
Appeal Decision

Site visit made on 11 April 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal Ref: APP/D0840/W/23/3333112

Land to west of Trenance, Tomperrow TR3 6BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Angela Tremain against the decision of Cornwall Council.
 - The application Ref is PA23/05691.
 - The development proposed is Stage 1 Permission in Principle application for the proposed construction of dwellings. Min 2 Max 2.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this 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. I have determined the appeal accordingly.

Main Issues

4. The first main issue is the effect of the proposal on the character and appearance of the area and whether the proposal would represent infill development. The second is the effect of the proposal on the outstanding universal value of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS).

Reasons

Character and appearance/whether infill

5. As one moves towards the appeal site out of Threemilestone the built development thins out significantly. There are significant amounts of boundary planting along Lower Hugus Road with lower density development compared to that settlement which is often screened from the road by reason of land levels and substantial levels of roadside planting.

6. Land levels fall away into the valley below allowing some views towards further fields and vegetation beyond. Overall, whilst I note that there are residential properties in the vicinity, they are well spaced and spread out, such that at the appeal site, one has a sense of being within the open countryside.
7. I do not therefore consider that the proposal physically relates to a recognisable settlement, rather, Tomperrow forms a low density straggle of dwellings. The proposal does not therefore fall to be considered as infill development under Policy 3 of the Cornwall Local Plan (2016) (CLP) which indicates that some housing will be delivered through infill schemes. Further, the property to the south east is set away from the appeal site on its plot. The scheme would not therefore fill a small gap within an otherwise continuous built frontage.
8. The site is overgrown to the extent that the existing buildings are not obvious to the eye from many parts of the site. Its substantially undeveloped and quiet character contributes positively to the character and appearance of the area. Although details are limited, those positive qualities would likely be significantly undermined by the provision of two dwellings. The landscape character area description recognises pressure on the area associated with housing expansion, in amongst other places, settlements nearby Truro. The proposal would therefore have a significant adverse impact on the character and appearance of the area.
9. The proposal would subsequently conflict with policies 1, 2, 3, 7, 21 and 23 of the CLP which amongst other things seek to resist this type of development within the countryside, maintain and enhance Cornwall's distinctive natural character and sustain local distinctiveness and character. There would also be conflict with policies E1, E4(a) and E6 of the Truro & Kenwyn Neighbourhood Plan (2023). Amongst other things these policies broadly require sustainable development which takes account of and reflects the sites physical context which respect the character and wider setting of Threemilestone.

World Heritage Site

10. The Statement of Outstanding Universal Value for the WHS identifies historically important components associated with mining over the period from 1700-1914. These include mineworkers smallholdings. The evidence indicates that the site is part of a former mineworkers smallholding.
11. I note that the railway, the hardcore access tracks and intervening trees and planting and that the boundary treatment would be likely to remain intact at the site. However, in spite of those matters and whilst acknowledging the latter point, the largely undeveloped and quiet nature of the site contributes positively to the significance and understanding of the site as part of a former mineworkers smallholding.
12. That significance would likely be harmed by the introduction of two dwellings through the built development and increased level of activity that would arise. The outstanding universal value of the WHS would be harmed.
13. Mindful of the extensive areas of mineworkers holdings and the need to consider the WHS as a whole, the harm to the significance of the WHS would be less than substantial. Paragraph 208 of the Framework¹ along with Policy 24

¹ National Planning Policy Framework 2023.

of the CLP require such harm to be weighed against any public benefits of the proposal.

14. There would be conflict with policies P3, C2, C8 & C9 of the WHS Management Plan² which amongst other things seek to ensure that new development protects, conserves and enhances the WHS.

Other Matters

15. There is nothing to confirm that the site should be considered as previously developed land, with reference being made to a dilapidated barn being present on the site. The Framework excludes from the definition of previously developed land, land that is or was last occupied by agricultural buildings. I therefore afford this matter limited weight.
16. The site appears to be within the zone of influence of the Fal and Helford Special Area of Conservation. However, as the appeal is being dismissed for other reasons, I will not consider this matter further.

Planning Balance

17. The proposal would benefit housing supply and there would be some social and economic benefit normally always associated with such developments of this scale both during and after construction on a site that is not set a significant distance from Threemilestone. However, the public benefits would not outweigh the harm identified. This draws the scheme into conflict with Policy 24 of the CLP which further weighs against the proposal.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

T Burnham

INSPECTOR

² Cornish Mining World Heritage The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025.