
Appeal Decisions

Site visit made on 25 February 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 March 2016

Appeal A: APP/D0840/W/15/3137916

Land North-West of the Ship Inn, Beacon Road, Porthleven, Helston, Cornwall

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Saracen House Estates Ltd against the decision of Cornwall Council.
 - The application Ref PA15/03264, dated 8 April 2015, was refused by notice dated 2 June 2015.
 - The development proposed is siting of four shepherds huts for holiday use, formation of car parking spaces, widening of access (including removal of part of existing stone hedge), together with associated works.
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Appeal B: APP/D0840/W/15/3137923

Land North-West of the Ship Inn, Beacon Road, Porthleven, Helston, Cornwall

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Saracen House Estates Ltd against the decision of Cornwall Council.
 - The application Ref PA15/06091, dated 1 July 2015, was refused by notice dated 22 September 2015.
 - The development proposed is siting of two shepherds huts for holiday use, formation of car parking spaces, widening of access (including removal of part of existing stone hedge) together with associated works.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Procedural Matter

2. For ease of reference I refer to the different cases as Appeals A and B in this decision letter as set out in the headers. I have dealt with each appeal on its individual merits but to avoid duplication have considered the proposals together in this document. Although there are two appeals, I have used singular terms in places for ease of reading.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Porthleven Conservation Area (the CA).

Reasons

4. I have had regard to paragraph 14 of the National Planning Policy Framework (the Framework) setting out the presumption in favour of sustainable development and that where the development plan is absent planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
5. The site is located within the CA. Therefore, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the CA. The CA also falls within the Cornwall Area of Outstanding Natural Beauty (AONB) although I understand that the site is located just outside of this. Nevertheless I have had regard to the AONB Management Plan, to which I have applied significant weight due to its fairly up-to-date adopted status in protecting the setting of the AONB including the conservation of CAs. The Cornwall Design Guide (the Design Guide) is also a fairly recently adopted document to which significant weight can therefore be applied in respect of its role in, amongst other things, supporting development that relates to, respects and sits well in its local context.
6. The CA consists of a large part of the town, centred around the attractive harbour which is set between fairly steeply sloping valley sides containing development which follows upper and lower roads. In between those roads are stretches of open space which provide characteristic verdant breaks between existing developments.
7. The appeal site is one such area of key open space, identified as such in the CA Appraisal and Management Strategy (the CAAMS) to which I have applied significant weight due to its fairly recent endorsement by the Council, following a consultation process, for use in supporting the preservation and enhancement of the CA. It comprises a mixture of vegetation providing a pleasing semi-wild verdant contrast to the built up areas. Regardless as to whether or not the land concerned is not so steep as to prevent development, it is nevertheless a green wedge of semi-wild land above harbourside housing between Mount Pleasant Road and Beacon Road. As such, the CAAMS identifies that it should be retained as such where possible due to its important contribution to local character.
8. The proposed development would retain a significant amount of the existing vegetation. However, inevitably, it would also bring an uncharacteristic degree of formality to the site's currently informal semi-wild appearance, with the proposed huts and parking area located on cut terraces which would include sitting out areas and any associated paraphernalia such as tables and chairs. It is likely that that this would all be particularly clearly visible, despite the distance, from the other side of the harbour at the higher level along Peverell Terrace, from where the site is looked down upon such that any site vegetation would be unlikely to provide substantial screening.

9. The choice of materials and colouring for the huts, and the backdrop of the hillside, would potentially lessen the prominence to some degree. However, the clearly discordant form of the huts, compared with the more characteristic two storey, pitched roof vernacular of surrounding properties, would still stand out as alien and jarring features, particularly on brighter days when they would be less likely to merge into the background. As such, they would draw the eye disproportionately in the context of the CA generally, more so with the appeal A scheme but also with that relating to appeal B.
10. There would be better screening from lower level views from the harbour side by existing and proposed vegetation, together with existing buildings immediately to the east of the site. However, where such screening was more reliant on the vegetation, that would be dependent to a large extent on its long term maintenance and survival, which could not be relied upon or controlled to provide such a function. Without sufficient longer term vegetation screening, the huts, at least, would be seen as discordant features from some of those lower vantage points also.
11. I have had regard to the claim that the land could be domestically cultivated. However, I have received no substantive evidence relating to the likelihood of this occurring to any significant degree, nor that in any case it would necessarily involve disrupting the degree of openness of this strip of land.
12. I have also had regard to there having previously been a summerhouse type shed and greenhouse on the site. However, those features are no longer present to enable proper comparison, and whilst the photographic evidence shows them to have been of a fairly modest appearance, they occupied a significantly smaller part of the site than the proposed development, even that relating to two huts. I also have no substantive details as to the planning circumstances of those previous structures. For these reasons I have applied little weight to this factor.
13. In respect of the proposed loss of part of the existing Beacon Road boundary wall in order to make way for car parking access, that wall currently remains largely unbroken, the existing fairly modest gated site access being an exception. As such, it provides a pleasant and distinctive degree of continuity to that side of the street. I saw that cars parked on the road, adjacent to the wall, screened it to some degree but not to such an extent as to negate its contribution to the streetscene and in any case parked cars would not necessarily provide a permanent screen.
14. The proposed demolition of a significantly wider part of that wall than the existing opening, even in respect of the two hut scheme, would result in an obtrusive break that would noticeably disrupt its current degree of continuity when seen from Beacon Road, and also in longer views from across the other side of the harbour, from the higher levels in particular. I have had regard to the proposed construction of a new Cornish wall around the parking area. However, that would not mitigate for the noticeable break in the characteristically roadside nature of the existing wall and it would also not be so visible on the approaches along Beacon Road.
15. It is claimed that the demolition of the wall would not require planning permission. However, I have no substantive evidence that such works would otherwise be carried out if not as part of the proposed development. Furthermore, this is not a matter for me to determine in the context of an

appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have that particular matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

16. The appellant has referred to another appeal decision in support of the appeal, Ref APP/D0840/A/14/2223494, relating to the land immediately to the south-west of the site. Whilst I have had regard to that decision, I have not received details of the full circumstances or extent of information before the Inspector on that appeal, including the plans showing its design and layout. Notwithstanding this, it is clear from that decision that the open space concerned was noted as being important, and it was decided that the design and landscaping would maintain that key characteristic. That site also differs to the appeal site in that I understand that it relates to land straddling Mount Pleasant Road and Beacon Road as opposed to the appeal site which forms a visual break between buildings fronting those two roads. In any case I have determined this appeal on its merits based on the information before me.
17. With regard to paragraphs 132 and 134 of the Framework, harm to the character and appearance of the CA would be less than substantial due to the relatively small scale of the proposed development. In terms of any potential public benefits, I acknowledge that the proposal would have some economic benefit through providing tourist accommodation, also of a different nature to the norm, in a sustainable location. However, being only for a maximum of four units, that contribution would be relatively small. It is also claimed that it would be likely to support the maintenance and upkeep of the site but I have given this factor little weight in light of the degree to which it currently contributes to the character and appearance of the CA in its semi-wild state. Therefore, the harm that I have found would be caused to the character and appearance of the CA would significantly and demonstrably outweigh those benefits. As such, I do not consider there to be any public benefits sufficient to outweigh that harm.
18. For the above reasons, the proposed development would fail to preserve the character and appearance of the CA. As such it would be contrary to paragraph 17, and sections 7 and 12 of the Framework which together set out the requirements to take account of the different roles and character of different areas, for good design, and for conserving and enhancing the historic environment. In respect of this issue, it would also be contrary to the guidance and aims set out in the CAAMS, the AONB Management Plan and the Design Guide.
19. I have also had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of the nearby Grade II Listed Buildings (LBs) of The Ship Inn to the east of the site, the harbour walls, and the boundary stone adjacent to the site at the side of Beacon Road.
20. In respect of the Ship Inn, from vantage points on the opposite side of the harbour, the site, being immediately to the west of the LB, forms a distinctively open, verdant and undeveloped backdrop to it. The proposed development, for the reasons set out above, would introduce a jarring intrusion into that setting which would therefore not be preserved. With regard to paragraphs 132 and 134 of the Framework the harm would, for the same reasons as in respect of

the CA, be less than substantial but, again, I do not consider there to be any public benefits sufficient to outweigh that harm.

21. The extent to which the setting of the harbour walls would be affected would be lessened by the separation provided by the intervening properties. In respect of the boundary stone, this would remain undisturbed, adjacent to a part of the boundary wall proposed to be retained. As such the proposed development would preserve the setting of these two heritage assets.

Conclusion

22. I have found that the settings of the listed harbour walls and the boundary stone would be preserved. However, this does not lessen the harm that I have otherwise found would be caused in respect of the character and appearance of the CA and the setting of the Ship Inn.
23. Therefore, for the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Andrew Dawe

INSPECTOR