



Appeal Decision

Site visit made on 3 November 2025

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Appeal Ref: APP/D0840/W/25/3360127

The Coach House and former Chapel of Rest, The Millpool, Looe, Cornwall, PL13 2AF.

- 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 William Martin against the decision of Cornwall Council (the LPA).
- The application reference is PA24/00425.
- The development proposed is the construction of 6 apartments, including demolition of existing building.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the Looe Conservation Area (LCA)¹ and is adjacent to a building known as the Ambulance Station². Whilst the Planning Officer's report refers to numerous listed buildings in Shutta³, there is no evidence to demonstrate that the site contributes to the heritage interest (significance) of any listed building. In refusing permission, no harm was identified to the setting of any listed building.
3. The appeal site also lies within an Area of Great Landscape Value (AGLV), as identified under policy CL9 of the Caradon Local Plan First Alteration 2007 (CLP).
4. Some trees that are growing on land adjacent to the appeal site are the subject of a Tree Preservation Order (ref. E2/07/TPO/00007). These include a maturing oak and a sycamore, identified as T1 and T2 within the Order. However, I note that the LPA's Tree Officer is content with the principle of the proposed development and the LPA has not identified any likely harmful impact upon these important trees.
5. The appeal site lies within the Zone of Influence for the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and Tamar Estuaries Complex Special Protection Area (SPA). The LPA has received an Agreement, under the provisions of section 111 of the Local Government Act 1972, that allows for the payment of financial contributions towards the cost of mitigating the likely adverse effect of the development upon the SAC and SPA. The LPA has not raised any concerns regarding the likely effect upon these protected areas.
6. The LPA has also informed me that it has received a separate section 111 Agreement relating to a renewable energy offsetting contribution. I note that the LPA did not refuse permission due to the absence of an Agreement at that time.

¹ The provisions of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

² Both main parties agree that this building (now occupied by a veterinary practice) comprises a non-designated heritage asset.

³ I am mindful of the provisions of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Both main parties agree that the LPA is unable to demonstrate a 5-year supply of housing⁴.

Main Issues

8. The three main issues are: firstly, whether any harm to the character or appearance of the LCA would be outweighed by the public benefits of the proposals; secondly, the effect upon the landscape qualities of the area and; thirdly, the likely effect upon the living conditions of the occupiers of neighbouring properties, with particular regard to outlook, privacy and light for the occupiers of Nos. 1-4 The Creekside.

Reasons

Planning Policy

9. The development plan includes the 'saved' policies of the CLP⁵, the Cornwall Local Plan Strategic Policies 2010-2030 (LP) and the Looe Neighbourhood Plan (NP) that was made in October 2023. My attention has been drawn to numerous policies. The most important policies to the determination of this appeal are: LP policies 2 (spatial strategy), 12 (design), 21 (best use of land), 24 (historic environment) and; NP policies H1 (housing), DS5 (general development principles), TC3 (design/local distinctiveness⁶), TC9 (development of steep slopes) and TC10 (landscape and heritage views/vistas).
10. My attention has been drawn to various other published plans⁷, guidance⁸, statements⁹ and advice notes¹⁰. Whilst I have noted the contents of these documents, the LPA's reasons for refusal do not identify any conflict with them and they are not relied upon within the appellant's appeal statement. These other documents are not determinative to the outcome of this appeal.
11. The Framework is an important material consideration. It carries considerable weight in the determination of this appeal.

Public Benefits

12. The proposed development would increase the choice and stock of housing¹¹ available within this part of Cornwall and help to address the shortfall in supply. Although the LPA is somewhat dismissive of the proposed number of dwellings, every new unit is important in the delivery of a sufficient supply of homes and contributes towards meeting the area's housing requirement.
13. The proposal entails the more efficient use of previously developed land and would be within a settlement that offers a wide range of services and facilities, including

⁴ The LPA has stated that it only has 3.8 years supply.

⁵ This pre-dates the first version of the National Planning Policy Framework (the Framework) which, amongst other things, signalled a shift away from the creation of local landscape designations, such as AGLV. As a consequence, any conflict with CLP policy CL9 would not, in itself, be adequate reason to justify withholding permission. I note that the LPA did not rely upon this policy when it refused planning permission. Nevertheless, the appeal site lies within the Looe Valley Catchment Landscape Character Area (LCA), as defined within the Cornwall Character Area Study 2023. In the context of the Framework, it can be treated as forming part of a valued landscape.

⁶ The appeal site lies within Character Area 7 'Polvellan' and is adjacent to Character Area 10 'Millpool/Polean'.

⁷ The LPA's Climate Emergency Development Plan Document adopted in 2023, the LPA's European Sites Supplementary Planning Document and the LPA's Securing Homes for All: A Plan to respond to the Housing Crisis.

⁸ The Cornwall Design Guide, the National Design Guide 2019 and Building for Life 12.

⁹ Cornwall Interim Policy Position Statement (April 2025).

¹⁰ The LPA's Chief Officer Advice Note – Good Design in Cornwall.

¹¹ The appellant has informed me that it "would be a given" that a planning condition would be attached to any permission requiring the apartments to be used as principal residences.

public transport links. The proposed air source heat pumps and electric car charging points enhance the environmental credentials of the development.

14. In addition to the above, when building works were undertaken, the development would help to support the construction industry. Afterwards, occupiers of the proposed dwellings would be likely to use local services and businesses. In so doing, the development would help maintain the vitality of the area and strengthen the local economy. There would also be an increase in Council tax receipts.
15. The above noted social, economic and environmental benefits of the proposal accord with aspects of LP policy 2 and NP policy H1 and complies with LP policy 21. The totality of these public benefits weighs heavily in favour of an approval.

First Main Issue - The LCA

16. The LCA is an extensive area. It includes the compact historic core of the town, 19th and early 20th century villas on the sloping hillsides and part of the combined estuaries of the East and West Looe rivers. The significance of the LCA is primarily derived from its special architectural and historic qualities. These include the medieval planned layout of the town and associated surviving structures, Looe's historic role as a port and much of its mid-late 19th century development.
17. As noted within the Looe Conservation Area Appraisal (CAA), the natural landscape setting of the town, including views up the wooded estuary, contribute to the special qualities of this designated heritage asset. The existing two storey building on the appeal site is identified as a *"Neutral or Negative"* structure and the old ambulance station alongside as a *"Positive and Relatively Unaltered"* building.
18. The CAA also identifies various character areas. The appeal site lies within the Polvellan Character Area. The area around Polperro Road is described as *"a small suburban area that developed only really after building of the new bridge in 1856. Roads and retaining walls play a significant role in defining character..."* Within this character area, the CAA also notes that *"the landscape dominates the scene. The beautiful wooded valleys and broad expanse of water become the main setting of the conservation area..."* and *"Polperro Road itself is remarkably, more of a woodland drive in character than a principal approach to a bustling tourist town."* In comparison to some other buildings close to the riverside, the old ambulance station is described as *"more ornate and honest."*
19. The proposed apartments would be provided across four storeys with car parking and some accommodation on the ground floor¹². The scale would be very different to the existing building on the site but there would be some similarities between this new building and the neighbouring apartment blocks at The Creekside¹³. However, unlike The Creekside, which sits almost at the bottom of the steeply sloping hillside, the appeal site lies further up the slope. As a consequence, the ridge height of the proposed building would be significantly taller. If permitted, this substantial new apartment block would appear as a very prominent and conspicuous addition within the LCA.
20. I note the attempt by the appellant's architect to break up the overall mass of the proposed building by including variation in the roof heights, full height glazing on the riverside elevation, as well as articulating the facades with bays and balconies

¹² Storage and amenity space would be provided at lower ground level.

¹³ I understand that these existing apartments occupy the site of a former gas holder.

topped by pitch roofs clad in natural slate¹⁴. The use of natural Cornish stone on some of the walls would also reflect some of the distinctive qualities of the LCA.

21. Notwithstanding these efforts, the proposed building would loom large on the hillside above and immediately behind the old ambulance station. This new building, by virtue of its height and mass, would overwhelm this neighbouring non-designated heritage asset and detract from the positive contribution it makes to the character and appearance of the LCA. The 'unneighbourly' scale of the proposed building would be at odds with the provisions of NP policies TC9(a) and DS5(a).
22. The impact of the proposed development would be especially apparent from part of the public car park¹⁵ to the north, as well as the children's play area and riverside walk. From these parts of the public realm, the proposal would dominate views to the south and the setting of the old ambulance station. It would distract/detract from an appreciation of the pleasing architectural qualities of this non-designated heritage asset and erode the contribution it makes to the LCA. A building of the scale proposed, on this part of the hillside, would sit awkwardly within the LCA and fail to conserve the character of this part of the conservation area. Maintaining Looe's special character is one of the purposes of the NP. This harm to the significance of the LCA weighs against granting planning permission.
23. When seen from the public footpath on Polperro Road¹⁶ to the south, the upper sections of the proposed apartment block would intrude into a pleasing open view of the estuary and wooded river valley. This would detract from an appreciation and understanding of the landscape setting of the LCA and erode the character and appearance of this designated heritage asset. There would also be tension with the objectives of NP policy TC10. Whilst this harm also weighs against an approval, as I noted during my visit, many other public views of the estuary and wooded valley sides, from elsewhere within the LCA, would remain unfettered.
24. In the context of the Framework, the proposed development would result in less than substantial harm to the significance of the LCA. If there is a sliding scale within this category of harm, the proposal would be towards the middle to lower end of the spectrum. However, this does not equate to a less than substantial objection. Great weight should be given to the conservation of designated heritage assets.
25. The harm that I have identified above, carries considerable weight in the heritage balance and the overall planning balance. When the harm to the LCA is weighed with the public benefits of the development this issue is finely balanced, but just tips against an approval. The outcome of this balance remains unchanged even after taking into account the extant planning permission for an extension, alteration and change of use of the existing building on the appeal site¹⁷.
26. I conclude on this issue that the harm to the character and appearance of the LCA would not be outweighed by the public benefits of the proposals. There would be conflict with the objective of LP policy 12, as well as conflict with the provisions of LP policy 24, NP policy H1(1), (4) and NP policy TC3(a).

¹⁴ I also note that the proposal was submitted after a previous scheme for 7 apartments was refused (ref. PA23/00101).

¹⁵ Millpool Car Park is the point of arrival in Looe for many visitors to this popular tourist destination.

¹⁶ At the junction with Millpool Road.

¹⁷ Reference PA24/09096.

Second Main Issue – Landscape Qualities

27. As set out within the Cornwall Character Area Study 2023, the Looe Valley Catchment LCA comprises an extensive sloping plateau intersected by the deep, narrow valleys of the East and West Looe River valleys. The identified valued landscape attributes and key sensitivities of this LCA include the dense woodland concentrated in the valleys and the historic settlements of East and West Looe.
28. Comprising the re-use of previously developed land within the urban area of Looe, the proposed development would not encroach into the unspoilt natural landscape attributes of the LCA or AGLV. From the opposite side of the river, the proposed apartment block would appear as an integral part of the settlement. It would not erode any important green open space or diminish the important contribution that the neighbouring trees make to the character and appearance of this part of Looe.
29. From a section of Polperro Road and Millpool Road the intrusion of the upper part of the proposed apartment building into a public view of the estuary and the woodland valley sides would, to a limited extent, erode an appreciation of this valued landscape. This adverse impact of the proposal and ensuing tension with CLP policy CL9 and NP policy TC10, weighs against granting planning permission.
30. However, I am also mindful that from very many other parts of the LCA/AGLV public views of the estuary and wooded valley sides would remain unimpaired. Whilst therefore concluding, on this main issue, that the proposal would detract from an appreciation of the landscape qualities of the area, this would be insufficient to outweigh the public benefits of the proposed development.

Third Main Issue - Living Conditions

Outlook

31. The proposal would be built in close proximity to the neighbouring apartments at Nos. 1-4 The Creekside. Within historic coastal settlements like Looe, it is not unusual for buildings to sit 'cheek by jowl'. As I saw during my visit, the existing buildings on the appeal site are positioned a short distance away from these neighbouring apartments and there are a limited number of existing openings¹⁸ and a balcony¹⁹ facing the appeal site. Although I was not afforded access to Nos. 1 or 2 The Creekside²⁰, from what I could see, the south facing outlook from these apartments appears to be somewhat 'restricted' due to the steeply sloping hillside and the existing buildings on the appeal site.
32. The LPA has calculated that the proposed building would be 6 metres from the rear elevation of 1 The Creekside. Whilst I have noted above the attempt by the appellant's architect to break up the mass of the proposed building, it would be very much taller and bulkier than the existing buildings on the appeal site. The impact of this new building would be very apparent from the facing openings in Nos. 1 and 2 The Creekside, including the balcony on No.1.
33. From these two neighbouring residential properties, the proposed building would appear as an overbearing addition on the hillside above. It would loom large above the top of the balcony screen to No.1 and the facing window in No.2. The

¹⁸ I understand that the facing window in No.2 is to a kitchen/dining room and the rooflight in No.1 is to a mezzanine.

¹⁹ This is accessed via patio doors off a living/dining/kitchen space to No.1. It includes a tall solid screen facing the appeal site.

²⁰ I was given access to the undercroft area of The Creekside.

impact would be likely to further restrict the outlook from these neighbouring properties and erode the living conditions for the occupiers of Nos. 1 and 2 The Creekside. This would be at odds with the provisions of LP policy 12(2)(b) and NP policy TC9(b).

Privacy

34. The proposed apartments would be designed with a single window²¹ on each floor that faces towards The Creekside. These windows would be fitted with obscure glazing with a cill above eyeline at 1.8 metres from floor level. This would reduce the potential for overlooking between the proposed apartments and The Creekside. However, from some of the proposed north facing balconies, there would be the potential for occupiers of some of the new apartments to peer down into the balcony and rooflight of 1 The Creekside. Most, if not all, occupiers of the proposed apartments would be more likely to be taking advantage of the attractive estuary views rather than looking into No. 1 The Creekside. Nevertheless, the proposal would increase the sense of overlooking for the occupiers of No.1 and create a somewhat uncomfortable living environment. This would be at odds with the provisions of LP policy 12(2)(a) and NP policy TC9(b).

Light

35. The proposed building, situated to the south of Nos. 1 and 2 The Creekside and further up the sloping hillside, has the potential to reduce the amount of natural light to these neighbouring apartments. I also note the concerns of the occupier of No.4 The Creekside regarding the impact upon natural light to two rear windows. However, the LPA's concerns are limited to the impact upon the occupiers of 1 The Creekside and no sunlight or daylight assessment has been submitted to substantiate its concerns on this matter. On the basis of the information before me, it is very far from certain that the proposals would result in any harmful overshadowing of neighbouring properties or significant loss of sunlight.
36. I conclude on this main issue that the proposal would detract from the living conditions (outlook and privacy²²) of the occupiers of Nos. 1 and 2 The Creekside. This adds weight to the argument for withholding planning permission. The LPA has drawn attention to Article 8 of the European Convention of Human Rights. In weighing any interference with the respect for private and family life with the public benefits of the proposals, I find that there would be no violation of human rights.

Other Matters

37. Safeguarding concerns have been raised by the Trustees of the Looe Development Trust in respect of the Millpool Centre. In this regard, if the solar shades that are fitted to the facing windows in this neighbouring building were opened or after dusk, it would be possible for occupiers of some of the proposed apartments to see into this community building. However, in all likelihood, occupiers of the apartments would be taking advantage of the estuary views rather than attempting to peer into this neighbouring building. Furthermore, the frequency of use and periods in which the Millpool Centre is used by children and vulnerable adults has not been made clear. It is very far from certain therefore that

²¹ The appellant has informed me that these would be in excess of 14 metres away from facing windows in The Creekside.

²² No.1 The Creekside only.

the proposal would present a significant safeguarding risk. I note that in withholding permission the LPA did not identify any such concern.

38. Some interested parties have expressed concerns regarding ground instability and the risk of landslide/landslip. In this regard, my attention has been drawn to several landslips that have taken place in Looe, including some in Polperro Road.
39. The Framework, amongst other things, states that planning decisions should ensure that a site is suitable for development taking account of ground conditions and any risks arising from land instability. Adequate site investigation information, prepared by a competent person, should be made available to inform decisions. Where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
40. A Visual Land Stability Assessment was submitted in support of the planning application. This is not a structural survey and no intrusive investigation has been undertaken. I also note that the slope was not inspected from The Creekside²³.
41. The Assessment found no evidence that the appeal site in its current figuration had been affected by land instability. Amongst other things, it recommended that an intrusive ground investigation be undertaken to inform foundation and retaining structure design, as well as a condition and stability assessment of the slope cutting below the south east boundary of the site. Whatever construction method²⁴ is undertaken on the appeal site, it could have a significant impact upon neighbouring residents and/or properties.
42. Without a complete assessment of the slope, it is difficult for me to properly gauge the likely risk of instability and the effect upon neighbouring occupiers and properties. Addressing this matter by way of pre-commencement (negatively worded or 'Grampian style') planning condition could therefore be an unsound way to proceed. Had I found differently in respect of the first main issue above, further information on the slope risk would have been necessary prior to any planning approval.

Planning Balance/Overall Conclusion

43. If the public benefits of the proposals were weighed with the harm that I have identified in respect of the living conditions of some neighbouring residents and the landscape qualities of the area, the planning balance would tip in favour of an approval. However, given my findings in respect of the first main issue and the outcome of the heritage balance, planning permission should be withheld.
44. I have found both compliance and conflict with various aspects of the development plan. This is not unusual when considering development proposals, especially schemes for residential development. In this instance, the proposal conflicts with the overall provisions of the development plan and would not comprise sustainable development. The appeal should not therefore succeed.

Neil Pope

Inspector

²³ I recognise that the slope cutting to the south east is on land that does not appear to be owned or controlled by the appellant.

²⁴ For example, if piling techniques were to be used, the duration of such works and the ensuing noise and vibration are unclear.