
Appeal Decision

Site visit made on 27 November 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/D0840/W/19/3236506

Land North of Old Chimneys, Wesley Road, Cubert TR8 5EU

- 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 Mike Smith against the decision of Cornwall Council.
 - The application Ref PA18/09108, dated 28 September 2018, was refused by notice dated 16 May 2019.
 - The development proposed is described as for the conversion of barns to form two dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published in February 2019 and, as such, references to the Framework in this decision therefore reflect the revised Framework as published in February 2019.

Main Issue

3. The main issue is whether or not the proposed development would be in a suitable location for new dwellings, having regard to the character and appearance of the surrounding area.

Reasons

4. The appeal site is located in an area north and outside of the settlement of Cubert and comprises an area of land which is separated from Wesley Road to the east by a substantial roughly grassed field. Whilst I acknowledge the Appellant's contention that the area known as Treworgans would constitute a settlement, in my view the site would still be physically and visually separated from Treworgans. I therefore consider the site to be in the countryside for planning policy purposes.
5. Exceptions in relation to new development in the countryside are provided for under Policy 7 of the Local Plan. This policy supports development proposals within the countryside where, amongst other things, it shown that the reuse of suitably constructed redundant, disused or historic buildings that are considered appropriate to retain, would result in enhancement to the immediate setting. This part of Policy 7 of the Local Plan goes on to state that

- the buildings to be converted should have an existing lawful residential or non-residential use and must be at least ten years old.
6. The evidence before me indicates that there is existing lawful non-residential use, and both main parties appear to be in agreement that the structures are indeed older than ten years old. Paragraph 2.33 of the Local Plan supporting text advises that the appropriateness of buildings for conversion will depend on their scale and method of construction, structural soundness and the ability to convert the building without the necessity of substantial demolition or substantial rebuilding operations.
 7. On my site visit I saw that the remains of the two structures at the site, were in a derelict state, with the roofs of both having collapsed into the structures. Whilst I have considered carefully the submissions of the Council and interested parties with regards to the structural soundness of the buildings, I have no reason to dispute the findings of the evidence provided by a member of the Independent Surveyors Association, which confirms that the structures are both sufficiently sound.
 8. However, in my view and despite the submissions on behalf of the Appellant, whilst some of the fabric of the buildings would remain in place and may be structurally sound, the buildings would require an extensive amount of demolition, alteration and significant rebuilding operations in order to construct the proposed dwellings.
 9. The evidence before me indicates that substantial sections of walls would need to be demolished and, in some parts, extended to provide an increased internal area, with further sections of walls having to be removed in order to incorporate additional windows and other openings into the proposed scheme. Furthermore, the remaining sections of wall would be encased by new external walls and both buildings would require new roofs. Whilst there is some dispute regarding the total increase in the overall footprint of the buildings resulting from the proposal, even taking the lower figures as provided, the increase in floorspace for each of the proposed buildings would be in excess of 20% and this would, in my view, represent a significant increase in the overall footprints of both buildings.
 10. By reason of the extent of works that are proposed and as described above, I conclude that the proposed scheme would not represent conversion or reuse of existing buildings, but would rather represent new builds. Whilst I acknowledge that reference has been made to paragraph 79 of the Framework, it is clear from the wording of that provision that it applies to 'isolated homes in the countryside'. The Framework does not define what is meant by the term 'isolated'. However, a court judgement¹ determined that 'isolated' should be given its ordinary objective meaning, being 'far away from other places, buildings or people'.
 11. In this instance, while the appeal site is located outside of any settlement, it is not far from the dwellings which are located on Wesley Road and therefore it cannot be said that the site is isolated. Consequently, the provisions of paragraph 79 of the Framework do not apply in this instance.

¹ Braintree District Council v Secretary of State for Communities and Local Government [2017] EWHC 2743 (Admin).

12. Even in the event that it was considered that the appeal scheme would represent conversion of suitable buildings rather than new builds, consideration of whether the proposal would enhance the immediate setting would be required in order to fully comply with the exception provided under Policy 7 of the Local Plan.
13. The appeal site forms part of the Landscape Character Area LCA14, Newlyn Downs. The Cornwall & Isles of Scilly Landscape Character Study (2008) says that the distinctive features of this area include its wide rolling pastoral/arable land, extensive hedging, quiet rural character and largely uncluttered landscape. The appeal site does not lie in the Perronporth and Holywell Area of Great Landscape Value but is situated close to the southern boundary of this area.
14. The verdant nature of the appeal site contributes to the rural character of the area and it is part of a notable green wedge which separates the buildings within Treworgans from the outlying development which is located east of the site and on Wesley Road. Whilst distant views of the site are somewhat screened by vegetation, a public footpath runs adjacent to and past the appeal site and the proposal would be highly visible to those travelling along this footpath.
15. In my view, the two proposed dwellings would be a sporadic incursion into the countryside. Seen from close-by, there would be a marked and detrimental change in rural appearance given that the introduction of dwellings at the site would add to the built form within this rural location, with parking and access arrangements, the paraphernalia associated with residential occupation and the light spill from the proposed dwellings at night, likely to result in a change to the character and appearance of the surrounding area. The proposed dwellings would be physically and visually separated from the nearest settlement and, by reason of the above, would be detrimental to local distinctiveness and the character and appearance of the surrounding area.
16. In light of the above, I conclude that the proposal would not result in the enhancement of its immediate setting. Therefore, as described above, even in the event that the proposal would represent conversion or reuse of redundant buildings, the appeal scheme would conflict with that part of Policy 7 of the Local Plan which provides an exception concerning the reuse of redundant buildings as the appeal scheme would not enhance its immediate setting.
17. Furthermore, for the same reasons given above, the proposed development would be harmful to the character and appearance of the surrounding area and, consequently, the appeal scheme would not accord with the provisions of paragraphs 127 and 170 of the Framework which seek to ensure that development is sympathetic to local character and would conserve and enhance the natural environment. The proposal would also conflict with Policy 23 of the Local Plan which, amongst other things, seek to sustain local distinctiveness and character, protect and, where possible, enhance Cornwall's natural environment.
18. In addition to the above, the scheme would conflict with Policy 2 of the Local Plan which sets out the overall spatial strategy for development within Cornwall, as there is nothing before me that suggests sites around Cubert and Treworgans have a role to play in providing additional general housing for the wider area.

19. Whilst I acknowledge that the appeal proposal would provide some economic benefits in terms of employment during the construction phase and may help maintain and support services in nearby settlements, for the reasons given above, the scheme would not accord with the environmental dimension of sustainable development as described within the Framework. Consequently, the proposed scheme could not be considered to be sustainable development in the terms of the Framework or in terms of Policy 1 of the Local Plan for which there is a presumption in favour of.

Conclusions

20. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan when taken as a whole. There are no considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR