
Appeal Decision

Site visit made on 3 September 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2025

Appeal Ref: APP/D0840/W/25/3361531

The Old Rectory, St Mawgan, Cornwall, TR8 4EZ

- 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 R May against the decision of Cornwall Council.
 - The application Ref is PA24/06138.
 - The development proposed is a domestic garage set into the ground including clean down area and associated works including extension to existing residential garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the setting of the Old Rectory¹, a Grade II* listed building and the Grade II listed building now known as the Old Rectory Lodge².

Reasons

3. As the appeal site includes two listed buildings, I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, as set out at section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act). Although reference is made to s16(2) of the Act in the Council's decision notice, as no works are proposed to the listed buildings, it is not determinative in this appeal.
4. Designed by William Butterfield and built in 1858, the Old Rectory replaced an earlier rectory, on land that was, at that time, owned by the local rector. Its asymmetrical elevations comprise decorative features to two sides, with a simpler appearance on the other two elevations, reflecting the function of the accommodation therein. This is a typical approach of the High Victorian Gothic style. The elevated position of the Old Rectory atop the steeply sloping topography, together with the gap in woodland planting on the western boundary of the grounds, ensures parts of the most ornate elevation of the property can be seen from the St Mawgan playing fields and Parish Church, albeit from a distance.
5. The other decorative elevation, facing to the south, overlooks gentler wooded slopes. The various mapping details provided within the Heritage Impact

¹ Official list entry: 1312299, date first listed 12 May 1988

² Official list entry: Stable about 10 metres north of The Old Rectory, 1144164, date first listed 12 May 1988

Assessment³ submitted with the planning application indicate this is the historical approach to the Old Rectory. Therefore, the first view of the Old Rectory for those approaching the dwelling along this route would have been of the impressive decorative features on the southern elevation, with the stables, now the Old Rectory Lodge (the Lodge), beyond. Whilst the historical approach to the Old Rectory from the south is no longer used today due to its width and condition, the ornate southern elevation can still be appreciated from the unsurfaced pathway which remains.

6. The special interest of the Old Rectory, insofar as is relevant to the appeal scheme, relates to its historical ecclesiastical and physical relationship within the parish, together with the quality, condition and details of the building's vernacular and the high standard of skills demonstrated within its features.
7. Given the Lodge's former function as stables associated with the Old Rectory, its elevations reflect its lower status, with fewer decorative features. Nevertheless, as the building was also designed by William Butterfield and constructed around the same time as the Old Rectory, it displays a similarly high standard of masonry work and jointing. Although various alterations have been made to it, including modest extensions, replacement windows and panelling to the former stable door, the Lodge's asymmetrical elevations and siting relative to the Old Rectory complements the vernacular of the main house. Therefore, despite its use as a separate dwelling, the subservient scale and functional appearance of the Lodge ensures it does not distract from the status of the Old Rectory.
8. Consequently, the Lodge's special interest also includes the quality and details of the building's vernacular and the skills they demonstrate, in addition to its historical and functional relationship to the Old Rectory. Furthermore, the extensive grounds surrounding the listed buildings emphasise the historical status of the property as a whole, making a strong positive contribution to the setting of both listed buildings. In turn, the intrinsic link between the listed buildings results in each structure contributing positively to setting of the other, as well as a demonstrable group value. This relationship is not altered by the current use of the former path from the north as the principal driveway access.
9. The proposal includes a new garage structure, partially constructed into the sloped side of the main access driveway from the north. It would provide 12 spaces for residents of the Old Rectory and the Lodge to park their vehicles, as well provide parking for guests/visitors and grounds workers. It is also proposed to be used to store gardening and maintenance vehicles and equipment.
10. When approaching the Old Rectory along the driveway, the north and east elevations of the building are visible and, despite having a simpler aesthetic when compared to the decorative south and west sides nonetheless signify the arrival at a building of status. Although set back from the driveway and sunken into the existing landform, elements of the garage structure would protrude above the slope, intruding upon how the Old Rectory and, to a lesser extent, the Lodge, is appreciated, as shown on the CGI Video Stills.
11. Closer to the structure, its significant width is emphasised by the use of two wide aluminium doors and a contemporary design. Notwithstanding the use of stone to match the adjacent retaining wall alongside the driveway, the scale, design and

³ Ref: HIA.2006.OR.001 rev 1, prepared by Enhance Heritage & Planning and dated 30 July 2024

other materials of the garage would jar with the appearance of the listed buildings. Although existing landscape features together with new planting, would assist in screening the garage in views along the driveway once grown, the impact of its scale and materials would remain.

12. While the garage could be used to keep the numerous vehicles I observed parked alongside both properties during my site visit, this is not guaranteed nor could this be reasonably enforced via a planning condition. Therefore, even if I were minded to allow this appeal, there would be nothing to prevent the appellant, his family, visitors or workers from parking outside either property, particularly given these may be more convenient locations to do so. Moreover, the number of parking spaces proposed has not been justified, nor has any detail been shown on the Proposed Ground Floor Plan⁴ demonstrating how the gardening equipment and machinery, including the two small tractors and trailers I observed during my site visit, could be accommodated in the garage.
13. Whilst the existing driveway may have historically provided informal access to the rear of the property, this is no longer the case. Therefore, the Grade II* building is now experienced in a different manner than historically or as William Butterfield may have originally intended. Nonetheless, this does not mean that the effect of a proposal on the setting of a heritage asset should be considered less important purely on the basis of its siting at the rear or service entrance of a property or if the historical authenticity of this northern route has been reduced through the alteration of its alignment and retaining wall.
14. The proposal also includes the extension of the existing residential curtilage associated with the Old Rectory. However, few details of the area to be incorporated into the curtilage have been provided. Whilst reference is made to an area towards the east of the site, I observed this part of the site being used for activities similar to those that are commonplace within a domestic garden. Nonetheless, in principle the use of this land as an extension to the existing garden is acceptable.
15. I conclude that the proposal would result in an incongruous addition to the setting of the Grade II* listed Old Rectory and the Grade II listed Old Rectory Lodge which would cause harm to their significance. It therefore conflicts with policies 1, 2, 12 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) insofar as they require development to protect, conserve and enhance the distinctive historic character of the area. The proposal is also contrary to s66(1) of the Act.
16. The level of harm to the significance of the listed buildings in this case would be less than substantial. Taking into account the scale of the garage structure and use of materials, I conclude that the magnitude of this harm would be towards the lower end of the scale. Nonetheless, this carries considerable importance and weight, consistent with the Act, while the National Planning Policy Framework (the Framework) and Policy 24 of the Local Plan requires that great weight to be given to the conservation of designated heritage assets. In these circumstances, the Framework states that harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, requires clear and convincing justification. Any harm considered likely to result from a proposal should, therefore,

⁴ Dwg. Ref: 2077A/03B

be weighed against the public benefits which would be derived from it, including security its optimum viable use, where appropriate.

17. The proposal would provide additional, functional space for the benefit of the appellant and his family, including covered and secure storage of vehicles. However, this would predominantly be a private benefit. Although it is asserted that the garage would also be used to store various equipment and vehicles used to maintain the wider grounds, it has not been demonstrated how this will be achieved within the structure and whether this would be in addition to the number of spaces indicated on the planning application form.
18. Economic benefits would be derived from the construction of the garage, albeit at a very small scale. Environmental benefits from the use of solar panels and the provision of electric vehicle charging points would also flow from the proposal. Likewise, the limited quantity of these features restricts the corresponding benefits to a small scale.
19. The fact that the appellant has invested heavily into carefully preserving and maintaining the listed buildings and grounds for future generations is acknowledged. Nevertheless, this is not a direct benefit of the proposal, nor does the continued viable residential use of the two listed buildings rely upon the appeal scheme.
20. Whilst public benefits would be derived from the proposal, the totality of them does not outweigh the level of harm identified to the significance of the Grade II* and Grade II listed buildings. Clear and convincing justification for this has not been demonstrated. The proposal would fail to preserve the setting of the heritage assets.
21. Consequently, I conclude that the proposal would harm the setting of the Old Rectory, a Grade II* listed building and the Grade II listed building now known as the Old Rectory Lodge. It is also contrary to Policy 24 of the Local Plan insofar as it reflects the provisions of the Framework.

Other Matters

22. As the site is located within the St Mawgan in Pydar Conservation Area (CA) which contains several listed buildings, in addition to s66(1) of the Act, s72(1) is also relevant. However, as I have found that the proposal would not preserve the setting of the listed buildings within the site, it is not necessary for me to consider its effect on the CA or the setting of other listed buildings therein further as it would not alter the outcome of this appeal.
23. The appeal site is located within the zone of influence of the Penhale Dunes Special Area of Conservation (SAC), a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended. If the circumstances leading to the grant of planning permission had been present, I would have considered the impact of the proposal on the SAC. However, as I am dismissing the appeal on the main issue above, it is not necessary for me to consider this matter further.

Conclusion

24. The proposal is contrary to the development plan as a whole and material considerations do not indicate that it should be determined other than in

accordance with it. For the reasons given above and having regard to all relevant matters raised, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR