



Appeal Decision

Site visit made on 18 March 2025

by P N Jarratt BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/D0840/W/24/3337771

Land known as land south east of Parc an Peath, St Buryan, Penzance, Cornwall, TR19 6EW

- 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 D Hosking against the decision of Cornwall Council.
 - The application Ref is PA23/09302
 - The development proposed is the construction of three dwellings.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 4 April 2025.

Decision

1. The appeal is allowed and planning permission is granted for the construction of three dwellings at land South East of Parc an Peath, St Buryan, TR19 6EW in accordance with the terms of the application, Ref PA23/09302, and the plans submitted with it, subject to the five conditions in the attached schedule.

The site and relevant planning history

2. The appeal site is located on the south-west fringe of St Buryan to the west of four detached dwellings forming Parc an Peath.
3. The St Buryan Conservation Area is opposite the entrance to Parc an Peath and the countryside is designated as an Area of Great Landscape Value and is within the defined Penwith Heritage Coast. The medieval St Buryan's Church is Grade I listed and is a significant and imposing feature dominating views of the village from some distance away.
4. Planning permission PA14/09754 for 12 dwellings was granted on appeal in 2014 with subsequent amendments approved, including PA20/04303 relating to the 5 plots to the north west of the appeal site. A previous application (PA21/05216) for plots 10, 11 and 12, seeking a similar development to the current appeal, was refused and an appeal was dismissed in June 2023 (APP/D0840/W/22/3301818).

Main Issues

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires special attention to be

paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

6. The main issues in this appeal are the effects of the proposal on the character and appearance of the area and on the setting of both the conservation area and that of the Grade I listed Church.

Reasons

7. In the dismissed appeal of June 2023 the inspector concluded that the proposal for three dwellings would have an unacceptable effect on the character and appearance of the area through the loss of openness of the site through the southern dwelling obtruding into outward views, close to the roadside edge and domineering above it.
8. The inspector also considered that the site's openness makes a clear contribution to the setting of the Conservation Area and that the visual interplay between the Conservation Area and its rural setting would be impeded by the southernmost dwelling in the proposed scheme. The same dwelling due to its mass, height and proximity to Land's End Road would distract from the primacy of the church on the immediate approach to the village from high sided vehicles and also be observed from the footpaths around Kew Pendra. Although the effects represented less than substantial harm to the significance that the Conservation Area and Church derive from their settings, this level of harm was not outweighed by any social and economic benefits arising from the proposals.
9. The scheme subject to this appeal seeks to replace plots 10, 11 and 12 of the 2014 allowed appeal. Subsequent to the 2023 dismissed appeal, the design of the dwellings have been amended in light of the Inspector's comments. The pair of semi-detached properties on plots 10 and 11 omit the two storey component of the side wings to single storey and I note that this amendment raises no concerns from the Council.
10. The detached property on plot 12 is now proposed to have a smaller overall footprint and reduced in width with its main roof hipped at one end and gabled at the other. This is adjacent to the lower side wing towards Land's End Road which is marginally set back from the main part of the dwelling. The upper floor of the side wing has dormer windows at the front and the rear below a pitched roof.
11. The appellant's statement seeks to illustrate the differences between the proposed dwelling on plot 12 between the allowed 2016 appeal, the dismissed 2023 appeal and the current scheme. The appellant considers that the reduction in the footprint, scale and massing now reflects a similar building massing to that approved in 2016 and its positioning would be similar leaving a gap towards the highway. In respect of the positioning of the dwelling, a comparison of the current appeal site plan and Figure 3 in the appellant's statement of case shows that the current proposal protrudes beyond the building line shown in the 2016 appeal. Notwithstanding this, its position in general terms is comparable to the 2016 siting and it is evident that the dwelling would be positioned significantly further from the Land's End Road than the 2023 proposal.

12. The development of Plot 12 has been impacted upon by amendments to plots 5-9, which have now been built out, and with changes proposed to plots 10 and 11. The site has been squeezed but the proposed dwelling is sufficiently set back from Land's End Road such that it overcomes some of the previous Inspector's concerns.
13. Although the appellant considers the profile of the dwelling would remain similar to the previous approval, I cannot draw the same conclusion as the roof arrangement creates an uncomfortable relationship between its two parts. having a single hip and gable end on the main part of the building and a ridged roof on the side. It is assumed that this is intended to reduce the massing of the overall building, notwithstanding the increase in the number of bedrooms and the habitable use of the roof space. Although the finished floor levels would be less than in the 2016 proposal, the ridge height would only be marginally lower, presumably arising from headroom requirements in the roof space.
14. The appellant draws attention to the concern of the case officer in respect of the proposed position of the dwelling on plot 12 alone, but a correct reading of the decision notice refers to concern about size as well as position. This is amplified in the Council's statement by referring to the buildings being of the height and mass proposed set close to the road enclosing the approach to St Buryan where no sense of enclosure currently exists. The Council considers that due to the difference in levels, the building will be prominent and intrusive on the approach to the village.
15. Whilst I under the precautionary approach of the Council, little regard appears to have been taken of the similarities in position and size of the dwelling approved as part of the 2014 allowed appeal. Additionally, the visual impact of the building is significantly different to the dwelling subject to the dismissed 2023 appeal as it is set back at a further distance from Land's End Road and is of a reduced footprint. The concerns of that Inspector regarding the dwelling's dominance and obtrusiveness in relation to its effect on openness or its distraction from the primacy of the Church when approaching the village would largely be negated. Indeed, due to the difference in levels between the road and the site and the intervening hedgerow, views of the dwelling would be limited. Furthermore any change in the degree of openness would be little different to the layout approved in the 2014 appeal.
16. I acknowledge that the St Buryan Conservation Area Statement 1990 identifies that the size, mass and poor designs of modern dwellings have affected the approach to the village from the south. However, the principle of residential development on the appeal site has been accepted and three schemes have been appraised through application and appeal. I am satisfied that notwithstanding the contrived roof arrangement for Plot 12, the proposed dwellings would be appropriate for their location in the village and complement rather than compete with surrounding properties.
17. The appellant refers to the housing crisis in Cornwall and the need to unlock difficult sites. However, such arguments are not particularly relevant in this case where the issues relate to countryside and heritage issues.
18. I therefore find that the proposals would not have any harmful impact on the character or appearance of the Area of Great Landscape Value or on the setting of the Grade I listed St Buryan Church or the St Buryan Conservation Area. The development accords with relevant policies in the Cornwall Local Plan,

particularly 12 (design), 23 (natural environments) and 24 (historic environments); saved Policy CC-5 (AGLV) of the Penwith Local Plan, and the approach of the National Planning Policy Framework to the protection of the natural environment at paragraph 187 and the historic environment at paragraphs 203 and 212.

Conditions

19. I find that the Council's suggested conditions to be necessary, relevant to planning and to the development being permitted, enforceable, precise and reasonable in all other respects. I have therefore attached them as a schedule to this decision. Condition 1 refers to the standard time limit and Condition 2 is imposed for the avoidance of doubt. Conditions 3 and 4 relate to highway safety and the disposal of surface water. Landscaping is subject to Condition 5 which is imposed in the interests of visual and residential amenity.

Conclusion

20. For the reasons given above, the appeal is allowed.

P N Jarratt

INSPECTOR

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Conditions Schedule

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the plans listed below:
 - Site/location Plan 001
 - Proposed 003
 - Proposed 004
 - Proposed 005
 - Proposed 006
 - Proposed 007
 - Mixed - Existing and Proposed 008
 - Proposed 009
- 3 Before the first occupation of any dwelling, the parking and turning areas serving it shall be laid out and constructed in accordance with the approved drawings, and the said areas shall not thereafter be obstructed or used for any other purpose.
- 4 No dwelling shall be occupied until the installation of a system for the disposal of surface water on the site has been completed in accordance with the details which shall first have been submitted to and approved in writing by the Local Planning Authority. The details shall include a programme for maintaining the system. The system shall be retained and maintained thereafter in accordance with the approved details.
- 5 Prior to the first occupation of any unit hereby permitted the following landscape works shall have been submitted to and approved in writing by the Local Planning Authority:
 - a. Provision of a planted Cornish Hedge to the rear boundary of the houses,
 - b. Tree planting with appropriate understorey along the strip of land between the existing road, Parc an Peath, and the access drive serving the proposed houses.

These works shall be carried out in accordance with details and notice shall be given to the Local Planning Authority when the approved scheme has been completed. The approved scheme shall be retained for the lifetime of the development and in accordance with the approved maintenance and management cultivation proposals.

The landscaping scheme shall provide planting plans with written specifications including:

Details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development;
Full schedule of plants;
Details of the mix, size, distribution and density of all trees/shrubs/hedges;
Cultivation proposals for the maintenance and management of the soft landscaping.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any dwelling. Any trees or plants following the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted.