



Appeal Decision

Site visit made on 8 January 2025

By N Perrins MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/D0840/D/24/3345382

The Forge, Cape Cornwall, St Just, Penzance, Cornwall TR19 7NN

- 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 Graham and Lucy Gaskell against the decision of Cornwall Council.
 - The application Ref is PA23/09216.
 - The development proposed is the conversion and extension of existing outbuilding and in place of demolished garage to provide ancillary accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2024. The updated Framework does not raise any new matters that are determinative to the outcome of this appeal.
3. I have used the description of development from the Council's decision notice in the header above as it more succinctly describes the appeal proposal before me.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to the landscape, scenic beauty and dark skies of the Cornwall National Landscape.

Reasons

Character and appearance

5. The appeal site is a detached dwelling located in a relatively isolated position on the lower part of the coastal slopes above the cliffs at Cape Cornwall. The existing dwelling and associated outbuildings subject of this appeal are traditional and unassuming in their design close to the cliffs. The outbuildings that are proposed to be converted or demolished comprise a small single storey hut building with a pitched roof and an adjacent flat roof garage. The site is located within the Cornwall National Landscape (CNL), International Dark Park, Shoreline Management Plan Area, Site of Special Scientific Interest and World Heritage Site.
6. The site is within the West Penwith section of the CNL as identified in the Cornwall AONB Management Plan 2022-2027 (MP). Section 7 of the MP provides a detailed overview of West Penwith and describes this area as a rugged, exposed, and

dramatic coastal landscape punctuated by secluded valleys. The Council's Landscape Character Type (LCT) identifies that the wild, exposed and dramatic landscape of rugged cliffs with expansive views, and the wild and remote landscape with high levels of tranquillity and dark skies are some of the area's most valued characteristics. The surrounding area provides recreational opportunities for visitors to experience these key characteristics through various walking routes nearby, from which the appeal site is visible and the positive landscape and visual contribution of the site to the West Penrith section of the CNL can be experienced.

7. Whilst the existing dwelling and its outbuildings are not subject to any statutory protection, their simplistic design, layout and scale ensure they are unremarkable structures within the landscape. The unassuming impact of the existing buildings, therefore, helps to contribute to the overall tranquil and open setting of the wild and rugged coastal landscape they reside within.
8. In contrast to this, the proposal would create a building with a notable increase in scale and mass due to the elongated extension of the hut and irregular layout of the proposed garage replacement section. The increased prominence in scale and mass of the proposal would be exacerbated by the elevated position of the front section and proposed change in roof pitch. Whilst I understand from the information before me that the existing roof pitch is not an original feature, it exists today and relates well in design terms with the roof pitch on the host dwelling. The change in the roof pitch would, therefore, introduce an uncharacteristic roof form and discordance with the design and appearance of the host dwelling.
9. Furthermore, the proposed materials would be more modern and varied than those used on the appeal site's existing buildings. The proposed glazing would also be excessive and significantly alter the simplistic appearance of the existing outbuildings. The overall effect would be a more urban form of development that would jar with the simple and unremarkable appearance of the host dwelling.
10. Taking these points together, the proposal would be notably more prominent when viewed from the surrounding landscape than the buildings it would replace. Whilst the site is not prominently visible from all directions, it can still be seen from various vantage points such as nearby footpaths. For the reasons stated, the proposal would appear from these as an incongruous and overly prominent structure when viewed within the landscape.
11. I acknowledge that there are larger and more prominent buildings in the locality than those on the appeal site. However, this does not mean that the appeal proposal is acceptable as each application must be considered on its own merits. In this case, the character of buildings within the site would change from being understated to the proposed outbuilding being unduly prominent in the landscape. It would also not appear as a cohesive or subservient form of development when viewed in conjunction with the host property due to its incongruous scale, form and design.
12. The proposal would also substantially increase the number of openings and the amount of glazing in the outbuildings. Given that the proposal would be used for overnight accommodation, the proposed increase in glazing would lead to light spill during dusk and the hours of darkness when compared with the existing situation. Preserving the dark skies of the area is a recognised as a significant planning issue

in the management of the CNL as acknowledged in the MP, LCT as designation as an International Dark Sky Park.

13. Whilst I acknowledge that additional openings and / or rooflights could potentially be introduced to the existing buildings as permitted development, there is nothing before me to suggest that there is a greater than theoretical possibility of this occurring; as such I give this argument limited weight.
14. I note the appellant's proposal to mitigate light spill from internal and external areas is to use curtains, black out blinds and low LED lighting. The appellant confirms they would accept a condition to secure the submission of a lighting scheme, which would provide further details of these measures. However, from the limited details before me I am not satisfied how such a condition would be effective and enforceable in controlling and securing in perpetuity the measures proposed. Given the great weight that I must apply to conserving and enhancing National Landscapes, as confirmed in Paragraph 189 of the Framework, it would not be appropriate to defer this matter to conditions based on the information before me. Accordingly, it has not been adequately demonstrated that the proposal is acceptable in terms of its impact on the dark skies of the CNL.
15. I have also considered the appellant's contention that the impact of the proposed lighting would be negligible when compared with the nearby recent developments such as the converted water tower, nearby golf club facilities and former hotel. However, I do not have the full details before me of how these examples addressed the issue of light spillage on the dark skies. As I am only able to consider what is before me, which for reasons stated is not acceptable in terms of its impact on the dark skies, the other examples provided do not justify the harm I have identified in this regard.
16. In conclusion, the proposal would unacceptably change the appearance of the outbuildings introducing an increase in development in this relatively isolated location. The proposal would also increase light spill in area where dark skies are to be protected. The proposed outbuildings would, therefore, appear as a highly conspicuous and incongruous form of development that would not preserve or enhance the landscape character, scenic beauty of dark skies of the CNL Land Heritage Coast. As such, the proposal is contrary to Policy C1 of the Climate Emergency Development Plan Document 2023, Policies 1, 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 and Policies AD3, AD4, AD8, BD1 and BD8 of the St Just-in-Penwith Neighbourhood Development Plan 2021-2030. The proposal would also not be consistent with the relevant provisions of the Framework and guidance within the Cornwall AONB Management Plan 2022-2027.

Other matters

17. I acknowledge that the proposal would partially re-use an existing building and incorporate a green roof and solar panels with a low carbon construction, which are positive aspects of the proposal to which I attribute moderate weight. However, it is also important when seeking to deliver sustainable development that proposals are well-designed and protect or enhance the natural environment, which for the reasons stated would not be achieved in this case.
18. I also acknowledge that the proposal is intended to provide additional space to enable family members to stay living together, which would reduce pressure on

local housing availability. The appellant also raises that there was support for the proposal from various consultees and third-party representations. Notwithstanding these points, it is necessary to ensure that surrounding character is respected. The appellant also refers to the issues experienced seeking to engage with the Council during the determination of the planning application but did not get a response albeit this of itself does not provide any justification for the proposal.

19. I have also considered the appellant's suggestion that permitted development rights could be removed to control further development at the site that could be more visually intrusive to the landscape than the appeal proposal. As discussed above, this is only a theoretical possibility of permitted development at present, which means any related fall back only has limited weight in this decision.
20. Overall, and given the great weight afforded to the protection of NLs as set out in the Framework, I do not find that these other matters, even when taken together, outweigh the harm to the CNL that has been identified.

Conclusion

21. For the reasons given above, and taking account of all material planning considerations, I conclude that the development does not accord with the development plan. I, therefore, dismiss the appeal.

N Perrins

INSPECTOR