
Appeal Decision

Inquiry held on 15 to 18 March 2016

Site visit made on 16 March 2016

by **Stephen Roscoe BEng MSc CEng MICE**

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

Decision date: 04 May 2016

Appeal Ref: APP/D0840/W/15/3006077 **Land South of St George's Road, Hayle**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Linden Homes South West against Cornwall Council.
 - The application Ref PA14/09315 is dated 30 September 2014.
 - The development proposed is a residential development of 222 dwellings, associated public open space and the provision of land to facilitate the expansion of Penpol Primary School.
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Decision

1. The appeal is dismissed.

Application for Costs

2. At the Inquiry, an application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Main Issues

3. The main issues in this case are:
 - (i) the effect of the proposal on heritage assets, and
 - (ii) whether the public benefit from the proposal would justify the grant of planning permission when weighed against any harm that may be caused to nearby heritage assets.

Reasons

Introduction

4. Following the submission of the planning application to which this appeal relates, the Council considered an application which generally duplicated the earlier submission. The Council refused this subsequent application, and the Council has decided that two of these reasons, as set out below, would have been the Council's reasons for refusal had it considered the appeal scheme. I have considered the appeal on this basis.

1. *The proposed development of 222 houses would infill an area of land which is important to the setting of the Cornwall and West Devon Mining Landscape World Heritage Site. The proposal would reduce the legibility of the Foundry area of Hayle which is important to the Outstanding Universal Value of the World Heritage Site. The development would result in less than substantial harm to the setting of the World Heritage Site whose significance is of international importance. The public benefit of the provision of open market and affordable housing and the economic benefit arising from the development would not outweigh the harm identified. The proposal is therefore contrary to paragraphs 17 and 131 of the National Planning Policy Framework and is contrary to Policies P3, P8, C2 and C7 of the World Heritage Site Management Plan.*
2. *The proposed development would also result in less than substantial harm to the settings and therefore the significance of the Grade II listed buildings known as Netherleigh, Trepennol and The Beeches due to the introduction of housing into the historical agricultural setting of these heritage assets which are heritage assets of national importance and which also contribute significantly to the Outstanding Universal Value of the World Heritage Site. The public benefit of the provision of open market and affordable housing and the economic benefit arising from the development would not outweigh the less than substantial harm identified with respect to the World Heritage Site and the listed buildings. The proposal is therefore contrary to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 17 and 131 of the National Planning Policy Framework.*
5. The appeal planning application included for a 15% provision of affordable housing, whereas the duplicate application raised this level to 30%. The applicant has submitted a unilateral s106 undertaking which relates to 30% affordable housing in connection with the appeal proposal, and I have considered the appeal on this basis.
6. I have received a signed Statement of Common Ground (SoCG) between the Council and the appellant which sets out areas of agreement and dispute. The SoCG records that the Council agrees that it does not have a five year housing land supply in terms of the NPPF. I have therefore taken relevant policies for the supply of housing within the Penwith Local Plan to be out of date and have given them, and such housing policies in the emerging local plan, limited weight. As a result of this situation and the main issues identified above, I have considered the appeal primarily in the context of the 2nd 'decision taking' bullet point of para 14 of the NPPF, together with the relevant part of footnote 9, as a result of relevant development plan policies being out of date.

World Heritage Site

7. I will firstly consider the significance of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). The appeal site generally lies adjacent to the Port of Hayle area of the WHS, and indeed the appeal site includes a small area of the WHS. The NPPF places world heritage sites in the highest category where the more important the asset, the greater weight should be given to its conservation under para 132.
8. The significance of the WHS can be seen from the site's WHS inscription and Statement of Outstanding Universal Value (SOUV) in the WHS Management

- Plan. The SOUV identifies remains of industries allied to mining along with new towns and villages of the period. Their testimony to the development of worldwide copper, tin and arsenic production is said to be evident and interlinked in a highly legible way.
9. The parts of the WHS that lie closest to the appeal site include: remains of a mill complex, ropeworks and associated water management system; housing for workers, such as that at Tremeadow Terrace; housing for managers, such as that on Millpond Avenue; housing for owners and their families, such as Netherleigh, Trepnopol and The Beeches on St. George's Road; and the Foundry Square commercial area. The uses of these remains and buildings are interlinked, and their legibility is provided to a great degree by a general lack of new development between: the inlet to the mill pond; Netherleigh, Trepnopol and The Beeches; and Foundry Square.
 10. Indeed, the WHS Management Plan identifies that key industrial and public buildings survive in Hayle, together with good examples of housing that reflect the social divide of industrial labour. This is said to be where the high density terraced housing of the workforce contrasts with the villas and mansions of the managerial class, which are situated at higher levels. The surrounding urban fabric of Harvey's Foundry town is also said to be of considerable historical significance.
 11. The UNESCO World Heritage Convention Operational Guidelines require that World Heritage Sites meet conditions of integrity and authenticity before inscription, by which means they are created. Planning Practice Guidance (PPG)¹ also advises that planning decisions should conserve the Outstanding Universal Value (OUV), integrity and authenticity of the setting of each World Heritage Site and protect the setting from inappropriate development. This is in the context of World Heritage Sites being designated heritage assets of the highest significance.
 12. In terms of integrity, the WHS reflects how mining transformed the urban and rural landscapes and encapsulates the extent of these changes. The management plan however warns that the WHS may be vulnerable to the possibility of incompatible development. The management plan advises that the WHS has, in general, high authenticity in terms of the location and form of surviving features.
 13. The UNESCO inscription identifies criterion against which the significance of the WHS was judged, and the physical attributes which represent these. The management plan advises that the protection of these attributes is key to the management of the WHS.
 14. Two of the criteria require the exhibition of an important interchange of human values and an exceptional testimony to a cultural tradition which has disappeared. These identify attributes of ancillary industries, such as foundries and engineering works, and mining settlements and social infrastructure, such as towns with embellished villas and town houses. A further criterion requires there to be a technical ensemble or landscape which illustrates a significant stage in human history. This criterion again identifies the attribute of ancillary industries, such as foundries and engineering works. In practice,

¹ PPG Reference 18a-032-20140306

- these attributes relate to that which remains from the development of Foundry town in close proximity to the appeal site.
15. From all of the above, it can be seen that the area of the WHS that lies closest to the appeal site has considerable significance. In terms of the evidence put before me, I did not see another similar example of this mix of development in the Hayle or nearby Copperhouse areas of the WHS.
 16. I now turn to consider the setting of this part of the WHS. PPG² advises that the importance of setting can be expressed by the way in which we experience an asset and our understanding of the historic relationship between places. Both main parties agree that the appeal site generally lies within the setting of the WHS. Indeed, in the Inquiry, the appellant accepted that the immediate setting of the WHS included the greater part of the appeal site, if not all of it, and I agree with this interpretation.
 17. In terms of the relationships between the various elements of historical development which remain in the mill complex and Millpond Avenue area, visibility is restricted by tree growth. This growth somewhat masks the interlinking and integrity noted above. Much of this vegetation lies within the mill complex and ropeworks Scheduled Ancient Monument (SAM) and appears to be self-seeded. In time, I consider that this vegetation is likely to become incompatible with the preservation of the SAM, and this is likely to lead to its removal.
 18. Indeed, during the Inquiry, Historic England (HE) referred to it as being transient. This is the case notwithstanding the absence of evidence of any current intention to remove the vegetation or any current risk to the SAM. In the context of the NPPF, para 17 aims to conserve heritage assets so that they can be enjoyed by future generations. My assessment of the above interlinked relationships will therefore take into account the potential removal of this vegetation.
 19. In permitting a residential planning application by Bovis at Trevassack Hill in Hayle, the Council relied upon the visibility restrictions which result from the location of a railway embankment. The embankment is however, to my mind, a far more permanent feature than vegetation, and I do not consider that the Council's position at Trevassack Hill adds any weight in support of including this vegetation in the assessment of setting in this decision.
 20. The appellant has also suggested that existing vegetation on the appeal site near to the WHS boundary could be reinforced to provide screening. Again though, I do not consider that this should be taken into account as a long term feature in terms of setting due to the difficulty in guaranteeing its long term retention.
 21. I viewed the Bovis site at my site visit. To me, the sequencing and mix of Copperhouse WHS historic development in the area of, and indeed visible from, the site is much less clear than is the case in the area of the appeal site. The planning permission granted for the Bovis site therefore does not add weight in support of this appeal.
 22. I now consider any harm from the proposal. The proposal would result in an extensive area of new development generally adjacent to the WHS boundary

² PPG Reference 18a-013-20140306

- extending up a slope which faces the WHS. From the Millpond Avenue and Foundry town areas, there is little other new development visible, and indeed HE referred to 'little modern incursion'. The relatively recent residential development above the Millpond Avenue area is not generally visible from it due to topography and the bowl in which this area is situated.
23. As previously noted, this part of the WHS is particularly important as its composition covers a spectrum of residents which emphasises the totality of the historic new town in a very legible manner. Indeed, the WHS Management Plan describes Foundry town as wholly a product of an industrial past, and this part of the WHS is a good example of that whole, without more recent distractions to disrupt legibility. Furthermore, this part of Foundry town and the WHS exhibits a compact nature and completeness which emphasises the integrity and authenticity of the WHS.
24. The proposal would introduce a scale of development that would be incompatible with this part of the WHS. It would result in some loss of the legibility of the edge of the historic town. The appellant's heritage assessment accepts that 'the evidence from the past would become blurred although not entirely illegible'. Legibility would however be compromised, and the proposal would affect the strong visual clue of the restricted valley bottom nature of the industrial settlement. Whilst the important story would remain, it would be significantly modified in terms of changes to its immediate setting.
25. The proposal would also be elevated above the Millpond Avenue area of the WHS and, as such, would tend to dominate the immediate setting of this part of the WHS. This would result in the loss of a positive and important contributor to the immediate setting of this part of the WHS and to the significance of the WHS as a whole in relation to the management plan. The loss would affect the ability to appreciate the significance of the part of the WHS, and have an adverse impact on its OUV.
26. The appeal site forms part of one of the urban expansion areas that the Council has identified for Hayle. That part of the area closest to the WHS, within which the appeal site is located, is however qualified in the Council's Hayle Town Framework Urban Extension Assessment³ as a further area for urban extension, if required and appropriate. This Framework was prepared as part of the emerging local plan process, and the assessment stems from the Council's Hayle Town Framework - Urban Extensions Assessment - Sustainability Appraisal. This document emphasised that, in relation to this urban expansion area: development should not have a negative impact on the historic character of the town; proposals would need to respect and enhance adjacent heritage assets; and that the WHS was important in the plan making process for and in terms of submitting development proposals, although it was not possible at this stage for the appraisal to be more specific.
27. The appeal site is also identified in the Council's SHLAA⁴ as part of a site which has a potential to accommodate housing. It is however clear from the qualifications within the SHLAA that it is not a planning decision making document but makes broad assumptions in order to bring forward sites for further consideration. It adds that sites would have to be further tested by the planning application or allocation processes, including consideration of

³ Hayle Town Framework Urban Extension Assessment: Cornwall Council: December 2011

⁴ Cornwall Strategic Housing Land Availability Assessment: Cornwall Council: January 2016

- sustainability and consultation before they could be considered suitable in planning terms. In this regard, the sustainable preservation of heritage assets and the presence and position of HE at the Inquiry are particularly relevant.
28. All of the above are important signals for this site, which is in sustainably close proximity to many local facilities, but the signals are clearly qualified in relation to heritage assets and the planning process. As a consequence of these qualifications in the Hayle Framework, Sustainability Appraisal and SHLAA, I am satisfied that the Council's plan making process has sufficiently identified the restrictions that the presence of the WHS places on development in this area. The identification of development possibilities in this area does not therefore add weight in support of the appeal.
 29. Assessing the proposal against Step 3 in the HE document the Setting of Heritage Assets – Good Practice Advice in Planning 3, it would: cover the majority of a hillside in close proximity to the WHS; lie above a SAM, which is described later in this decision, in the landform; and affect a key potential view of the SAM from the Millpond Avenue area. The proposal would therefore be prominent, dominant, conspicuous, compete with and distract from the WHS and would represent a suburbanising land use change.
 30. In terms of the International Council on Monuments and Sites (ICOMOS) methodology for assessing impact on World Heritage Sites, which is accepted as being appropriate by both main parties, the proposal would change the setting of this part of the WHS. This would be such that the built heritage attributes which convey the OUV of the WHS would be significantly modified. This would particularly be the case in relation to mining settlements and social infrastructure status, which are important elements of significance. There would also be considerable changes to the area that would affect appreciation of the cultural aspects of the WHS. Moreover, these considerable changes to the setting would affect the archaeological character of the WHS. I therefore consider that the scale of change would be moderate.
 31. When combined with the very high significance of these WHS attributes, this moderate scale of change would result in an overall adverse impact in the large to very large ICOMOS category. It would however tend towards large, as HE suggested in the Inquiry, but this is still a matter to which I have given considerable importance and weight.
 32. The applicant is of the opinion that the scale of change would be minor, but tending towards moderate. This would give an overall adverse impact in the moderate to large category, but tending towards large. The main parties seem therefore to be tending towards large overall impact, but from opposite directions. Whilst I agree with the position of HE on this matter, there appears to be little separation between the main parties' views.
 33. It is also of note that the large to very large category is not the highest of the ICOMOS overall impact categories, and the proposal would not result in any material changes within the WHS itself. Hence, I am satisfied that, in terms of the NPPF, the harm would be less than substantial. The large overall adverse impact does however give a strong presumption against the grant of planning permission, and I therefore give this matter very significant weight.
 34. In terms of WHS Management Plan policies, the proposal would not protect or conserve the setting of the WHS in conflict with Policy P3 and would adversely

affect the OUV of the WHS in conflict with Policy P8. Furthermore, the proposal would not respect the setting of the WHS in conflict with Policy C2 and would not maintain the historic character and distinctiveness of the landscape as required by Policy C7.

35. Turning now to other relevant matters, the appellant argues that indirect effects, such as on setting, should generally be less than direct effects. The ICOMOS methodology however generally does not reduce the value of significance of setting in the moderate category of built heritage impact and, notwithstanding the appellant's suggestion, I can see no reason to do so here. Firstly, it would appear to be contrary to the ICOMOS assessment method. Secondly, the interrelationship between the components of the WHS, which is necessary for its significance, accentuates the importance of the setting as the appreciation of the WHS is gained from a wider view. Thirdly, the appeal site is the only remaining element of open countryside in a number of views from this part of the WHS. Any development on it should therefore respect the WHS. Furthermore, setting as such would always lie outside the WHS and setting features in the ICOMOC methodology, even if it is, as the management plan puts it, to provide 'additional historic context'.
36. I have not seen any submissions from ICOMOS in relation to the proposal. There is however no reasoned evidence to suggest that ICOMOS normally responds to consultation, and the absence of any response therefore does not imply acceptance of the proposal. The Asda scheme at Hayle harbour attracted responses from ICOMOS. The scheme was however very different to the appeal proposal, with different factors in terms of harm and the planning balance. The Council's action to permit this scheme was therefore not necessarily inconsistent with its position at this appeal, and again, each case should be considered on its merits. From all the above, there is nothing to change my finding of very significant weight.
37. I therefore conclude that the proposal would have a large harmful effect on the significance of the WHS in conflict with Policies P3, P8, C2 and C7 of the WHS Management Plan, and I give this matter very significant weight. I do however consider that it would represent less than substantial harm in terms of the NPPF.

Scheduled Ancient Monument

38. The WHS Management Plan identifies the scheduling of ancient monuments as a UK mechanism to protect World Heritage Sites. The SAM which adjoins the appeal site is described in its designation as a late C18 to C19 mill complex, ropeworks and associated water management system. The reasons for designation include that they represent one of the most coherent surviving groups of industrial structures associated with the Harvey's foundry, retaining elements that date from the initial establishment of that company.
39. The appellant's heritage impact assessment concludes that the proposal would have a negative minor to moderate impact on the SAM. The Environmental Statement (ES) submitted with the appeal also concludes that the proposal would have a minor to moderate adverse effect on the SAM. Both of these assessments however rely to some extent on the presence of vegetation, and on which I have some concerns. It is however the case that the significance of the SAM itself is relatively self-contained, and does not require the wider view that is necessary to appreciate the WHS.

40. On balance therefore, I accept that the proposal would have a minor to moderate harmful effect on the setting of the SAM, and I give this harm slight weight. I have paid special attention to the desirability of preserving this setting, and this is a matter to which I have attached considerable importance and weight. I do however consider that it would represent less than substantial harm in terms of the NPPF.

Listed Buildings

41. The WHS Management Plan identifies the protection given to listed buildings as a UK mechanism to protect World Heritage Sites. The area of Foundry town includes various listed buildings to the south and west of the appeal site. Those of most relevance to the appeal proposal are the dwellings on Millpond Avenue, the dwellings and former school on Foundry Hill and three dwellings on St George's Road, namely Netherleigh, Trepempol and The Beeches. Millpond Avenue contains various Grade II listed dwellings comprising a terrace of cottages and substantial houses, which are likely to have been managerial accommodation. The main aspects of the substantial houses face into the bowl of the Penpol valley in which the works and workers' accommodation is situated. Being at a higher level they overlook the works and accommodation, particularly Tremeadow Terrace.
42. The ES concludes that the proposal would have no permanent effect on the listed dwellings in Millpond Avenue. This is based on separation and the fact that views are interrupted by tree growth. I have already set out my position that, in time, this vegetation is likely to be removed and therefore should not be taken into account in the assessment of setting. The setting of these dwellings, in my opinion, is heavily reliant on this part of the WHS to give legibility to the asset. The adverse effect of the proposal on the setting of this part of the WHS thus reflects on the setting of these dwellings in a similar manner where the absence of development on the appeal site contributes to the legibility of the dwellings and the significance of their setting. The proposal would therefore have a minor to moderate harmful impact on, and would not preserve, the setting of these dwellings, although I give the harm slight weight in view of their separation distance to the appeal site.
43. The ES concludes that the proposal would have no permanent effect on the Grade II listed dwellings and former school on Foundry Hill. As a result of the separation distance between these buildings and the appeal site, together with the proximity of more recent development to the buildings, I can see no reason to disagree with the findings of the ES on this matter. The proposal therefore would have no harmful impact on, and would preserve, the setting of these buildings, and this is a matter to which I have attached considerable importance and weight.
44. The ES concludes that the proposal would have a minor to moderate negative permanent effect on the setting of the Grade II listed dwellings Netherleigh and Trepempol in St George's Road. As a result of the orientation of Trepempol and more recent development in its grounds and the separation, in terms of horizontal distances and levels, between the two dwellings and the appeal site, I can see no reason to disagree with the findings of the ES. This is notwithstanding the Council's view that there would be a greater level of harm. The ES concludes that the proposal would have a moderate negative permanent effect on the setting of the Grade II listed The Beeches in

St George's Road. As a result of the closer proximity of the proposal to this dwelling, I can see no reason to disagree with the findings of the ES. This is also notwithstanding the Council's view that there would be a greater level of harm. The proposal therefore would not preserve the setting of these listed dwellings (Netherleigh, Trepnopol and The Beeches), although I give the harm slight weight.

45. In summary, I therefore conclude that the proposal would have a minor to moderate harmful effect on, and would not preserve the setting of, those listed dwellings identified, although I give this harm slight weight due to separation distances. I have paid special attention to the desirability of preserving these settings, and these are matters to which I have attached considerable importance and weight. I do however consider that they would represent less than substantial harm in terms of the NPPF.

Conservation Area

46. The WHS Management Plan also identifies the protection given to conservation areas as a UK mechanism to protect World Heritage Sites. The Hayle Conservation Area (CA) adjoins the appeal site to the south and west. There is no published appraisal for the CA. The ES concludes that the proposal would have a minor negative permanent effect on the setting of the CA. As a result of the juxtaposition of the appeal site and the CA, particularly in the area of Tremeadow Terrace, I can see no reason to disagree with the findings of the ES. I therefore conclude that the proposal would have a minor harmful effect on, and would not preserve or enhance the character and appearance of, the CA in terms of its setting, and I give this harm slight weight. Whilst this is a matter to which I have attached considerable importance and weight, I do however consider that it would represent less than substantial harm in terms of the NPPF.

Public Benefits

47. I will firstly consider housing. There is an acute and uncontested need for both affordable and open market housing in Hayle, and indeed in Cornwall as a whole. The proposal includes for the provision of 30% affordable housing, and this would be secured by a unilateral undertaking. I am satisfied that this undertaking would be necessary to make the proposal acceptable in planning terms and would be directly, fairly and reasonably related in scale and kind to the development. The appellant is of the view that the need for affordable housing should be given greater weight than that for open market dwellings.
48. I recognise that the Council could be said to have a poorer performance on affordable housing provision than for open market dwellings. The provision of affordable and open market housing is however very much interlinked, as it would be with the appeal proposal. As a consequence, I am not satisfied that the difference in performance justifies the very substantial weight that the appellant has given to the need for affordable housing over the substantial weight given to the need for open market dwellings. Having taken into account the evidence put before me, I consider that the need for both affordable and open market housing should be given significant weight and that this would appropriately reflect the significant boost for housing sought by the NPPF.
49. The housing requirement for Cornwall is still very much unresolved, and I acknowledge that the problems are deep and indeed could be said to be

- deteriorating. Even if however the appellant's views and figures are to prevail, I am satisfied that it would still be appropriate to give housing need, as a whole, significant weight.
50. When the Council refused the planning application which generally duplicated the appeal planning application, it did so against an officers' positive recommendation. In this recommendation, the affordable housing need, which was said to be a substantial benefit of the scheme, did not outweigh the harm to the heritage assets and other local impacts. This was on the basis that there was no significant harm to the assets, which appears to have come from a 'less than substantial harm' finding in the context of the NPPF.
51. In my view however, the purpose of such a finding is to introduce the balancing exercise in NPPF para 134, not to apply a set weight to any harm. I am therefore not satisfied that there is a direct and somewhat automatic relationship between an NPPF 'less than substantial harm' finding and no significant harm, and indeed the Council did not agree with the recommendation. I have therefore not seen anything in the submissions relating to the duplicate application, to lead me to reconsider my views on the weights that I have given to the housing need and harm to heritage assets.
52. I now turn to the provision of land for the expansion of Penpol Primary School, which includes an area for vehicle related safety improvements within the proposed new boundary of the school. Without the provision of this land, the proposal would have to be accompanied by a contribution towards educational facilities to make it acceptable in planning terms. The proposal does not include such a contribution, indeed it has not been sought by the Council, and the land provision could therefore be seen to be in lieu of such a contribution. In my view, the provision of the land would thus be a necessary part of the proposal rather than a public benefit to be included in the heritage balance under the NPPF, and I therefore give the provision limited beneficial weight.
53. The provision of local employment during the construction period is a material benefit in favour of the proposal. The benefit would however be limited to the construction period. The appellant drew attention to the fact that this benefit would be part of a continuum of construction necessary for the commercial wellbeing of local businesses related to construction. Whilst this is undoubtedly correct, the benefit gained from the appeal proposal would be replaced by the benefit from another scheme when the construction of this proposal was completed. In my view therefore, the benefit is limited to the construction period, and I therefore give it limited weight.
54. The proposal includes the provision of a linear park. It would provide public open space and assist in creating an appropriate landscape setting for the proposed development. The proposal also includes work to improve highway safety in St George's Road, in the area of the proposed site access but outside of the proposed new boundary of the school. In my opinion, these matters are again necessary to make the proposal acceptable in planning terms and therefore not a public benefit. I thus give the provision of a linear park and highway work in St George's Road limited beneficial weight.
55. The proposal also includes the provision of heritage interpretation boards. I agree that these would better reveal the significance of the heritage assets in the area, and I treat this matter favourably in accordance with NPPF para 137. I am not however satisfied that their impact would be great, particularly in the

context of the harm that I have previously identified. I therefore give the provision moderate beneficial weight.

Conclusion

56. I have considered the appeal under the 2nd 'decision taking' bullet point of para 14 of the NPPF, together with the relevant part of footnote 9, as a result of relevant development plan policies being out of date. I have found that there would be less than substantial harm to the significance of the WHS, the SAM, the listed buildings in the vicinity of the appeal site and the Hayle CA. For the reasons set out previously, I have given the large degree of harm to the significance of the WHS very significant weight, the minor to moderate harm to the SAM slight weight, the minor to moderate harm to the significance of the listed buildings slight weight and the minor harm to the significance of the CA slight weight. It is the case that the SAM, the listed buildings and the CA are constituent elements of this part of the WHS. It is however their interaction which creates the WHS which is then afforded the highest level of policy protection; hence the greater level of harm to its significance and the greater level of weight given to that harm.
57. As a consequence of my finding of less than substantial harm to the significance of designated heritage assets, I now turn to the balance set out in para 134 of the NPPF. In relation to public benefit, I have given the provision of open market and affordable housing significant weight, the provision of heritage interpretation boards moderate weight and the provision of school expansion land, local employment, a linear park and highway safety works limited weight. Having considered all of the above, there is no clear or convincing justification for harm to the significance of designated heritage assets, and I am of the opinion that the harm would clearly outweigh the public benefits of the proposal. In coming to this view, I have also taken into account all other matters raised and that the preservation of heritage assets is desirable.
58. I therefore conclude that the public benefits from the proposal would not justify the grant of planning permission when weighed, in accordance with the NPPF, against the harm that would be caused to designated heritage assets. I also conclude that the proposal would not preserve the setting of the SAM or the listed buildings previously identified and that it would not preserve or enhance the character or appearance of the CA in terms of its setting. In view of all of the above points, the appeal should be dismissed.

Stephen Roscoe

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mrs V Meldrum	Cornwall Council
She called	
Mr J Holman MRICS MRTPI FAAV	Principal Planning Officer, Cornwall Council

FOR THE APPELLANT:

Mr R Kimblin QC	Instructed by Mr R Upton, Director, WYG Planning and Environment
He called	
Mr S Bond MA Hon DArt FSA MRICS	Heritage Places
Mr J Stacey BA(Hons) DipTP MRTPI	Director, Tetlow King Planning Ltd
Mr R Upton BSc(Hons) MRTPI	Director, WYG Planning and Environment

STATUTORY CONSULTEES:

Mr S Hickman BSc PgDip	Principal Inspector of Historic Buildings and Areas, Historic England
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INTERESTED PERSONS:

Mr J Bennett BSc(Hons) CEng FIET	Chairman, Hayle Neighbourhood Plan Steering Group
Cllr J Coombe	Cornwall Council Councillor, Hayle South Ward
Cllr G Coad	Mayor, Hayle Town Council
Mr P Pellegrinetti	Local Resident

DOCUMENTS

General

- G1 Letter of notification of the Inquiry
- G2 Letters from Interested Persons
- G3 Statement of Common Ground

Documents Submitted by the Council

- CC/JH/1 Mr J Holman: Proof of Evidence and Appendices

Submitted During the Inquiry

- CC1 Opening Submissions on behalf of the Council
- CC2 Planning Practice Guidance Extract: Designated Heritage Assets
- CC3 Cornwall Local Plan Inquiry: Inspector's Advisory Comments Prior to Consultation on Proposed Changes
- CC4 Hayle Town Framework - Urban Extensions Assessment - Sustainability Appraisal Extract
- CC5 Mr J Holman: Summary Proof of Evidence
- CC6 Council's Full Objectively Assessed Need Response to Local Plan Inspector
- CC7 Affordable Housing Trajectory as at 1 April 2015
- CC8 Closing Submissions on behalf of the Council
- CC9 Council Response to the Appellant's Costs Application
- CC10 Appeal Site Planning Performance Agreement: 2 May 2013

Documents Submitted by the Appellant

- LH/SB/1 Mr S Bond: Proof of Evidence and Appendices
- LH/JS/1 Mr J Stacey: Proof of Evidence and Appendices
- LH/RU/1 Mr R Upton: Proof of Evidence and Appendices

Submitted During the Inquiry

LH1	Appearances on behalf of the Appellant
LH2	Opening Statement on behalf of the Appellant
LH3	A3 Photographic Viewpoints
LH4	Statement of Common Ground: Appendix 1
LH5	Regulation 122 CIL Compliance Statement
LH6	National Housing Federation: Home Truths Leaflet 2015/16
LH7	Email from Mr N Marsden to Mr A Moger dated 16 October 2015
LH8	Unilateral Undertaking dated 15 March 2016
LH9	Closing Submissions on behalf of the Appellant
LH10	High Court Citation Extract: [2015] EWHC 425 (Admin)
LH11	High Court Citation: [2015] EWHC 109 (Admin)
LH12	Costs Application on behalf of the Appellant

Documents Submitted by Statutory Consultees

SC1	Mr S Hickman: Statement
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Documents Submitted at the Inquiry by Interested Persons

IP1	Objection to the Application: Mr J Bennett
IP2	Statement: Cllr G Coad