



Erection of a replacement dwelling.

Land at SX 40384 71830 Glanvilles Barn Coxpark Cornwall
PL18 9AZ

Pre-App Statement on behalf of Mr Gooding and Ms Mills

October 2023



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Site Land at SX 40384 71830 Glanvilles Barn Coxpark Cornwall PL18 9AZ

Report for Mr Gooding and Ms Mills

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1. INTRODUCTION

Scope and Purpose

- 1.1 EJFP Planning Ltd, on behalf of Mr Gooding and Ms Mills, has prepared this statement in connection with a pre-application enquiry for a replacement dwelling at Land at SX 40384 71830 Glanvilles Barn Coxpark Cornwall PL18 9AZ. This statement provides a summary of the relevant planning policy considerations.

Background

- 1.2 The pre-app comes on the back of an earlier planning application for a replacement dwelling, dismissed at appeal APP/D0840/W/22/3312821.
- 1.3 The pre-app proposal seeks to address the concerns raised in the appeal decision. The scheme presented for the pre-app will remove the existing building, and the proposed replacement dwelling will be built on the site of the existing dwelling. Furthermore, the design of the replacement dwelling will be more reflective of the existing building, more rural and less overtly residential than the previous scheme.

Site and Surroundings

- 1.4 The site is located to the west of Gunnislake, which is approximately 2.3km away. St Ann's Chapel is about 0.8km south of the building, Latchley lies about 1.6km north of the existing building, and Callington lies approximately 4km south.
- 1.5 The pre-app site forms part of a redundant agricultural building and field. The building to be replaced is substantially constructed. It is a single-storey structure built in single-skin block masonry with timber trusses and corrugated metal roof sheeting with a concrete floor. It is approximately 5 x 18 metres on plan and consists of one single area. It is thought to have been constructed perhaps circa 1960's. Planning permission for its conversion to a dwelling was granted under planning application number PA20/04062.
- 1.6 Several properties are nearby: Cox Park Farmhouse, with 3 cottages behind, Pendean to the East and Hingston Down Farm to the South. To the east is Hingston Down Quarry, which is commercial use.
- 1.7 Access to the pre-app site is taken from the road to the north that leads from Drakewalls to Sevenstones. The access drive to the pre-app site accesses the road that was previously agreed to be acceptable.
- 1.8 The site lies within the Cornwall and West Devon Mining Landscape World Heritage site.
- 1.9 The site lies in Flood Zone 1 and will not increase the risk of flooding elsewhere.

The Proposed Development

- 1.10 The proposal comprises the following:
- ▶ The replacement dwelling.
 - ▶ The proposed dwelling will replace an existing dwelling granted under application PA20/04062 for the conversion of an existing redundant building to a dwelling with associated garden areas and parking.

General Policy Context

- 1.11 The Cornwall Local Plan was adopted in November 2016. The associated Chief Officer's Advice Note
- 1.12 NPPF and the NPPG are also relevant to the consideration of the pre-application enquiry.

Content of Statement

- 1.13 Given the nature of the proposal, a review of the planning policies indicates that the following matters are of particular relevance to this scheme:
- ▶ General Planning Strategy
 - ▶ The replacement dwelling
 - ▶ Transportation
 - ▶ Design and Access
 - ▶ 106 requirements
 - ▶ Ecology
 - ▶ Landscape
 - ▶ Consultation.
- 1.1. Accordingly, this statement provides an assessment of these planning issues and considerations and is structured as follows;
- ▶ Section 2 considers the general planning strategy
 - ▶ Section 3 considers the principle of the replacement dwelling
 - ▶ Section 4 considers the transport issues
 - ▶ Section 5 considers the design and access
 - ▶ Section 6 deals with section 106 issues
 - ▶ Section 7 considers the ecological issues
 - ▶ Section 8 considers the landscape
 - ▶ Section 9 deals with the consultation process
 - ▶ Section 10 provides conclusions



2. GENERAL PLANNING STRATEGY

National Planning Policy

2.1 The National Planning Policy Framework (NPPF) 2023 sets out that *the purpose of the planning system is to contribute to the achievement of sustainable development.*

2.2 The above aims are initially set out at paragraph 8, which states that *Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

2.3 At paragraph 11 of the NPPF, the Government states that *Plans and decisions should apply a presumption in favour of sustainable development.....*

For decision-taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

2.4 In accordance with the aims of NPPF, the proposal is consistent with the guidance on delivering sustainable development.

Cornwall Local Plan

2.5 It also sets sustainability at its heart, and this is confirmed in paragraph 1.2 *The Plan is intended to help deliver the vision and objectives of Future Cornwall, our sustainable community strategy. The underlying principles of the strategy seek to manage future*

development to ensure all communities in Cornwall have an appropriate balance of jobs, services, facilities and homes. It goes on to state at objective 5 that it will allow people and communities to provide for jobs and deliver homes locally to meet needs, where they can best support the role and function of local communities as well as allow for further change and adaptation. The proposal is considered to comply with these aspirations.

- 2.6 The Council has set out a presumption in favour of sustainable development, specifically stating that *When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework..... Where there are no policies relevant to the application at the time of making the decision the Council will grant permission unless material considerations indicate.* The proposal is considered to be consistent with the above guidance.

The Proposed Development

- 2.7 The proposed development will incorporate other sustainable attributes such as rainwater harvesting, sustainable drainage techniques, greywater systems and the use of natural light where possible.



3. THE REPLACEMENT DWELLING

National Planning Policy

3.1 The NPPF supports the provision of housing in rural locations, highlighted in paragraph 79, which states that *to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities*. The pre-app proposal will comply with the sentiments of this point.

3.2 Paragraph 80 deals with development in the countryside and advises that *Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) *the development would involve the subdivision of an existing residential dwelling; or*
- e) *the design is of exceptional quality, in that it:*
 - *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

3.3 It is considered that the pre-app proposal complies with the requirements of this paragraph in that it replaces an existing dwelling. Consent was previously granted for the conversion of a redundant building to a dwelling under application number PA20/04062. The current permission represents a reasonable and robust fall-back position in establishing the acceptable residential use of the site.

Cornwall Local Plan

3.4 It is understood that the proposed development would be considered under Policy 7 of the Cornwall Local Plan 2016. Policy 7 deals with development in the countryside, and the pre-ambles states at paragraph 2.34 that *The replacement of existing lawful dwellings will be supported, but these should be broadly comparable to the size, scale and bulk of the dwelling being replaced, and not impact negatively on the character of the surrounding area. Part of the defining character of the Cornish countryside is the range of traditional vernacular buildings in the landscape, although a number of these have been lost through replacement dwellings. Consideration should always be given to retaining or incorporating traditionally built and structurally sound dwellings into replacement dwellings*. While the original consent related to the conversion of a rural building, the building is not a good example of a typical/historic Cornish rural building; accordingly, it is considered that its replacement, in principle, would be acceptable.

3.5 The policy formalises the above advice; paragraph 3 of the policy is considered the relevant element of the policy;



The development of new homes in the open countryside will only be permitted where there are special circumstances. New dwellings will be restricted to:

1. *Replacement dwellings broadly comparable to the size, scale and bulk of the dwelling being replaced and of an appropriate scale and character to their location; or*
- 3.6 The proposed replacement dwelling would be of a similar size, scale and bulk to the dwelling granted under planning application number PA20/04062. The proposed scheme will demolish the existing building, and the proposed replacement dwelling will be built on the site of the existing building. This is a change from the scheme that was dismissed and addresses the concerns in the appeal. Furthermore, taking the advice in the CPOAN on Barn Conversions/Replacement dwelling in the countryside, the proposed replacement will ensure that key characteristics will be retained. The size, scale, bulk, external appearance, boundary treatments and landscaping will reflect its agricultural character. The proposed building will reflect the existing building in terms of its general form and external appearance. The building will be slightly larger than the current building in terms of width and length. Additionally, a small extension is proposed, resulting in an L-shaped building. The resultant replacement building is considered to comply with the requirements of Policy 7 and the associated CPOAN.
- 3.7 Furthermore, the proposal will include a slate roof rendered walls (similar to the existing building), and the windows and doors would preferably be powder-coated aluminium in colour to be agreed upon.
- 3.8 In terms of the consideration as a replacement dwelling, is the acceptability of a replacement in relation to a rural building conversion and where the conversion has been implemented but not completed. I want to draw your attention to the fallback position in relation to the planning permission mentioned above.
- 3.9 It has been demonstrated that the building could be converted under the above planning permission. The established case law *Mansell v Tonbridge and Malling BC [2017]* states that the fallback position becomes a material planning consideration, which carries great weight where alternative forms of development are proposed as a clear possibility.
- 3.10 Lindblom LJ confirmed the legal considerations in determining the materiality of a fallback position, concluding that *the clear desire of the landowner to develop and maximise the value of the site was sufficient to demonstrate there was a real prospect of the Class Q GPDO fallback position in this case*. In this instance, there is a clear desire and intention to develop the site, establishing the 'real prospect' of development required by the Mansell case for the fallback to apply. The realistic prospect of development is a compelling factor in this pre-app, and as such, it complies with the relevant local plan policies.
- 3.11 In addition, the Mansell case considered the benefits of a new development over the conversion of the existing buildings. The key rationale for this development is to

provide a higher quality and more coherent development that is sympathetic to the site's rural surroundings.

- 3.12 In addition, a recent appeal decision APP/U1105/W/21/3281230 states *However, policy H6 does allow for a 'Replacement of Existing Dwellings in the Countryside'. Although the dwelling approved under application ref: 19/0967/PDQ has not been implemented and therefore there is no 'existing' dwelling, I do recognise that this is a valid fallback position in that it could be implemented until later this year.* Although this is in a different local authority area, the general principle still applies.
- 3.13 Consequently, it is considered that the proposal complies with the requirements of policy 7 of the local plan.



4. TRANSPORTATION

National Planning Policy

4.1 The proposal will utilise the existing point of access from the existing road that runs to the north of the site. Visibility at the point of access on the road is good in both directions. The point of access has previously been deemed acceptable under application PA20/04062

4.2 The Government's policies on transportation are contained within the NPPF, published in July 2021. Paragraph 105 states: *However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*

4.3 The main mode of transport will not be the car, although it is right that the proposal will need to cater for this fact. The NPPF recognises the difference between an urban and rural location.

4.4 Paragraph 107 goes on to advise on car parking standards and states; *If setting local parking standards for residential and non-residential development, policies should take into account:*

- a) *the accessibility of the development;*
- b) *the type, mix and use of development;*
- c) *the availability of and opportunities for public transport;*
- d) *local car ownership levels; and*
- e) *the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.*

4.5 The pre-app proposal proposes to utilise part of the existing barn, which was due to be converted under application number PA20/04062. This would provide at least two.

4.6 Paragraph 111 states that *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.* Given the existing users of the lane, it is considered that the proposed development will not give rise to severe cumulative impacts. Furthermore, the site already benefits from a residential use previously granted under application number PA20/04062; the proposal will not increase the number of dwellings on site.

4.7 The proposal is considered to comply with the relevant government guidance and development plan policies relating to the transport considerations of the pre-app.

Cornwall Local Plan

4.8 Policy 27 deals with the issue of transport and accessibility and gives a fairly general overview of the requirements for new developments. The policy states:

To ensure a resilient and reliable transport system for people, goods and services development proposals should:

1. *Be consistent with and contribute to the delivery of Connecting Cornwall 2030, Cornwall's local transport plan or any subsequent LTPs;*
2. *Locate development and/or incorporate a mix of uses so that the need to travel will be minimised and the use of sustainable transport modes can be*

maximised by prioritising safe access by walking, cycling and public transport and providing new facilities and services to minimise car travel:

3. *Locate developments which attract a proportionally larger number of people in the city and main towns or locations which are highly accessible by public transport or areas which will be made highly accessible by the development. Any proposals which do not accord with this will require significant justification and provide clear transport benefits;*
4. *Be designed to provide convenient accessible and appropriate cycle and pedestrian routes, public transport and road routes within and in the immediate vicinity of the development. The inclusion of electric vehicle charging infrastructure and real time passenger information/journey planning will be considered favourably;*
5. *Be accompanied with effective travel plans to mitigate the impact of development;*
6. *Not significantly adversely impact on the local or strategic road network that cannot be managed or mitigated; access by walking, cycling and public transport and providing new facilities and services to minimise car travel:*
7. *Safeguard strategic transport opportunities including land around existing facilities to allow for expansion and use for future sustainable modes of travel e.g. closed branch rail lines; and*
8. *Provide public transport solutions including park and ride where there is evidence that it will remove traffic from the highway network, is economically viable and that which accord with the appropriate transport strategy for the area.*

4.9 The proposal is considered to be in kilter with the local plan.



5. DESIGN AND ACCESS

National Planning Policy

5.1 The revised NPPF states in paragraph 126 that *the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.* The revised proposal is sympathetic to the character, design and massing of the existing building to be replaced and the rural character of the area. Accordingly, the proposed replacement dwelling is considered to be acceptable.

5.2 It also states in paragraph 130 that *Planning policies and decisions should ensure that developments:*

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

5.3 It is considered that the pre-app will meet the requirements of the paragraph.

Cornwall Local Plan

5.4 Local Plan sets good design as a key priority for new developments. This is set out in Policy 12, which states:

The Council is committed to achieving high quality safe, sustainable and inclusive design in all developments buildings and places across Cornwall and ensuring its distinctive character is maintained and enhanced retained. Development proposals must show high quality design and layout of buildings and places demonstrating a process that has clearly considered the existing context, and contributes to social, economic and environmental sustainability.

1. *As part of a comprehensive place shaping approach proposals will be judged against fundamental design principles of:*
 - a. *character – creating places with their own identity and promoting local distinctiveness through use of materials while not preventing or discouraging appropriate innovation. Being of an appropriate*



- scale, density, layout, height and mass with a clear understanding and response to its landscape, seascape and townscape setting.*
- b. layout – provide continuity with the existing built form and respect and work with the natural environment; good high quality safe private and public spaces; and improve perceptions of safety by overlooking of public space.*
 - c. movement – creating a network of safe well connected routes, which are easy to read and navigate by the use of landmarks, spaces, views and intersections.*
 - d. adaptability, inclusiveness, resilience and diversity – building structures can be easily altered, particularly internally, to respond to both climate change and changing social and economic conditions and provide a mix and pattern of uses.*
 - e. process – undertaking community engagement, involvement and consultation in the design process proportionate to the scheme.*
2. *In addition development proposals should protect individuals and property from:*
- a. overlooking and loss of privacy;*
 - b. overshadowing and overbearing impacts;*
 - c. unreasonable noise and disturbance.*
3. *For larger developments a balance needs to be achieved between private, semi-private and public open space which includes allotments, sports facilities, children’s play area provision and natural open space provision.*

The Council will seek the provision of larger areas of multifunctional green space rather than multiple smaller areas as appropriate in larger developments.

- 5.5 The revised development has taken into account the above criteria, and it is considered that the proposal complies with the requirements. Of particular note, the proposed replacement dwelling reflects the design, scale, mass, bulk and use of materials of the existing building and the wider pre-app site.

Design and Access Statement

- 5.6 This statement considers the design principles of the proposed scheme in relation to the site and its wider context. The statement specifically considers the local context, form, scale, layout and the nature of the proposed development.
- 5.7 The design will reflect the existing building and will have a limited impact on the character and appearance of the wider area. Furthermore, the proposed replacement dwelling will be sited on the site of the existing building.
- 5.8 In terms of the proposed use of materials, these will match the existing buildings that adjoin the site and some of those that were approved under application number PA20/04062.
- 5.9 Accordingly, it is considered that the Design and Access Statement has more than justified the design of the proposed building. As such, the proposal is considered in kilter with the Local Plan policy.



6. ECOLOGY

National Policy

- 6.1 The NPPF set out in paragraph 180 the principles that planning authorities should follow when determining planning applications, and it states: *When determining planning applications, local planning authorities should apply the following principles:*
- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
 - b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
 - c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and*
 - d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

6.2 It is considered that the proposed development is in kilter with the requirements of the NPPF in this respect.

6.3 The NPPG states that *the National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution.* The proposal will accord with the requirements.

Cornwall Local Plan

6.4 Policy 23 deals with the natural environment and states that *development proposals will need to sustain Cornwall's local distinctiveness and character and protect and where possible enhance Cornwall's natural environment and assets according to their international, national and local significance.* The relevant section is section 4 which is that *Development should avoid adverse impact on existing features as a first principle and enable net gains by designing in landscape and biodiversity features and enhancements, and opportunities for geological conservation alongside new development. Where adverse impacts are unavoidable they must be adequately and proportionately mitigated. If full mitigation cannot be provided, compensation will be required as a last resort.*

6.5 An updated ecology report will be provided. However, it is considered that given the findings of the earlier reports it is considered that the revised scheme will be acceptable in terms of the above policy requirements.

6.6 Accordingly, the proposal is considered to comply with the above policy.



7. LANDSCAPE

7.1 The site lies in the Cornwall and West Devon Mining Landscape World Heritage Site. However, it is worth noting that the existing building was built in the 1960s, as confirmed under the previous application PA20/04062. It is understood that the building was erected as a chicken shed and has no historical relevance to the WHS. Furthermore, no concerns were raised while considering the earlier application and appeal.

National Planning Policy Framework

7.2 Paragraphs 199 and 200 states:

199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁶⁸*

7.3 It is considered that the WHS is a significant heritage asset; however, the existing barn is not and does not contribute to the landscape character of the WHS. This leads to the conclusion that the loss of the existing building will not lead to any harm. In terms of the proposed building, this is a modest building which is considered to be in keeping with the character, scale and appearance of the building to be replaced.

7.4 Paragraph 202 states that *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.* The points made in paragraph 7.3 above are applicable in relation to paragraphs 199 and 200. The pre-app site does not display a relict mining character, and no mining artefacts are visible from the site. Whilst the development would involve residential development in the countryside within the WHS, the visual impact of the development would be localised (similar location to the existing building). It would not be visible from any locality that has a clear association with the mining history of the WHS. Therefore, it is considered that there would be no harm to the authenticity and integrity of the OUV of the WHS.

7.5 It is considered that the proposal will not give rise to any harm to the character of the WHS.



Cornwall Local Plan

7.6 Policy 24 deals with matters relating to the historic environment. The policy states the following;

Development proposals will be permitted where they would sustain the cultural distinctiveness and significance of Cornwall's historic rural, urban and coastal environment by protecting, conserving and where appropriate enhancing the significance of designated and non-designated assets and their settings.

Development proposals will be expected to:

- *sustain designated heritage assets;*
- *take opportunities to better reveal their significance;*
- *maintain the special character and appearance of Conservation Areas, especially those positive elements in any Conservation Area Appraisal;*
- *conserve and, where appropriate, enhance the design, character, appearance and historic significance of historic parks and gardens;*
- *conserve and, where appropriate, enhance other historic landscapes and townscapes, including registered battlefields, including the industrial mining heritage;*
- *protect the historic maritime environment, including the significant ports, harbours and quays.*

Development within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) and its setting should accord with the WHS Management Plan. Proposals that would result in harm to the authenticity and integrity of the Outstanding Universal Value should be wholly exceptional. If the impact of the proposal is neutral, either on the significance or setting, then opportunities to enhance or better reveal their significance should be taken.

All development proposals should be informed by proportionate historic environment assessments and evaluations (such as heritage impact assessments, desk-based appraisals, field evaluation and historic building reports) identifying the significance of all heritage assets that would be affected by the proposals and the nature and degree of any effects and demonstrating how, in order of preference, any harm will be avoided, minimised or mitigated.

Great weight will be given to the conservation of the Cornwall's heritage assets. Where development is proposed that would lead to substantial harm to assets of the highest significance, including undesignated archaeology of national importance, this will only be justified in wholly exceptional circumstances, and substantial harm to all other nationally designated assets will only be justified in exceptional circumstances.

Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals causing harm will be weighed against the substantial public, not private, benefits of the proposal and whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long-term use of the asset.



In those exceptional circumstances where harm to any heritage assets can be fully justified, and development would result in the partial or total loss of the asset and/or its setting, the applicant will be required to secure a programme of recording and analysis of that asset, and archaeological excavation where relevant and ensure the publication of that record to an appropriate standard in a public archive.

Proposals that will help to secure a sustainable future for the Cornwall's heritage assets, especially those identified as being at greatest risk of loss or decay, will be supported.

7.7 This is an overarching policy; it is considered that the revised proposal satisfies the requirements of the policy. In relation to the world Heritage element of this policy, it is considered that the pre-app site does not display a relict mining character, and no mining artefacts are visible from the site. Whilst the development would involve residential development in the countryside within the WHS, the visual impact of the development would be localised. It would not be visible from any locality that has a clear association with the mining history of the WHS. Therefore, it is considered that there would be no harm to the authenticity and integrity of the OUV of the WHS, such that it would accord with the sentiments of this policy.

7.8 The proposed development is therefore considered, on balance, to accord with Policy 24 of the Cornwall Local Plan. Accordingly, this element of the policy has been satisfied.

WHS Management Plan

7.9 Particular policies within the WHS Management Plan are considered to be relevant to this site, include

P3 Planning Authorities should ensure that new development protects, conserves and enhances the Site and its setting.

C2 New development should add to the quality and distinctiveness of the site by being of high quality design and respectful of setting.

C7 The historic character and distinctiveness of the Cornwall and West Devon mining landscape should be maintained.

C12 The risks to the World Heritage Site and its management should be regularly assessed and actions taken to ameliorate these risks.

7.10 It is considered that the development would result in a neutral impact on the OUV of the World Heritage Site; please see the comments set out in paragraph 7.7 above.

Opportunities to enhance the contribution to the WHS include

7.11 Close attention to the material quality of the finishes to the proposed buildings and hard and soft landscaping of the site access. (Management Plan Policy C2)

7.12 The retention in full and future management of the Cornish hedge banks to the east and north of the site. (CLP 24 and NPPF P197 non-designated asset requirements met)

- 7.13 Where implemented together, the items above should be expected to significantly enhance the site's contribution to the Outstanding Universal Value of the World Heritage Site.
- 7.14 Accordingly, the proposed development is considered to be acceptable.

8. CONCLUSIONS

- 8.1 The pre-app proposal seeks advice in relation to a replacement dwelling instead of a dwelling granted under application number PA20/04062 for the conversion of a barn to a dwelling. The pre-app is predicated on the fallback principle and the recent Mansell High Court Case. The National Planning Policy Framework and the Development Plan support replacement dwellings; therefore, the proposal is considered acceptable and in kilter with the above-stated policy documents.
- 8.2 The proposed dwelling reflects the design, scale, massing, bulk and use of materials of the existing building, which will be replaced. The proposed siting of the replacement dwelling will be in the same location as the existing building.
- 8.3 The proposed development will not be considered to have an adverse impact on the character and appearance of WHS.