of a rural edge of settlement setting within which the highly characteristic features of the heritage asset are experienced. The proposal would be read in connection with nearby residential built form from certain viewpoints to the north. However, it would nevertheless introduce an additional domestic structure and paraphernalia into a prominent site, that is relatively large in the context of the adjacent pattern of development.
20. The proposal would result in a noticeable change in character of the appeal site and further proliferation of residential development into the rural historic landscape. Whilst the impact would be minimal relative to the overall extent of the WHS, it would nevertheless result in a reduction in the positive contribution that the appeal site makes as part of the historic landscape.
21. As a result, there would be some harm to the OUV of the WHS. In view of the localised impact of the proposal, this harm would be less than substantial within the meaning of the Framework. Whilst less than substantial, the Framework sets out great weight should be given to the conservation of designated heritage assets and notes that less than substantial harm should be weighed against any public benefits associated with the development.
22. Whilst the proposal may well be occupied by local people, there is no mechanism before me to restrict the dwelling as such. I can therefore only afford this minimal weight. However, the dwelling would contribute towards the areas housing supply, resolve underlying contamination, and it would provide employment during its construction. There would also be an ongoing benefit from future occupants supporting local businesses and services. However, these benefits would be modest, due to the small scale of the development.
23. The public benefits of the appeal scheme are limited and consequently, would not outweigh the harm that I have identified to the WHS. The proposal would conflict with LP Policy 24 which seeks to avoid harm to the authenticity and integrity of the OUV of the WHS. The proposal would also be contrary to the provisions of the Framework in relation to conserving and enhancing the historic environment.
24. The Council's first reason for refusal refers to the proposal being contrary to section 7.1 of the WHSMP. This section contains a range of policies seeking robust long-term protection for the WHS. Whilst the proposal would be contrary to WHSMP policies P3 and P6 which seeks to ensure that new development protects, conserves and enhances the WHS and its setting, the remaining policies within section 7.1 are not directly relevant to this main issue.

Highway Safety

25. The appeal site is accessed, as is the case for other nearby dwellings, via Barrack's Lane. It is put to me that movements associated with the existing permitted use of the land would be greater than that generated by the proposal. However, even if the number of daily trips by car associated with a dwelling have dropped, given the limited size of the appeal site and noting the appellants comments that it has no viable use, I find the proposal for a single

- dwelling is likely to result in a material increase in vehicular movements. These movements could utilise either of the junctions at the ends of Barrack's Lane, these being onto the B3298 to the east, and Scorrier Street to the west to access the wider highway network.
26. The access onto Scorrier Street is constrained in width and has limited visibility due to dwellings to either side of the junction as well as vehicles parked on the highway. Notwithstanding, I observed that vehicles travelling along Scorrier Street do so at a slow speed, as would vehicles exiting the junction due to limited visibility. As such, an increase in movements at this junction created by the proposal would not result in highway safety concerns. The Council also did not raise concerns in this regard within their reasons for refusal.
 27. Although the proposal would result in additional movements, the existing junctions are in active use. I note that an analysis of collision data indicating that there are no recorded collisions at the junction with the B3298 within the 23 years of recorded data. This however does not indicate that there have not been any unreported collisions, or that an increase in use would not result in further collisions.
 28. Whilst a snapshot in time, I observed that the B3298, was heavily trafficked at the time of my visit. The Highway Officer makes mention of approach speeds of 40 miles per hour(mph), which differs from the speeds stated by the appellant. However, no substantive evidence has been provided by either party of formal speed checks at the location of the junction, although I accept it is within a 30mph speed limit with surrounding speed awareness signage.
 29. It is put to me that visibility from the junction of the B3298 is some 92m to the south east. No alternative measurement has been provided by the Council and I observed this measurement to be a reasonable assessment. This distance exceeds the suggested visibility of 43m for 30mph roads as noted within Manual for Streets and provides appropriate visibility for the highway conditions. However, visibility to the north west is significantly restricted due to roadside hedge banks and road signage.
 30. It is put to me, and not refuted by the Council, that south east bound drivers approaching Barrack Lane are able to see the nose of a car emerging from the junction from approximately 53m. However, whilst this may be the case, this would require vehicles leaving Barrack's Lane to protrude onto the highway. Despite the visibility that is available in a south easterly direction, due to the heavy use of the road I witnessed, opportunities to protrude onto the highway and be able to safely cross to join the south easterly carriageway were limited.
 31. As I witnessed at my site visit, this could result in a vehicle protruding onto the nearside carriageway awaiting an opportunity to join the flow of traffic and resulting in other highway users having to manoeuvre around or slow to avoid collision. Even if the vehicle speeds approaching the junction are travelling within the 30mph speed limit, the conditions are such that could result in potential conflict with highway users and unsafe manoeuvres being undertaken.
 32. Furthermore, I cannot agree with the appellant that use of the existing highway network would be 'self-policing' due to local knowledge of the junctions. Even if it is the case that future occupiers choose to utilise the Scorrier Road junction, this cannot be enforced, and indeed I witnessed that access towards the B3298

is likely to be more convenient if accessing the wider area as opposed to St. Day. Additionally, other visitors to the proposal such as that for deliveries may not be aware of the character of the junctions.

33. Therefore, I conclude that the proposal would result in harm to highway safety. In this regard, the proposal conflicts with LP Policy 27 which, amongst other things seek to ensure development provides safe and suitable access. The proposal would also be contrary to the provisions of the Framework which also requires safe and suitable access to be achieved.

Other Matters

34. An appeal decision¹ has been cited by the appellant, however this differs from the current proposal in several ways. Although the full details of the other case are not before me, and whilst within a protected landscape, that appeal site was not within the WHS. Furthermore, the Inspector found that the benefits of the proposal included a greater number of dwellings and the provision of affordable units, which is not the case with the proposal before me. This limits the equivalence of the other case to the current proposal.
35. A further appeal decision has been referred to by the appellant within their final comments. Although a location plan indicating its location within the WHS has been supplied, I have no further details of this appeal within the evidence before me to allow me to determine its equivalence to the current appeal. However, the current appeal proposal has its own circumstances and context, and I have determined it on its own merits.
36. My attention has been drawn to the Council report 'Securing Homes for All: A Plan to respond to Cornwall's Housing Crisis', as well as the Housing Strategy for Cornwall 2030, the Housing Crisis Plan and a 'call for sites' report to the Cornwall Council Cabinet of the 8 November 2023 (the reports). These documents outline the undoubted important contribution that small windfall sites can make to housing supply, and the objective to deliver homes in suitable locations within or close to 'sustainable' settlements. Notwithstanding, the Council have stated they are able to demonstrate a Framework compliant supply of housing land, and I have no substantive evidence before me to indicate otherwise.
37. Nevertheless, acknowledging the reports, the proposal would provide benefits in terms of the contribution of a single open market dwelling towards housing supply in a location with easy access to services and facilities. The proposal would also provide some employment opportunities during the construction phase and future occupiers would provide further economic and social benefits in terms of future spend within local businesses and use of local services and facilities. Some further environmental benefits would also flow from the proposal with regards to decontamination of the land. Nonetheless, the benefits of the proposed scheme would be limited given the scope and scale of the development.
38. Although the proposal is referred to as a 'self-build' dwelling, and I recognize the personal circumstances of the appellants, there is no planning obligation or other mechanism before me to secure the proposal as such. I therefore afford this limited weight. It is also put to me that the current evidence base used for

¹ APP/D0840/W/21/3267236

considering affordable housing need demonstrates a significant increase in number of applicants in housing need. Even if these documents indicate a wider housing need, the proposal relates to an open market dwelling, and therefore would not directly contribute to affordable housing.

39. The appeal site is within the zone of influence of the Penhale Dunes Special Area of Conservation and the Fal and Helford Special Area of Conservation (the SACs). The appeal has been accompanied by an undertaking under Section 111 of the Local Government Act 1972 with an associated financial contribution to seek to mitigate recreational impact of the proposal on the SACs. If the circumstances leading to the granting of planning permission had been present, I would have considered the impact of the proposal upon the SACs, in accordance with the Conservation of Habitats and Species Regulations 2017. However, as I am dismissing the appeal on the main issues above, I have not found it necessary to consider such matters any further as this would not alter the outcome of the appeal.

Conclusion

40. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR