



Appeal Decision

Site visit made on 3 December 2024 by S Wilson LL.B. MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/D0840/D/24/3343344

Higher Boswarthen, Newbridge, Penzance, Cornwall TR20 8NZ

- 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 Richard and Jo Milne against the decision of Cornwall Council.
 - The application Ref is PA23/07749.
 - The development proposed is alterations and extensions.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Areas of Outstanding Natural Beauty (AONB) are now known as National Landscapes. This change in terminology has not affected the reasons for their designation or the fundamental aspects of their special qualities. I have accordingly referred to the Cornwall AONB as the Cornwall National Landscape (CNL) in my recommendation. The CNL is made up of 12 separate geographical sections, in this instance the West Penwith (07) section is relevant.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host dwelling, with particular regard to the location of the site within the CNL.

Reasons for the Recommendation

5. Higher Boswarthen is located prominently in an exposed and elevated position within the CNL and West Penwith International Dark Sky Park (the Dark Sky Park) and within Cornwall Character Area (CCA) (03) West Penwith Hills. The property commands 180-degree views over the predominately open countryside landscape to the east as it gently slopes towards the ocean.
6. Higher Boswarthen is constructed with granite walling, a slate roof and modest rectangular, traditional wooden frame windows, elements which are typical of the area. On the east elevation there is a conservatory, a hung slate gable and

- a larger traditional style window. The evidence states these are not original. However, their design and scale reflect the property's traditional style.
7. Higher Boswarthen is a former farm cottage, with outbuilding, that is considered to be a Non-Designated Heritage Asset (NDHA) by the Council's Historic Officer, due to it having historic merit and that part of its significance as an NDHA derives from the architectural quality and design of the domestic proportions. However, this is disputed by the appellants, who set out that there is no entry for the property on the Historic Record, whilst submitting their own historical data to demonstrate that the appeal site does not meet the criteria of a NDHA.
 8. The National Planning Policy Framework (the Framework) defines a heritage asset as: '*A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes assets identified by the local planning authority (including local listing)*'. The Planning Practice Guidance provides that it is important that all NDHAs are clearly identified as such. In this context, it can be helpful if local planning authorities keep a local list of NDHAs. By reason of its traditional form and design, which is typical of this rural area, and use of traditional materials, in my view Higher Boswarthen can properly be described as a NDHA.
 9. There is a large amount of existing fenestration on the eastern and northern elevations, and the appellants argue that the conservatory already obscures the eastern elevation. However, the fabric of the building is clearly visible through the predominantly glass construction of the existing conservatory, the detailing of which is of a style which does not appear out of context as a whole and conserves the character and appearance of the property.
 10. I acknowledge that the proposal seeks to recreate a traditional U-shaped farmstead yard layout, which the appellants maintain would result in an enhancement to the historic character. However, the proposal would introduce a substantial amount of modern fenestration to the eastern and northern elevations, the style and scale of which would jar against the traditional vernacular of the property. In addition, the fenestration would be part of a more substantial heavyweight extension which, due to its scale and mass, would sprawl across the site and would not be subservient to the host dwelling; harmfully overwriting the eastern elevation and competing with the historic proportions of the farmhouse.
 11. Further to the above, the key landscape characteristics of the CNL, in this location, are the granite geology and the open and sparse coastal lands interspersed with farmsteads, amongst other things. The landscape is gently undulating with prominent heights which provide a distinctive silhouette against an expansive skyline, further emphasised by the infrequency of man-made structures and intrusive development in this area. It is particularly important for its tranquillity and dark skies and is designated as a Dark Sky Park. Given the prominence of the location, the multiple, large floor to ceiling openings on the ground floor and the large windows on the first floor would be felt obviously at night when the internal illumination of the building would be highly visible and unacceptably jarring in the context of the Dark Sky Park. They would spill light into the protected night sky and reflect light during the daylight hours.

12. The appellants argue that there would be 6.6 square metres less glazing in the proposal than already exists. Whilst this is not disputed, the light spill would be spread out across the entire eastern elevation, potentially presenting a wall of light atop a highly prominent ridge and expanding on the existing situation.
13. The appellants propose using light reducing film on the glazing. Whilst that may prevent some spillage, it would not overcome the above identified harm to the character and appearance of the host building that would result from the design, mass and scale of the proposal. I acknowledge that the reduction of roof glazing would be beneficial to the Dark Sky Park. Whilst there would be less glazing in terms of area, it would be the proposed arrangement of the windows, and their effect when seen together, that would result in the building being more prominent and having a greater impact than the existing situation. This harm from the expansive wall of glazing to the eastern elevation far outweighs any benefit the proposed overall reduction in glazing would bring.
14. These harmful effects would impinge on the reasons for designation of the Dark Sky Park and adversely affect the character and appearance of the CNL and its sensitivity and capacity. The appellants also state that indirect interior lighting and time sensitive blinds would be utilised; however, there is no evidence to substantiate their times of use and effectiveness. Furthermore, I cannot be sure that a planning condition in that respect would satisfy the required tests as set out in the Framework.
15. Accordingly, the proposal would adversely affect the character and appearance of the host dwelling and would cause unacceptable levels of light spill, thereby harming the generally dark night sky and rural character of this part of the CNL. The proposal would fail to comply with the Cornwall Local Plan Strategic Policies 2010-2030 Policies 1, 2, 12, 23 and 24, Policies NE3 and BEH1 of the Madron Neighbourhood Development Plan 2022-2030, Policy C1 of the Climate Emergency Development Plan Document 2023, Policies PD-P1, PD-P2 and PD-P11 of the Cornwall AONB Management Plan 2022-2027, and the relevant paragraphs of the Framework, insofar as they seek high quality development that conserves and enhances the natural and historic environment.
16. There would likely be an economic benefit in terms of work created in the construction of the development; however, this matter would not outweigh the harm I have found above and to which I must attribute great weight. The appellants state that the development would allow multi-generational living. Whilst this would be beneficial, it is a personal benefit and therefore, I have afforded it little weight. Taken as a whole, the harms identified would outweigh the benefits.

Conclusion and Recommendation

17. For the reasons given above, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight which would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Mr A Spencer-Peet

INSPECTOR