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## Appeal Decision

Site visit made on 28 August 2019

**by Andrew Tucker BA (Hons) IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 September 2019**

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**Appeal Ref: APP/D0840/W/19/3230738**

**Seven Meadows Farm, Polmarth, Carnmenellis TR16 6NT**

- 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 & Mrs Pepper-Smith against the decision of Cornwall Council.
  - The application Ref PA18/08778, dated 6 September 2018, was refused by notice dated 12 December 2018.
  - The development proposed is the conversion of a disused former agricultural hay store to a use as a single dwellinghouse.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The effect of the proposal on the character and appearance of the area, including the Wendron Mining District of the World Heritage Site and the Carnmenellis Area of Great Landscape Value.

### Reasons

3. The appeal building is a large modern agricultural building. It stands at the higher end of a field, close to a small number of buildings comprising a dwelling and outbuildings. Beyond this cluster of buildings the area is distinctly rural, comprising a gently undulating landscape of small fields with pockets of woodland. The special character of the area is recognised by the Council through its inclusion in the Carnmenellis Area of Great Landscape Value<sup>1</sup>.
4. The appeal building stands at one end of the existing building group and is of a much bulkier scale than other buildings. As such, when viewed from land to the east and north the building is prominent in the landscape. These views are appreciable across open land from footpaths and the road to the north. The building can also be viewed at a higher level from the footpath to the west, which runs close to the rear of the building.
5. In its current form the building reads as a simple and functional agricultural building that relates to other buildings at Seven Meadows Farm and the surrounding fields. Whilst it does not necessarily contribute to the character or appearance of the area as a result of its prominent position and bulky scale, it is a building type that is to be expected in a rural agricultural landscape such as this, and does not therefore look out of place. I note that it is currently

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<sup>1</sup> Cornwall Local Plan Strategic Policies 2010 – 2030 adopted 2016 paragraph 2.153

unused and has been used in the past for the domestic keeping of horses, however using the building in this way has had no discernible impact on its appearance, and it can certainly not be considered to have taken on a domestic character.

6. The proposal would retain the form of the building, but it would introduce large areas of glazing to three of its elevations, which would give the building a new domestic character. The introduction of such large areas of glazing would significantly alter the appearance of the building. Such alterations would be discernible from nearby footpaths and the road. This would be particularly so when the surfaces reflect daylight and when daylight levels are low and domestic lighting is used within the building. A large area of glazing would be quite different from the functional and more mute appearance of the roller shutter door, which, although never fitted, was part of the building's original design.
7. Added to this, the placement of domestic paraphernalia within the proposed garden area and the presence of parked cars would mean that the large and bulky building, sited in a prominent position, would no longer be dismissed as a benign agricultural building in a distinctly rural landscape. Instead it would have the appearance of a prominently sited residential dwelling, in a somewhat remote countryside location, which would be of a scale and design that would fail to relate well to the prevailing character and design of residential buildings in the area. For these reasons I am not satisfied that this would result in an enhancement to the building or to the character and appearance of the area. I do not consider the situation would necessarily be different had the building been left to fall into a state of disrepair.
8. I am also not satisfied that the proposed cessation of the building's agricultural use would necessarily be an enhancement to the living conditions of neighbouring occupiers. At my visit to the site I saw that the building is separated from the neighbouring dwelling by a field and established hedgerows. I also saw that the building is set away from the existing dwelling at Seven Meadows Farm, and in any case these buildings are within the same ownership. Therefore, I find that reinstating the agricultural use of the building would not necessarily harm the living conditions of neighbouring occupiers and accordingly do not consider this matter to weigh in favour of the proposal.
9. The appellants suggest that weight should be given to Part 3, Class Q of the General Permitted Development Order 2015, which relates to the conversion of agricultural buildings to dwellings, where a proposal can only be considered against limited criteria set out within the legislation. I do accept that this shows the Government's intention to deliver a small number of new homes through the conversion of such buildings, however it is clear that this cannot be considered a reliable fallback position as the site is within a World Heritage Site, and could not therefore satisfy the criteria of Class Q. I am also not satisfied that the number of Class Q conversions that have been carried out since the legislation was introduced in 2012 is so significant that modern buildings such as the appeal building converted into dwellings will be so common that they will form a recognised part of our rural landscape. Accordingly, I give this matter, including the examples of other Class Q cases given by the appellants, very little weight.

10. In summary I find that the proposal would have an adverse effect on the character and appearance of the area, including the Carnmenellis Area of Great Landscape Value, contrary to Policies 1, 2, 7, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 adopted 2016 (CLP) and paragraphs 79, 127 and 170 of the National Planning Policy Framework (the Framework), which together seek to ensure that development proposals are considered against the principles of sustainable development, are well designed, represent an enhancement in the case of the reuse of an existing building, and respect the character of Areas of Great Landscape Value.
11. Although not referred to in the Council's refusal reason the appellants have referred to Policy 21 of the CLP. Whilst the proposal would appear to accord with part (a) of Policy 21 this does not alter my findings in relation to the other Policies referred to above, and accordingly would not result in a different decision.
12. The appellant has questioned the weight that should be applied to Policy 7 of the CLP with reference to a recent appeal decision<sup>2</sup>. It is suggested that it is more onerous than Paragraph 79 of the Framework. I accept that there is no requirement within part (c) of Paragraph 79 of the Framework for a building to be appropriate for retention, whereas part 3 of Policy 7 of the CLP refers to the reuse of buildings that are considered appropriate to retain. However, in respect of the proposal before me, both the CLP Policy and the Framework are consistent in terms of the need for enhancement. Therefore, even if I were to give less weight to Policy 7 of the CLP, and revert to the Framework which postdates the CLP, my conclusion on this main issue would be the same.
13. The site is within the Wendron Mining District of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). World Heritage Sites are internationally recognised to be of Outstanding Universal Value<sup>3</sup>. The Council, taking into account advice from its specialist advisor, is satisfied that the proposal would not have an adverse impact on the Outstanding Universal Value of the WHS. Although I have found that the proposal would harm the character and appearance of the area in more general terms and with reference to the Council's Great Landscape Value designation, based on the information before me and my assessment of the proposal on site I have no reason to disagree with the findings of the Council in respect of the impact of the proposal on the WHS.

## **Other Matters**

14. In support of the proposal the appellants suggest that the building is reasonably close to local services in the village of Stithians and that the building is structurally capable of conversion. There would be some social and economic benefits arising from the proposal, during construction and through the delivery of a new home, and there would be the potential for biodiversity gains arising from a new landscaping scheme. Whilst these factors are positive and weigh in favour of the proposal they are limited and are not sufficient to outweigh my findings on the main issue.
15. The appellants have given examples of a number of schemes that they consider to be comparable with the appeal proposal. I have reviewed each example

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<sup>2</sup> APP/D0840/W/19/3220335

<sup>3</sup> The Framework, paragraph 184.

carefully. The buildings all appear to be of a more modest scale than the building subject of this appeal. However, I cannot make a direct comparison as I do not have details of the context of these sites, including their landscape sensitivity.

16. The example given at Governs Wood is quite different to the appeal proposal as it relies heavily on an established Class Q fallback position. Unlike the appeal proposal the committee report indicates that the site is visually discreet. Furthermore, the report indicates that the extant Class Q conversion scheme had limited potential to enhance the appearance of the existing building, whereas the scheme for the new dwelling that was subsequently approved was considered to represent a clear enhancement. This scheme is thus quite different from the appeal proposal before me, as I have not found the appeal proposal to represent an enhancement to the building or to the character and appearance of the area. Accordingly, I give little weight to the examples put forward by the appellants, and such matters are not sufficient to outweigh my findings on the main issue.

### **Conclusion**

17. For the reasons above, the appeal should be dismissed.

*Andrew Tucker*

INSPECTOR