

## Appeal Decision

Site visit made on 16 January 2017

**by H Porter BA(Hons) PGDip IHBC**

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

**Decision date: 03 February 2017**

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**Appeal Ref: APP/D0840/W/16/3160207**

**An Ke Bew, Goonlaze, St Agnes, TR5 0PR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Stephen Tregear against the decision of Cornwall Council.
  - The application Ref PA15/10426, dated 26 October 2015, was refused by notice dated 21 April 2016.
  - The development is conversion of a redundant stable to a sustainable dwelling to provide self-sufficient living.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the conversion of a redundant stable to a dwelling on the character and appearance of the open countryside.

### Reasons

3. The appeal site is situated mid-way along a country lane in a landscape of rolling fields, mature hedgerow boundaries and scattered farmsteads. Dwellings locally tend to be clustered or contained within the nearby settlement of St Agnes. Notwithstanding the appeal site's relative proximity to the village, it stands well apart from it and so has a strong connection with the surrounding open countryside.
  4. The appeal scheme involves residential conversion a former stable building that stands in the corner of a wider landholding used for the keeping and grazing of horses. The local topography falls steeply away from the adjacent lane towards the north so that, while just visible above a mature hedge along the lane, the site is prominently visible from the surrounding countryside and public footpath that runs close to the site. At the time of my visit it was evident that works to initiate the former stable's conversion to a dwelling had taken place, including cladding and the insertion of entrance door and windows.
  5. In seeking to protect the open countryside from inappropriate development, Policy 7 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (the Local Plan) identifies special circumstances where development of homes may be permitted, including where it would be appropriate to the character of the location, involves the reuse of a suitably constructed redundant building, and would lead to an enhancement to the immediate setting. Paragraph 55 of the
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Framework also seeks to avoid new isolated homes in the countryside; setting out four tests, at least one of which must be met for residential development to be acceptable. The second exception test applies to where the development would re-use a redundant or disused building and lead to an enhancement to the immediate setting.

6. Given the works that have been undertaken, I am unwilling to speculate on the prior condition of the stable block and accept that it could be considered redundant in so far as it is no longer being used for the purpose of sheltering horses. That said, the building is a utilitarian structure unremarkable in construction and form. The Council raises no objection to the proposed materials and finishes. However, the resultant changes in the external cladding and insertion of windows cannot be described as good design and have not improved the architectural merit of the building. The proposed roof alterations would introduce a pitched roof form, increasing the height of the structure by approximately 1.3 metres. This change would increase the visibility of the proposed dwelling from the road and surrounding landscape.
7. Regardless of the current appearance or use, there is no dispute that the land falls within the defined open countryside, which Policy 7 and paragraph 55 seek to protect. Moreover, it is evident that the current use has introduced a domestic formality into the countryside location and an activity that is out of character with the former use. The land, even with the low-level residential use evident during the site visit, does not reflect the less formally maintained adjacent countryside usage, including grazing and stabling.
8. It seems to me that if permission were given for the residential conversion it would be reasonable to expect that a more intensive residential use would ensue. As a result, the site would become increasingly domestic in character. There are already outdoor seating and various plant pots around the perimeter of the appeal structure, and acceptance of a dwelling on the site could result in the creation of a garden and the likely proliferation of other residential paraphernalia. This would add further to the incongruity of the use against the appearance of the grazing land, stables and wider countryside setting.
9. The appellants contend that the works undertaken to date have led, and would continue to lead, to an enhancement of the setting and ensure the continued tidiness and management of the curtilage in the long term. However, I do not see why a residential use should be an essential pre-requisite for ensuring acceptable standards of maintenance for the site and upkeep of the stable block structure. The combination of these factors demonstrates that the appeal proposal, while amounting to the re-use of a redundant building, would not contribute to an enhancement of the immediate setting.
10. For these reasons, I conclude that the appeal scheme would result in significant harm to the character and appearance of the countryside. The development would therefore fail to comply with Policies 2, 7, 12, 21 and 23 of the Local Plan insofar as they seek to ensure protection for and enhancement of Cornwall's landscapes, promote the best use of land and existing buildings and protect the open countryside from inappropriate development. The appeal scheme would also fail to meet the tests under paragraph 55 of the Framework and conflict with its core principles, which seek to ensure development is of a high quality design and recognises the intrinsic character and beauty of the countryside.

### *Planning balance*

11. The appeal scheme would have the social and economic benefits of providing one additional dwelling; provide economic benefit during the construction phase and the potential to support services in nearby settlements that could be accessed without reliance on a private car. The use of materials from sustainable sources, possibility for education relating to sustainable living, and the absence of any need for services or additional access provision are neutral benefits; while not counting against the proposed development, they do not weigh in its favour.
12. On the other hand, the development would result in significant harm to the character and appearance of the open countryside. The environmental dimension of sustainable development would therefore not be achieved. Thereby the development runs contrary to Policy 1 Local Plan, which establishes a presumption in favour of sustainable development, and the proposal would not represent sustainable development as defined in the Framework.

### **Other matters**

13. It has been suggested that planning conditions could be imposed to control the planting and appearance. Whilst conditions relating to materials could be reasonably applied, I have no plan or specific detail before me to indicate a possible scheme to demonstrate how landscaping could or should work. The level of ambiguity leads me to consider that this is not something that I could leave to condition and make the scheme acceptable in planning terms.
14. I understand that the appeal site stands close to the Cornwall Area of Outstanding Natural Beauty (the AONB). While I find the proposal would unacceptably harm the character and appearance of the surrounding countryside, given the scale and form of the development, I do not consider it would lead to any harmful impact on the landscape and scenic beauty of the AONB. A lack of harm in this regard, however, does not alter my overall conclusion.
15. In reaching this conclusion I have taken into account the appeal decision at The Old Piggery (APP/D0840/W/15/3140432), which concerns conversion of an agricultural building in the countryside. Notwithstanding that the policy context has changed since the time of this decision, the Inspector concluded any harm arising from the domestication of the building would be off-set. In establishing significant enhancement of the immediate setting of the appeal site, the Inspector found paragraph 55 of the Framework would be satisfied. Not knowing the planning considerations that led to the recent approvals for equestrian facility and communications infrastructure close to the appeal site, it is clear that they do not represent a direct parallel to the appeal proposal in respect of use or the establishment of an isolated home in the countryside. I therefore do not find these examples provide any reason why the appeal scheme should be allowed or indicate any inconsistency in the Council's decision making.

### **Conclusions**

16. I have concluded that residential accommodation would be contrary to established national and local policy. Given the personal circumstances of the

appellants and the potential hardship they could experience in losing their home, it is appropriate for me to consider if an exception should be made to policy after weighing all material considerations carefully.

17. In reaching my decision, I have taken account of the self-sufficient way of life the appellant's seek. While a low-carbon footprint and renewable energy sources are laudable, they do not weigh in favour of the scheme, particularly given there would be no mechanism to secure these measures for the lifetime of the development. It is not essential for the appellants to live permanently on the site where horses are kept and I can see no reason why their continued shelter and husbandry could not be maintained in the absence of the appeal scheme.
18. I appreciate that, in relation to the personal circumstances of the appeal, my decision will come as a disappointment to the appellants. However, in my view, the harm that would arise from the siting of permanent residential accommodation on the appeal site, in clear contravention of policies to restrict the creation of isolated homes in the countryside, would outweigh the potential difficulties for the appellants. I consider that it is a proportionate response that is necessary to uphold the aims of planning policies based on protecting the countryside in the wider public interest.
19. For the reasons given above, and in consideration of all other matters raised, I conclude that the appeal should be dismissed.

*H Porter*

INSPECTOR