



Appeal Decision

Site visit made on 16 April 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

Appeal Ref: APP/D0840/W/23/3328840

**SX 42848 71643, Land off Chapel Street, Calstock, Gunnislake, Cornwall
PL18 9NH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr L Paul against the decision of Cornwall Council.
 - The application Ref is PA22/10268.
 - The development proposed is erection of up to 9 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning Practice Guidance advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in-principle, and the second ('technical details consent' stage) is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted.
4. During the course of the appeal the revised National Planning Policy Framework (Framework) was published. The main parties have had the opportunity to make comment on any implications of this change within the appeal timetable.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

Reasons

6. The appeal site is located within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). The Framework states that World Heritage Sites are heritage assets of the highest significance, which are internationally recognised to be of Outstanding Universal Value (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.

7. The Statement of OUV outlines 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. Mineworkers' smallholdings are identified as one of seven attributes through which the OUV of the WHS is expressed.
8. The evidence before me indicates that the appeal site was previously an orchard, although that use ceased around 60 or more years ago and there are no physical mining artefacts within the site. Nevertheless, the WHS Office state that historical records suggest that a former owner of the orchard was a miner, with it being used by the mineworker and their dependents as part of their subsistence lifestyle closely akin to a smallholding use, thereby being culturally significant.
9. The WHS Supplementary Planning Document (2017) (SPD) sets out that the way land is used and managed has changed significantly over time, with traditional miners' smallholdings no longer being occupied or managed under their original use or tenure. However, their authenticity is retained through the preservation of historic field boundaries, and their relationship between domestic buildings and their associated land holdings. The SPD also identifies Cornish Hedges as an attribute feature of mineworkers' smallholdings.
10. The site is now split from historical land associations including Dimson Farm and is largely overgrown but retains Cornish hedge boundaries and an enclosed sylvan character. Despite not being used as a productive enclosure, and although it may not be easily observed or appreciated from the public realm as part of a historic smallholding, its integrity and character as a legible historic orchard enclosure with associations to a mine-workers subsistence lifestyle remains. That it remains despite parts of the surrounding area being developed also emphasises its intact form. I find that the site therefore does positively contribute to the OUV of the WHS.
11. Although partially screened by vegetation from certain viewpoints, clear views into the site are available particularly from Hoopers Lane. Even if the historic hedges could be retained, and notwithstanding any additional landscaping or detailed design, the proposal would inevitably be seen to visually extend residential development into the site, resulting in a noticeable change in character and diminishing the historic legibility of the site.
12. The impact would be minimal relative to the overall extent of the WHS. Nevertheless, and even if the proposal were to accord with Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) and policies HP1, HP3 and TC1.1a of the Calstock Parish Neighbourhood Development Plan 2021-2030 (NP) as is put to me, the proposal would result in a reduction in the positive contribution that the appeal site makes as part of the historic landscape.
13. As a result, there would be 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. The Framework sets out great weight

should be given to the conservation of heritage assets and notes that less than substantial harm should be weighed against any public benefits associated with the development.

14. The dwellings would contribute towards the areas housing supply, in a location close to services, facilities and transport links. The appellant has indicated that the proposal would cater for affordable housing according to the development plan. Therefore, notwithstanding the appeal decisions¹ put before me by the Council, I see no reason why an appropriate affordable housing contribution could not be secured at Technical Details Stage. There would also be short term economic benefit due to employment during construction, and an ongoing benefit from future occupants supporting local businesses and services. However, due to the relatively modest scope and scale of the proposal, these benefits in combination attract only limited weight and would not outweigh the harm that I have identified to the WHS.
15. Outline planning permission² has previously been granted at the site, whilst a previous appeal³ was also dismissed. Although it is put to me that the planning history, and previous Inspector's comments suggest that residential housing development was acceptable at the site, these decisions were made prior to the inscription of the WHS in 2006. Furthermore, these decisions pre-date the current local and national policy context and therefore their relevance, and the weight I afford these decisions is limited.
16. A planning permission⁴ relating to a nearby site also pre-dates the current local and national policy context. This limits the equivalence of the other permission to the current proposal. Moreover, the current appeal proposal has its own circumstances and notable character as I have identified above, and I shall determine it on its own merits.
17. Accordingly, I conclude that the site is not suitable for residential development, having regard to its location, the proposed land use, and the amount of development. The proposal would conflict with LP Policy 24 and NP Policy HE1. These policies seek, amongst other things, to avoid harm to the authenticity and integrity of the OUV of the WHS. The proposal would also conflict with the provisions of the WHSMP, which itself contains similar policies seeking to protect and conserve the WHS, as well as guidance within the SPD.

Other Matters

18. The appeal site is within the zones of influence for both the Plymouth Sound & Estuaries Special Area of Conservation and Tamar Estuaries Complex Special Protection Area (the habitats sites), afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Regulations require that planning permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat.
19. Although both main parties have provided information in this regard including a draft Unilateral Undertaking, Regulation 63(1) of the Regulations indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. Thus, as I

¹ APP/X1925/W/21/3276596 & APP/H1840/W/19/3240409

² 94/0343/O & 597/0927/OR

³ APP/K0805/A/05/1171769

⁴ PA11/06895

have found that the development is unacceptable for other reasons, it is not necessary for me to further consider the implications on the habitats sites.

20. The proposal's benefits include the provision of a new dwellings including a potential affordable housing contribution in a location close to services, facilities and public transport links. Further benefits include short term economic benefit due to employment during construction, and an ongoing benefit from future occupants supporting local businesses, services, and the community. Although the appellant refers to a housing crisis, the Council have stated that it can demonstrate a 6.6 year supply of housing. Notwithstanding, given the scale of the development, I find the benefits would be relatively limited.

Conclusion

21. For the reasons given above, I find that the proposal 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