



Appeal Decision

Site visit made on 23 April 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

Appeal Ref: APP/D0840/W/24/3350861

Land at Church View Farm, Church View Road, Tuckingmill, Camborne TR4 8RQ

- 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 Kevin Penrose against the decision of Cornwall Council.
 - The application Ref is PA23/04960.
 - The development proposed is demolition of existing fire damaged farmhouse and erection of 32 residential dwellings (including one replacement and 7 affordable) together with access, estate roads and landscaping/biodiversity net gain.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing fire damaged farmhouse and erection of 32 residential dwellings (including one replacement and 7 affordable) together with access, estate roads and landscaping/biodiversity net gain at Land at Church View Farm, Church View Road, Camborne TR4 8RQ in accordance with the terms of the application, Ref PA23/04960, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above differs from that shown in the application form. The proposal was revised during the planning application process resulting in a reduction in the proposed number of dwellings. Therefore, the description above reflects that shown on the decision notice, which accurately describes the proposal before me.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties have had the opportunity to comment on the implications of this change and no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issue

4. The main issue is the effect of the proposal on heritage assets, namely the Tuckingmill & Roskear Conservation Area (CA), the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) and Church View Farm.

Reasons

5. The appeal site consists of a former farmhouse and associated range of outbuildings together with surrounding land located within the CA, and adjacent the WHS.

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the CA, to which I have attached considerable importance and weight. The Framework states that World Heritage Sites are heritage assets of the highest significance, which are internationally recognised to be of Outstanding Universal Value (OUV), are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.
7. The Tuckingmill and Roskear Conservation Area Appraisal & Management Strategy 2010 (CAA) extended the CA boundary resulting in the appeal site inclusion. The CAA outlines that Tuckingmill-Roskear was never just a pure industrial settlement; its agricultural past, and the continuing presence of farms such as the appeal site, gives a unique element of character to the CA.
8. I find that the significance of the CA is partly drawn from its historic industrial and residential buildings, some set amid greenery, and the way that the settlement layout and topography was fitted into an underlying pre-industrial, medieval and agricultural landscape which was being changed and re-shaped by the massive industrialisation around it.
9. Furthermore, the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025 (WHSMP) places the appeal site adjacent Area A5, the Camborne and Redruth District of the WHS. The WHSMP describes the area as the most heavily industrialised tin and copper mining district and also contains its most significant urban centres of mining population. It includes the remains of mines, their transport infrastructure, ancillary industries and important mining settlements, including the mining engineering 'new town' Camborne.
10. 'Mining settlements and social infrastructure' is identified as one of seven attributes through which the OUV of the WHS is expressed. The evidence before me indicates that the appeal site was historically in the ownership of the Basset family, whose vast wealth was derived from their mining interests. Furthermore, it appears likely to have been constructed by a mine agent who was also captain of South Crofty Mine during the middle part of the 19th century.
11. The appeal sites historical associative and illustrative value add to the narrative of the mining heritage of this area. As such, and whilst outside of the WHS, it forms an important part of the setting of the WHS, and positively contributes to attributes of the OUV.
12. The proposed general layout includes groupings of terraces, and semi-detached dwellings and associated garages. Whilst terraced and semi-detached dwellings are found elsewhere in the locality, the spatial relationship of dwellings and layout of the 'cul-de-sac' estate road is not overly reflective of the surrounding historical settlement layout. However, the materials and design features of the dwellings would reflect some materiality seen in the wider area. In combination with proposed landscaping the proposal would visually assimilate with nearby residential development and not appear overly incongruous.
13. The effect of the proposal would be minimal relative to the overall extent of the WHS. However, given the narrative of mining heritage provided by the appeal site, it would nevertheless result in a reduction in the sites positive contribution to the OUV. Moreover, although the adjacent site is allocated for a school, which would inevitably also encroach on open land and increase surrounding built form, the

replacement of a historic building and open green land which contributes to the greenery and landscape within the CA, with a suburban layout would inevitably diminish the significance of the CA.

14. I consider the harm to the WHS and CA to be less than substantial on both counts which accords with the views of the main parties and Historic England. These harms attract great weight under the terms of the Framework and fall to be weighed in the balance with the public benefits.
15. The proposal would deliver a net increase of 31 energy efficient dwellings close to a comprehensive range of services and facilities, in an area where the Council have recognised a housing crisis and can no longer demonstrate a five-year housing land supply¹. The proposal would also deliver 7 affordable homes and a financial contribution equivalent to 0.75 of a unit in an area with a demonstrable need for affordable housing.
16. The Framework outlines the Government's objective of significantly boosting the supply of homes; that small and medium sized sites can make an important contribution to meeting the housing requirement of an area; are essential for Small and Medium Enterprise housebuilders to deliver new homes; and are often built out relatively quickly. The provision of the proposed dwellings are very substantial benefits.
17. Further moderate public benefits include economic and social benefits to the local area, both short term during the construction period, and longer term through future occupant's use of nearby services and facilities, and the provision of a biodiversity net gain in habitats and hedgerows. In these circumstances, I consider the public benefits would outweigh the identified harm to the WHS and CA.
18. Church View Farm is a non-designated heritage asset (NDHA). At the time of the drafting of the CAA, Church View Farm was described as a fine building in its own right, which takes its place among the more polite residences in and around Tuckingmill. Furthermore, the surrounding associated open land forms the setting of the NDHA which provides an understanding of the historical use and working association of the NDHA with the surrounding mining industry. Overall, its significance as a NDHA is partly derived from its age, aesthetic qualities, and its role in the development of the mining industry in this area.
19. The proposal would result in the total loss of the NDHA and associated outbuildings. However, I observed that the farmhouse is now in an extremely derelict state, having suffered severe fire damage and has been uninhabitable for a number of years. My observations accord with the Structural Appraisal Report, which considers that the Farmhouse should now be classified as a 'Dangerous Structure' and it is not thought likely that any part of the original building is salvageable as a retained structure. No substantive evidence has been presented to me to allow me to arrive at a differing view.
20. Although the farmhouse would be replaced by a dwelling of similar form and scale, due to the layout and development within the surrounding open setting, it would not appear as a focal part of the site. The proposal would therefore not exhibit existing elements of the historical hierarchy of the site, which aids the understanding of the historic agricultural and mining association of the area.

¹ Stated by the Council to be circa 3.8 years.

21. In terms of the loss of the non-designated heritage asset, the Framework requires that a balanced judgement is made, having regard to the scale of any harm or loss and the significance of the heritage asset. The proposal would result in the loss of the NDHA and a reduction in the significance of the legibility of the sites role in the development of the mining industry in this area.
22. However, it has been demonstrated that it is unlikely the original building is salvageable as a retained structure and as such its significance in terms of aesthetic qualities is greatly reduced. Therefore, although the NDHA is still of significance due to the legibility of the site, taking the previously described public benefits together as a whole I conclude that they would be of sufficient weight to outweigh the harm by way of loss of the NDHA.
23. Consequently, I conclude that the proposal would result in less than substantial harm to the CA and WHS, and loss of the non-designated Church View Farm. However, these harms are outweighed by the public benefits of the proposal. The proposal would therefore accord with policies 2, 12, and 24 of the Cornwall Local Plan Strategic Policies 2010-2030. These policies seek to ensure, amongst other things, development achieves high quality safe, sustainable and inclusive design and any harm to the historic environment is weighed against public benefits of the proposal.

Other Matters

24. The proposal would be accessed via a new vehicular access from the A3047. Given the proposed visibility and vehicular speeds I observed travelling along the highway, the proposal would provide a safe and suitable vehicular access to the appeal site. Whilst the pedestrianisation of the existing access may lead to an increase in pedestrian use of Church View Road, given the general set back of dwellings from this road, and likely number of pedestrian movements associated with the proposal, living conditions of nearby residents would not be significantly harmed by noise and disruption. Furthermore, vehicular parking on Church View Road would not increase significantly given the adequate parking provision proposed.
25. LP Policy 28 refers to infrastructure provision and provides that developer contributions will be sought to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development.
26. A planning obligation dated 5th March 2025 under S106 of the Town & Country Planning Act (S106) accompanied the appeal. This seeks to provide 7 units of affordable housing and an affordable housing financial contribution, as well as financial contributions towards education, off-site public open space, transport and healthcare. Legal and policy tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
27. LP Policy 8 requires that in locations such as the appeal site, the target level of affordable housing is 25% of the total units. The evidence before me demonstrates that there is an affordable housing need in the area. Given the proposal would result in a net increase of 31 dwellings, the S106 secures the provision of 7 affordable dwellings and an affordable housing financial contribution in respect of 0.75 of a unit.

28. In terms of education, the Education Infrastructure Needs Assessment provides sufficient evidence that mitigation requirement in the form of a financial contribution is necessary due to the school infrastructure capacity being insufficient to support the occupants of the number of dwellings proposed.
29. The proposal does not provide on-site public open space that meets the Council's minimum size criteria. LP Policy 13 states that where there is access to alternative facilities that would meet the needs of the new development, contributions to the ongoing maintenance and management of these alternative facilities may be required as part of a reduced requirement on site. In this instance the appeal site is near a number of public open spaces, and in accordance with the Council's Open Space Strategy, financial contributions are reasonably sought per dwelling to be allocated to King George V (Roskear) and/or the creation improvement of open space within Camborne Parish.
30. Existing healthcare provision within Camborne includes the Carn to Coast Health Centre – Pool Health Centre and Veor Surgery. The NHS have confirmed that these practices are significantly under capacity and currently lacking sufficient clinical and administrative space to attend to the needs of the growing population. To mitigate a financial contribution is required based on a capital cost calculation of additional capacity required on the basis of number of additional future occupiers directly relating to the proposal.
31. As such, I find that the above obligations are necessary, directly related to the development and reasonably related in scale and kind.
32. However, in relation to the transport contribution, the Highway Officer and Officers Committee Report state that a figure of £3750.00 per open market dwelling is required towards the provision of transport facilities, namely the Camborne, Pool and Redruth transport strategy. However, no evidence has been provided as to how this figure is calculated, or to allow me to conclude with any confidence that it is necessary, directly related to, or fairly and reasonably related in scale and kind to the proposal. I do not therefore consider that it would be lawful to take it into account as a reason for granting planning permission and I am unable to take it into account in determining the appeal.

Conditions

33. The Council has provided a list of suggested conditions in the event of the appeal being allowed, which I have assessed and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
34. A condition requiring a detailed contamination remediation scheme is necessary to safeguard the health of workers and future occupiers. A condition requiring a Construction Environmental Management Plan is necessary to protect neighbouring occupiers living conditions during construction and a condition requiring a programme of archaeological recording work is necessary in the interests of the historic environment.
35. Further conditions requiring hard and soft landscaping plans and groundwater monitoring, and a scheme of surface water management are necessary to ensure

the successful and appropriate delivery of green infrastructure, and to ensure flood risk is minimised during the lifetime of the development.

36. The above conditions are required to be pre-commencement as they relate to and affect the early stages of the development.
37. Conditions are also necessary to ensure access, estate road carriageways, footpaths, parking areas and cycle storage areas are provided at a suitable stage of the development and the existing access is blocked to vehicular traffic in order to ensure highway safety and promote sustainable modes of transport.
38. Further conditions relating to the implementation of tree protection measures, installation of bat and bird boxes and bee bricks, and compliance with ecology surveys are necessary in the interests of the natural environment and biodiversity.
39. A condition is necessary to ensure any contamination that is found during the construction period does not pose a risk to the health of workers or future occupiers and a condition in respect of materials is necessary in the interests of the character and appearance of the area. Finally, a condition is necessary in respect of water efficiency in the interests of climate protection.

Conclusion

40. For the reasons given above the appeal should be allowed.

S Harrington

INSPECTOR

Schedule

Conditions

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:
3484-001-B; 3484-010-H; 3484-011-O; 3484-012-D; 3484-015-B; 3484-016-C; 3484-017-B; 3484-020-B; 3484-021-B; 3484-022-B; 3484-023-B; 3484-024-B; 3484-025-B; 3484-026-B; 3484-027-B; 3484-028-B; 3484-029-B; 3484-030-B; 3484-040-B; 3484-041-B; 3484-042-B; 3484-043-B; 3484-044-B; 3484-045-B; 3484-046-B; 3484-047-B; 3484-048-B; 3484-049-B; 3484-050-B; 3484-060-B; 3484-061-B; EV-4298-1-AIA-TPP; EV-4298-1-A-CCPROVISION; EV-4298-1-CCPROVISION; EV-X.
3. The development hereby permitted shall not commence until a detailed contamination remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.

Thereafter, the development hereby approved shall be carried out in accordance with the approved remediation scheme and upon completion a verification report by a suitably qualified contaminated land practitioner that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority before the development [or relevant phase of development] is occupied.

4. The development hereby permitted shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include, but not be limited to, dust mitigation measures, details of roles and responsibilities, monitoring and reporting, emergency responses, community and stakeholder relations and training. The development shall be carried out strictly in accordance with the approved Construction Environmental Management Plan.
5. (A) The development hereby permitted shall not commence until a programme of archaeological recording work including a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority. The WSI shall include an assessment of significance and research questions, and:
 - The programme and methodology of site investigation and recording;
 - The programme for post investigation assessment;
 - Provision to be made for analysis of the site investigation and recording;

- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

(C) The housing development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

(D) The archaeological recording condition will only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed, and a final report has been submitted to, and approved by, the Local Planning Authority.

6. The development hereby permitted shall not commence until details of both hard and soft landscape works and associated management and maintenance plan have been submitted to and approved in writing by the local planning authority.

These details shall include:

- A schedule detailing size, number and density of all proposed trees/plants;
- location, type and materials to be used for hard landscaping including specifications, where applicable for: - car parking layout, - other vehicle and pedestrian access and circulation - minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.) - proposed and existing functional services above and below ground (e.g. drainage, power, communications cables - retained historic features and proposals for restoration, where relevant. - tree pit design, to include where appropriate root barriers and underground modular systems;
- specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and
- means of enclosure, to include types and dimensions of all boundary treatments.

The landscaping works shall be carried out in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is sooner.

7. The development hereby permitted shall not commence until the results of groundwater monitoring for a full 12-month period and finalised details of a scheme for the provision of surface water management have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A description of the foul and surface water drainage systems operation;

- Calculations, layout and bespoke surface water drainage solutions (based on the findings of the groundwater monitoring);
- A Construction Phase Surface Water Management Plan;
- A Construction Quality Control Procedure;
- A plan indicating the provisions for exceedance pathways and overland flow routes;
- A timetable of construction;
- A plan for the management and maintenance of the drainage systems. This must confirm who will maintain the drainage systems and overland flow routes and provide a maintenance schedule. The Developer must inform the local planning authority of any variation from the details provided and agree these in writing before such variations are undertaken. The surface water drainage systems shall fully manage surface water flows resulting from the developed site up to the 1 in 100-year peak rainfall event plus a minimum allowance of 50% for the impacts of climate change. Flows discharged from the site will be no greater than 3.7 l/sec for all rainfall events or a rate agreed with South West Water Ltd, whichever is the lesser.

The approved scheme shall be implemented in accordance with the timetable so agreed and the scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.

8. Before any other building or engineering works are carried out on the site, the access shall be laid out and constructed in accordance with Drawing No. 3484-010-H and 3484-011-O with its construction details, gradient, surfacing, drainage and sight lines having first been approved in writing by the local planning authority. The access shall be retained as approved thereafter.
9. The Tree Protection measures as shown on drawing number E V-4298-1-AIA-TPP shall be implemented prior to any construction taking place on the site and shall be maintained as such during the entirety of the construction work.
10. No work above floor slab level shall commence until details of the materials to be used in the construction of the external surfaces (doors/windows/lintels/sills/stonework/roof and method of fixing) of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
11. Any contamination that is found during the course of construction of the development hereby approved that was not previously identified shall be reported in writing immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These

approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

12. The recommendations made within Section 5 of the Extended Phase 1 Survey dated January 2023; Section 5 of The Reptile survey Dated Summer 2023; Section 5 of the Bat and Barn Owl Survey dated December 2022 and the recommendations for bat mitigation made in the bat activity survey report dated 10/07/2023 of the reports prepared by Spalding Associates (Environmental) Ltd shall be adhered to during the construction phase of the development.
13. Before any of the development hereby permitted is brought into use, cycle parking/storage shall be provided in accordance with a detailed scheme which shall have been submitted to and approved in writing by the local planning authority. The cycle parking and storage areas shall not thereafter be obstructed or used for any other purpose.
14. No dwelling shall be occupied until the estate road carriageways and footways and parking areas to be constructed in association with that dwelling has been laid out and constructed in accordance with the approved plans.
15. Prior to the first occupation of each of the dwellings hereby approved the bat box(s)/ bird box(s)/bee brick(s) shall be installed on that dwelling in accordance with the details on the approved drawings and shall thereafter be retained as such.
16. Within one month of the occupation of the first dwelling, the existing access to the north-west boundary of site as shown on drawing no. 3484-011-O; shall be reduced in width and shall permanently be blocked to vehicular traffic in accordance with details which shall first have been submitted to and approved in writing by the local planning authority and shall be retained as such thereafter.
17. The development hereby approved shall be designed and built to ensure all dwellings achieve the standard of 110 litres/person/day water efficiency prior to occupation.

End of Conditions