



Appeal Decision

Site visit made on 8 January 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2025

Appeal Ref: APP/D0840/W/24/3345871

Land north of Wide Horizons, Tresowes Hill, Ashton, Helston TR13 9SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Buckett against the decision of Cornwall Council.
 - The application Ref is PA24/02449.
 - The development proposed is construction of dwelling house and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal application is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017 (the Order). The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these two stages.
3. The PPG sets out that the scope of permission in principle applications is limited to location, land use and amount of development. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Tregonning Hill Conservation Area (CA) and the Tregonning and Gwinear Mining Districts World Heritage Site (WHS).

Reasons

5. The appeal site is located within the Tregonning and Gwinear Mining Districts WHS which is described as a rural mining area with miner's smallholdings and dispersed and small groups of settlements. The Outstanding Universal Value of the WHS is identified by the radical reshaping of the Cornish and West Devon landscape due to deep Tin and Copper mining. The remains of mines, engine houses and associated infrastructure including ports, railways and settlements form a collection of

authentic and historically important man-made structures within this transformed landscape.

6. Whilst there is no character appraisal for the Tregonning Hill CA, it is characterised by Tregonning Hill a local landmark, where china clay is said to have been first discovered. It is also a Scheduled Monument which contains medieval and Bronze Age remains and a granite cross war memorial. The significance of the CA is derived, in part, from its historical interest dating back to the Bronze Age and its natural landscape interspersed with the markings of industrial innovation and limited modern development.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) outlines a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
8. Tresowes is a hamlet that lies on the lower escarpment of Tregonning Hill comprising a number of scattered dwellings that sit within this verdant and rugged rural landscape. This landscape dominates the local area penetrating through and surrounding the dispersed built form. The site comprises a relatively narrow and broadly rectangular parcel of land positioned between two dwellings with vegetation along parts of its boundaries. Its undeveloped nature positively contributes to the character of the local landscape.
9. I acknowledge that the proposed development would infill a gap and the detailed design would be considered at Technical Details Stage. However, the introduction of built form through a new dwelling and the urbanisation of the site would unacceptably erode the site's verdant and undeveloped nature. The proposal would result in an uncharacteristic concentration of built form, in close proximity to properties either side, failing to respect the dispersed nature of the settlement and diminishing the contribution the site makes to this rugged rural landscape. The proposed development would neither preserve nor enhance the character or appearance of the CA and WHS harming their significance as designated heritage assets. As such, I give this harm considerable importance and weight in the planning balance.
10. Whilst the WHS Office did not raise concerns to the application I concur with the Council that the juxtaposition and interplay of the built form including towns and villages and the surrounding landscape is a characteristic of both the CA and the WHS. In this regard the proposal would have a negative effect on this relationship, notwithstanding the lack of a physical link between the site and mining activity. Accordingly, this aspect of the appellant's argument does not alter my findings in respect of the main issue.
11. Although views of the proposal would be localised and in part screened by vegetation, I find that this would not mitigate the harm that I have identified in relation to the impact upon the character and appearance of the locality.
12. The Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.

13. In this particular instance, I find the harm to be less than substantial but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
14. In this regard, my attention has been drawn to an apparent housing crisis in Cornwall stemming from increased demand and reduced availability of properties. The proposed development would contribute towards meeting the Council's housing need and addressing this issue. However, this benefit would be moderate. Taking the above points into consideration I find that the harm to the character or appearance of the CA and WHS would outweigh the benefits of the proposal and afford this significant weight.
15. I conclude, that, on balance, the proposal would fail to preserve the character or appearance of the Tregonning Hill CA and the Tregonning and Gwinear Mining Districts WHS. This would fail to satisfy the requirements of the Act, the Framework and conflict with Policies 1, 2, 12, 23 and 24 of the Cornwall Local Plan (2016) and Policy C1 of the Climate Emergency Development Document Plan (2023) which, amongst other things, require proposals to maintain and respect the special character of Cornwall; respect and work with the natural and historic environment; sustain local distinctiveness and character and sustain the cultural distinctiveness and significance of Cornwall's historic rural environment.

Conclusion

16. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR