



Appeal Decision

Site visit made on 14 October 2024

by C Cresswell BSc (Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2024

Appeal Ref: APP/D0840/W/24/3338980

Land to north west of East Levant Engine House, Trewellard, St Just, Penzance TR19 7SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr and Mrs R Bailey against the decision of Cornwall Council.
- The application Ref PA23/03829 sought approval of details pursuant to condition No 1 of a planning permission Ref PA20/00878, granted on 19 June 2020.
- The application was refused by notice dated 20 September 2023.
- The development proposed is a dwelling.
- The details for which approval is sought are: appearance, landscaping, layout and scale.

Decision

1. The appeal is allowed and the reserved matters are approved (namely appearance, landscaping, layout and scale) pursuant to condition No 1 of planning permission Ref PA20/00878, granted on 19 June 2020 for a dwelling at Land to north west of East Levant Engine House, Trewellard, St Just, Penzance TR19 7SX in accordance with the terms of the application, Ref PA23/03829, subject to the conditions which are set out in the Schedule at the end of this Decision.

Main Issues

2. The main issues in this case are:
 - whether the proposed development would preserve or enhance the character or appearance of the Trewellard Conservation Area.
 - the effect of the proposed development on the character and appearance of the Cornwall and West Devon Mining Landscape World Heritage Site, Heritage Coast and the National Landscape¹.

Reasons

3. Trewellard is one of several small villages which occupy this part of the west Cornwall coastline. The mining history of the area is clearly evident, with disused engine houses, industrial structures and old mine workings being very distinctive features of the local landscape. In recognition of this, the area has been designated as a World Heritage Site. It is also a highly scenic location, characterised by traditionally designed buildings, wide open spaces, cliffs and expansive views of the sea. For these reasons, the landscape is within the National Landscape and Heritage Coast designations.

¹ Previously known as an Area of Outstanding Natural Beauty (AONB).

4. The appeal site is an open area of land on the outer edges of Trewellard. It is within the Trewellard Conservation Area, the significance of which is mainly derived from the architectural merit of the traditionally designed buildings and their relationship to the wider mining landscape.
5. The proposed dwelling would have a modern appearance, with rendered walls and a timber clad front projection. It would also have relatively extensive glazing, with a somewhat irregular pattern of fenestration. Consequently, it would not be characteristic of the traditionally designed buildings seen elsewhere in the village. Most of these are built from natural stone and maintain very simple, low profile architectural forms.
6. That said, the site is situated in a part of village where architectural styles are mixed. While there is a traditional stone building to the north-east, there are also contemporary style bungalows and houses in the immediate vicinity of the site. These properties do not have a consistent appearance and vary in their shape and size. They would form the main backdrop against which the proposed dwelling would be viewed, rather than the more traditional buildings seem elsewhere in Trewellard. Although the chimney of East Levant Engine House is nearby, there is a modern timber-clad property separating the proposed dwelling from this chimney.
7. Hence, despite the high sensitivity of the area, the proposed dwelling would appear in context within its immediate surroundings. In reaching this decision, I am mindful that the proposed dwelling would be relatively small and would be set well back into the site near existing development.
8. For these reasons, I conclude that the proposal would not harm the character and appearance of the Conservation Area. There would be no conflict with Policies 2 and 24 of the Local Plan² or Policies AD2, AD4 and BD1 of the Neighbourhood Plan³. Amongst other things, these seek appropriate standards of design and the protection of heritage assets.
9. I also conclude that the proposal would not harm the character and appearance of the World Heritage Site, Heritage Coast or National Landscape. There would be no conflict with the landscape protection objectives of Policies 3 and 23 of the Local Plan or Policies AD1 and AD4 of the Neighbourhood Plan. Nor would there would be conflict with the overall objectives of the AONB Management Plan or World Heritage Site Management Plan. While the Council refers to Policy 21 of the Local Plan its reasons for refusal, this is not directly relevant to the appeal as it concerns making the best use of land and buildings.

Other matters

10. The principle of developing the site for housing is established by the outline planning permission⁴ granted in 2020. This appeal is limited to considering the appearance, landscaping, layout and scale of the development and so I am unable to revisit the merits of that planning permission.
11. The site is undeveloped so adds to the open and natural qualities of the area. By introducing new development, the proposed dwelling would reduce this

² Cornwall Local Plan Strategic Policies 2010-2030

³ St Just-in-Penwith Parish Neighbourhood Plan 2021-2030

⁴ Council Ref: PA20/00878

sense of openness. It would also require the removal of wild vegetation that contributes to biodiversity. However, this would likely be the case regardless of the type of dwelling built on the site. There is little to suggest that the proposed design would be especially harmful in this respect.

Conditions

12. In the interests of clarity, standard conditions requiring the development to be tied to the original outline permission and carried out in accordance with the approved plans have been imposed. In the interests of character and appearance there is a condition requiring details of external materials and details of boundary treatments. For highway safety, there is a condition requiring the proposed parking and turning areas to be implemented.

Conclusion

13. The appeal is allowed.

C Cresswell

INSPECTOR

Schedule of Conditions

- 1) This approval must be read in conjunction with outline planning permission, Ref PA20/00878, and the conditions attached thereto.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2312-01, 2312-02, 2312-04, 2312-05, 2312-06
- 3) Prior to the installation of the materials to be used in the construction of the external surfaces, details of all external facing materials shall be submitted to and approved by the local planning authority in writing. Such details shall include details of the solar array proposed on the south-east elevation. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 4) Before the first occupation of the dwelling hereby approved, the car parking space and turning area shall be constructed in accordance with approved plan 2312-04 and the said areas shall not thereafter be obstructed or used for any other purpose.
- 5) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works. The approved boundary treatments shall be implemented prior to occupation of the buildings and shall not thereafter be altered or removed, other than by necessary replacement.