



Appeal Decision

Site visit made on 22 April 2024

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024

Appeal Ref: APP/D0840/W/23/3333917

Land Rear of Wellesley Farm House, Mitchell , Truro, Cornwall, TR8 5AT

- 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 David Cullen Homes Ltd against the decision of Cornwall Council.
 - The application Ref is PA23/06548.
 - The development proposed is an outline planning application with some matters reserved for the erection of 5 dwellings with access and layout proposed and appearance, scale and landscaping reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning approval is sought with matters of access and layout for determination at this stage. Appearance, landscaping and scale of the scheme are reserved for subsequent consideration.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area, having regard to whether the scheme would preserve or enhance the character or appearance of the Mitchell Conservation Area (the Conservation Area), and the effect on the setting of listed buildings, in particular Wellesley Farm House, and
 - whether or not the scheme would provide a safe and suitable access to the site, including having regard to the convenience and amenity of the proposed and adjoining occupants of properties.

Reasons

Character and appearance

4. Much of the village of Mitchell is located within the Conservation Area. The heritage significance of the Conservation Area includes the distinctive 18th and 19th Century detached houses and rows of small cottages of traditional design and materials that bound the linear road through Mitchell. The Conservation Area extends to some land set back from the main road, and this includes the newer housing at St Francis Meadow which generally maintains the pattern of dwellings closely fronting onto a road and the use of external materials familiar to the village.

5. The appeal site is located within the Conservation Area and is mainly an open green space set back behind the main road buildings. The field has limited visibility from public locations, although it can be appreciated from some of the surrounding properties. It adds to the significance of the Conservation Area including because of its open verdant character and the presence of attractive mature trees.
6. Along the main road frontage, to the west of the access to the appeal site, is Wellesley Farm House. This is a Grade II Listed Building identified in the listing description as house and attached stables block. This description describes the attached block on the right, a separate dwelling (The Wedge) in the form of a cross wing and on the left, the building parallel to the road, the probable original stables with loft over. The significance of this listed building includes the likely 1800-1820 age, and its visually pleasing and dominant design with high aesthetic value. It is one of the largest and grandest houses in the village and maintains its historic integrity.
7. I am conscious of the duties to pay special attention to the desirability of preserving or enhancing the character or appearance of any land or buildings in a conservation area and to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest which they possess.
8. The appeal scheme proposes five detached houses. The layout plan shows that they would be quite sizeable properties accessed off a curving drive. The irregular and quite wide spacing between buildings, with the dwellings set back from the curving drive, would not be consistent with the more compact pattern of the surrounding developed form of the village.
9. While the building design and materials could reflect a local style, and the site could be well landscaped, the proposed layout would still lead to a suburban and alien development that would pay little respect to the wider character and pattern of the built form within the Conservation Area. Indeed, the layout of the scheme would unduly and harmfully contrast with the layout and pattern of development along the main road, and those positive and locally distinctive features that characterise the new developments in St Francis Meadow and Tremellyn Road.
10. The scheme would protect the important trees on the site. However, the layout, for the reasons I have explained, would not lead to a development that would sympathetically integrate with the built surroundings to maintain a sense of local identity that respected and connected with the more positive aspects of the village character. In this way the scheme for five dwellings would be contrary to the design approach, in particular in relation to context and identity, in the Cornwall Design Guide 2021.
11. Part of the concern with the layout is with the comparative density of development and it would also follow that, in this regard, that the scheme for five dwellings would not make best use of the land for housing. I come to this conclusion even taking into account the constraints on the site such as the trees and public sewer which crosses the land, and the need to deliver a biodiversity net gain.
12. In terms of the impact of the development on the Wellesley Farm House, the proposed housing would be behind part of this property with the vehicular

access passing to the side of The Wedge. The new housing and associated activity would add built development to the open, verdant land to the rear of the listed building. Although there is a moderate relationship between the listed building and this rear land, the development would still result in a change to the surroundings in which the listed building was experienced. The setting to the listed building would, therefore, be affected by the scheme. Because of the relationship of the appeal site to the Listed Building and the nature of the development, I consider that this effect should be assessed as a slight adverse impact on the setting.

13. I have very carefully considered the arguments in support of the scheme and, in particular, the Heritage Impact Assessment¹ (the HIA) and the further heritage statement at the appeal stage. In terms of the overall analysis of the development on the significance of Wellesley Farm House it is assessed in the HIA as having a slight adverse impact. I agree, although this is still harm to the significance of this designated heritage asset.
14. I also consider that the effect of the development on the other listed buildings in the village would be neutral, because of their separation and relationship to the appeal site.
15. In terms of the effect of the proposal on the significance of the Conservation Area, the HIA argues that this would be a neutral/slight impact. I disagree in this case and believe that the particular layout of road and dwellings, even with sympathetic details at the reserved matters stage, would have an unduly harmful effect on the character and appearance of the Conservation Area and that this harm is underestimated in the HIA. I consider that the harm to the character and appearance of the Conservation Area, and in turn to its significance as a designated heritage asset, would be to a fairly considerable extent for the reasons I have explained.
16. In coming to these judgements, I have taken into account that a new dwelling has been granted planning permission to the broadly north western side of the Listed Building, as well as the new housing estates on either side of the field.
17. I will undertake the heritage balance later in this decision. However, in terms of this main issue, I conclude that the scheme would harm the character and appearance of the area and, in terms of designated heritage assets, would not preserve or enhance the character or appearance of the Conservation Area and would not preserve the setting of Wellesley Farm House. Accordingly, the scheme would, in these respects, conflict with Policies 1, 2, 12, 21 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) which, amongst other things, explains that development proposals will be permitted where they would sustain the cultural distinctiveness and significance of Cornwall's historic rural, urban and coastal environment.
18. The Council, at the appeal stage, has also highlighted the referendum version of the St Newlyn East and Mitchell Neighbourhood Plan 2018-2030 (the referendum version of the NP). The referendum version of the NP has been submitted to the Council for consideration and it has resolved that the plan should progress to referendum. This plan is, therefore, at an advanced stage and can be attributed significant weight. Because of the harm that I have identified under this main issue, the scheme would not comply with the

¹ South West Archaeology Ltd.

requirements of Policies NEM7, NEM9, NEM12, NEM13 of the referendum version of the NP which seeks, in these respects, that development should be well designed to fit in with the local area and contribute to creating a strong sense of place.

Access

19. The majority of the appeal site is a field which is accessed from a drive which leads from the main road through the village. In addition to the field, the drive serves the parking area to the rear of Wellesley Farm House, The Wedge and Chapel Barn. When entering from the main road, the drive passes between the sides of The Wedge and 1 Hawkins Place, angles past Chapel Barn, and then passes along a straighter section to the field.
20. Given the nature of the access, even if upgraded as proposed, I consider that vehicles would be likely to be moving slowly. Furthermore, the access would have an acceptable width for a vehicle to pass along the drive in a single direction and would be a sufficient width to allow for any pedestrians to be able to safely stand back and allow that vehicle to pass. I also consider that those occupants when leaving or entering the side door of The Wedge, even those who may need a more accessible pathway because of disability, would also be able to do so safely without any undue harm, because of the width of the access in that location.
21. Consequently, with the likely slow movement of traffic and the width of the drive adjoining The Wedge and Chapel Barn, and having regard to the position of the side openings to these properties, I do not consider that the additional vehicular and pedestrian activity associated with the five dwellings would unduly affect the living conditions of the occupants of these properties.
22. There is more of an issue with the ability of two vehicles to pass each other and, in places along the drive, I consider that this would be tight. However, there is reasonable visibility along the length of the drive, from one end to the other, such that an approaching vehicle would be seen by another driver entering from the other direction. It would then be possible for a vehicle to wait at either end of the drive to allow an approaching vehicle to pass. Alternatively, there would be the ability in the vicinity of Chapel Barn, where the width is greater, for most vehicles to be able to pass by each other. Elsewhere, if two vehicles were to meet each other within the drive, this may result in some minor inconvenience at that time, but I consider that this would be reasonably infrequent because of the number of properties that the drive would serve.
23. The Council does not object to the scheme on safety grounds, including with respect to the sight lines and arrangements with the main road through the village. I have carefully considered all the comments from local residents and the Parish Council on this issue. However, having regard to the views of the Council and the appellant's Highway Engineer, together with my site visit, I have found no reason to conclude that this would be an unsafe arrangement.
24. Taking into account the existing vehicle movements along the drive to the adjoining properties, and the loss of vehicle movements associated with the field use, I consider that the additional traffic movements associated with the proposed five properties could be satisfactorily accommodated along the upgraded drive. Consequently, I conclude that for the proposed level of housing, the upgraded drive would provide a safe and suitable vehicular access

to serve the development and this would not unduly affect the amenities of local residents. In this respect, the scheme would comply with Policies 1, 2, 12 and 27 of the Local Plan and the National Planning Policy Framework (the Framework). In addition, given my findings on this issue, there would be no conflict with the requirements of Policies NEM12, NEM20, NEM21 and NEM22 of the referendum version of the NP.

Other Matters

25. I have taken into account all the representations from local residents which raise objection to the scheme, together with those of the Parish Council. I have considered the main planning issues above. None of the other matters raised, such as flood risk, light pollution and the impact on local infrastructure, are of such importance that they alter or materially influence my main considerations in this appeal.
26. The Council, in its questionnaire, list three other appeals. However, these are for sites not immediately close by or they raise issues not directly relevant to the matters in this appeal and I have not needed to consider them further.
27. The application was accompanied by a signed and dated undertaking under S111 of the Local Government Act 1972 which secures a payment to mitigate the effects of the development on the Fal and Helford Special Area of Conservation (SAC) and the Penhale Dunes SAC. In these circumstances, in accordance with the relevant strategies, the proposal would not, either alone or in combination with other projects, likely to have a significant and adverse effect on the integrity of the habitat sites. However, given my overall conclusion I have not had to consider this matter further and needed to undertake an appropriate assessment.

Planning and Heritage Balances, and Conclusion

Heritage balance

28. I have found that the scheme, notwithstanding the details that could be submitted at the reserved matters stage, would harm the character and appearance of the Conservation Area and would not preserve the setting of the Grade II Listed Wellesley Farm House. The harm to the significance of the Conservation Area as a whole and to the Listed Building would both be less than substantial within the meaning of Paragraph 208 of the Framework. In accordance with the Framework, this harm should be weighed against the public benefits of the proposal. I will need to undertake this heritage balance separately for each designated heritage asset.
29. In terms of the benefits of the scheme, the development would deliver a boost to housing supply on a windfall site which would comply with the requirements for rounding off in accordance with Policy 3 of the Local Plan. The principle of residential development would, therefore, accord with the Local Plan strategy for the location of development across the plan area. The housing would form part of the village where future occupants would be within easy walking distance to local services and facilities and could access bus services within the main road.
30. In addition, the development would bring social and economic benefits to the local economy during construction and in subsequent occupation, although these would be to a limited degree due to the scale of the proposal, and in

respect of construction would only be for a limited time. An appreciable increase in biodiversity net gain could be achieved on the site compared with the biodiversity present across this section of field. The new housing could be designed to provide high levels of sustainability in both design and occupation to minimise carbon use. With the size of garden spaces available the scheme could provide accommodation for occupants that would provide high quality living conditions. The proposed acoustic barrier and the physical presence of the new housing could assist with reducing some road noise from the A30 for some of the properties in the main road, including the Listed Building.

31. Furthermore, the housing could be delivered reasonably quickly, by a small or medium sized builder, and would add to and complement the mix and variety of housing in the local area. Importantly, the scheme would help to address, in a small way, the Climate and Housing Crisis that has been declared in Cornwall.
32. These are all meaningful and worthwhile benefits of the development. However, as only five dwellings are proposed, and in an area where the Council can demonstrate a Framework compliant supply of housing land, I consider that the cumulative benefits of the development should be attributed moderate weight in favour of approval.
33. The Framework advises that any harm to the significance of a designated heritage asset, including development within its setting, should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the level of potential harm.
34. In this case, the less than substantial harm to the significance of the Conservation Area as a whole should be judged to be fairly considerable including because of the size of the site, the degree of impact in this area and the size of the Conservation Area. This harm is required to be attributed great weight. In these circumstances, I consider that the public benefits would not outweigh the harm to the Conservation Area as a whole and its significance. The heritage balance, therefore, falls against the scheme in relation to the adverse impact to the Conservation Area.
35. In respect of the harm to the setting of the Listed Building, Wellesley Farm House, I have found that this would result in a slight adverse impact to its significance. While this harm should be attributed great weight, I am satisfied that the public benefits of the scheme which I have identified, would outweigh this harm to this designated heritage asset. The heritage balance, therefore, falls in favour of the scheme in relation to its effect on the significance of the Listed Building.

Planning balance

36. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
37. In this case, the scheme would provide a safe and suitable access to the five dwellings. However, this is a requirement expected of all development and is neutral in the overall considerations. There would be harm to the setting of the Listed Building but this would be outweighed by the public benefits of the development. On the other hand, the harm to the character and appearance of the Conservation Area is fairly considerable and this would not be outweighed

by the public benefits. This overall harm to the character and appearance of the area weighs to a fairly considerable extent against the proposal and, together with the related policy conflicts, would be such that the proposal would not comply with the development plan when considered as a whole.

38. I have analysed the benefits of the scheme in the heritage balance above. I consider the benefits, while worthwhile, should be attributed moderate weight in favour of approval. The benefits are such that they would not outweigh the harm and related policy conflict which I consider would be fairly considerable.
39. I therefore conclude that the proposal is contrary to the development plan when considered as a whole and there are no material considerations of such weight to outweigh that finding.

Conclusion

40. For the reasons given above, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR