



Appeal Decision

Site visit made on 27 January 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2020

Appeal Ref: APP/D0840/W/19/3239820

Pencrennow Farm, Road from the B3285 at Junction north of disused Budnick Mine to Quarry Road, Reen, Cornwall TR6 0AL

- 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 Mrs M Walker against the decision of Cornwall Council.
 - The application Ref PA19/06338, dated 22 July 2019, was refused by notice dated 29 August 2019.
 - The development proposed is described as "conversion of barn to a dwelling".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would constitute a conversion or would effectively be a new build dwelling, and dependent on the outcome, whether this would be supported by the development plan in this location, and
 - the effect of the development on the character and appearance of the area.

Reasons

Whether the proposal would constitute a conversion or would effectively be a new build dwelling, and dependent on the outcome, whether this would be supported by the development plan in this location

3. The building is located on elevated land to the rear of some cottages which have a generally traditional appearance. The surroundings include other dwellings, some farm and outbuildings, and the main house with its outbuildings. The buildings form a group on this hillside with views down the valley towards Perranporth and across open countryside. A public footpath runs through the main site and continues up the track in a broadly south east direction.
4. The appeal building is constructed with a concrete and timber frame, has metal sheeting to most of the elevations and a cement fibre roof. I have had regard to the details set out in the Visual Structural Appraisal of Proposed Barn 'A' Conversion (the Structural Appraisal) dated April 2018. This indicates the type of work that would be required to form a dwelling from the building. The Structural Appraisal, while concluding that the building is in a fair state of repair and suitable for renovation to a dwelling, explains that it appears that

the metal sheeting offers most of the building's lateral stability, that from the inspection there did not appear to be an obvious perimeter foundation and that a new concrete slab for the ground floor would be required.

5. The appeal proposal would include the removal of the outer cladding of the building, including the roof material, and would retain the concrete and timber frame structure. The resulting structure would not be extended compared to the present building (and no outbuildings are proposed). The works for the building show that it would have replacement external elevations with stone walls and timber cladding, a new natural slate roof and a new ground floor slab. It appears that additional foundations are proposed. The existing skeletal building frame and footings would be incorporated into the new structure although I consider that this would be a very minor component of the overall resulting building. Taking all these matters into account, I consider that the removal of reasonably extensive parts of the existing building and the substantial amount of new construction works would mean that the resulting structure would effectively be a new building rather than a conversion.
6. In terms of development plan, the site is located in countryside outside any settlement and accordingly, the proposal would be considered against Policy 7 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan). As the scheme is judged to be a new build, it would not involve the reuse of a suitably constructed redundant, disused or historic building and would not therefore be a conversion that would meet criterion 3 of Policy 7. The proposal would not accord with any of the other criteria of Policy 7. Consequently, the proposal would not comply with any of the special circumstances for the provision of new housing in the countryside as set out in the policy. It would also not meet with criterion (c) of paragraph 79 of the National Planning Policy Framework (the Framework) because the proposal would not be a re-use of a building.
7. The dwelling would not be isolated in terms of paragraph 79 of the Framework and there would be economic and social benefits with the provision and subsequent occupation of the dwelling to the wider area. Nevertheless, the site is located in a countryside location and would not adjoin a village or town in the area and, in all likelihood, it would be necessary for most future occupants to be dependent on the private vehicle to access services and facilities. The location would, therefore, not accord with the policy in the Framework that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities.
8. In this way, the provision of effectively a new build dwelling on this site would not comply with the approach in the spatial strategy of the Local Plan that directs the location of new development within the plan area.
9. The case is made that the principle of residential use on the site could be established by an approval under Class Q¹. However, I attach this argument limited weight as the building does not have the benefit of such an approval and it is therefore not a fallback position that could be implemented were this appeal to fail.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 - Schedule 2, Part 3, Class Q – agricultural buildings to dwellinghouses.

10. Furthermore, as the site does not lie within or adjacent to a settlement the proposal would not benefit from the allowances for dwellings set out in Policy 3 of the Local Plan, including infill development.
11. In the light of the above analysis, I conclude that the proposal would effectively be a new build dwelling and that consequently it would not accord with the policies of the development plan for this location. In particular, the development would conflict with Policies 1, 2 and 7 of the Local Plan and the Framework which seeks, amongst other things, to only permit new homes in open countryside where there are special circumstances.

The effect of the development on the character and appearance of the area

12. The building is functional in appearance and its height, bulk and shallow sloping roof mean that it has a form and appearance that does not contribute positively within this group of buildings. While the building is substantially screened from the road, it would be visible to residents within parts of the site and by those using the public footpath that runs nearby.
13. The building is already in situ and is likely to remain on site if the appeal is dismissed. The presence of the building and its impact would therefore continue in the future, regardless of the decision on this proposal. However, I place limited weight to the argument that the building may fall into disrepair and become more harmful to the character and appearance of the area as it appears a useable building on this fairly sizeable holding.
14. The proposal would replace the metal clad elevations with stone and timber, and provide a natural slate roof. These would be more sympathetic materials. However, the adverse impact from the bulk and shape of the building would be retained. The Council raise concern with the stark and visually dominating external appearance. However, in my view, this concern is limited to the proposed windows to the north and east elevations that would have a fairly small and domestic appearance and it is this arrangement that would not be sympathetic to the character of the building with its non-domestic agricultural shape and form.
15. Given the small size of the proposed curtilage, and the position to the rear of the existing dwellings, the adverse impact from any domestic paraphernalia and car parking would be likely to be moderate and contained locally.
16. I attach limited weight to the argument that by comparison a Class Q conversion with its likely form, appearance and external materials would not provide the visual benefits of the present proposal because approval has not been granted for such an alternative scheme.
17. The benefits from the improved external materials from the proposal would be largely offset by the somewhat discordant visual appearance from parts of the fenestration and from the adverse impact from the external residential presence. Overall, I conclude that the changes resulting from the scheme would be broadly neutral to the character and appearance of the immediate surroundings. Consequently, as the proposal would not detract from the area, it would, therefore, maintain the distinctive natural and historic character of the area and thereby not conflict with the requirements of Policy 12 of the Local Plan or with the broad policy intentions of the Framework which seeks to maintain a strong sense of place.

Other Matters

18. The provision of an additional dwelling on a windfall site would provide a small but worthwhile contribution to housing supply. The scheme would lead to payments under the Community Infrastructure Levy, provide a dwelling which would be constructed to high environmental standards making efficient use of the site and which would provide a habitat for wildlife as part of the design. However, these benefits are reasonably minor as only a single unit would be provided and therefore accrue limited weight.
19. I do not consider that a precedent has been set by the conversion of the other buildings on the site to dwellings as, on the limited background information available, they appear substantially constructed buildings and would have been considered on their own merits at that time.
20. The argument is made that the site lies within a residential curtilage and is previously developed land. The Council dispute this and I note that the application form identifies the existing use of the site as agricultural and this use is referred to within the Design and Access Statement. The definition of previously developed land excludes land that is or was last occupied by agricultural buildings. In the absence of clear and documented evidence to demonstrate that the site is previously developed land I attach limited weight to this matter together with any argument that the proposal would comply with Policies 3 and/or 21 of the Local Plan in this respect.
21. I have noted and taken into account all the comments and benefits of the scheme set out in the Design and Access Statement which follows the approach in the Chief Planning Officer's Advice Note: Good Design in Cornwall. I have also taken into account that some consultees, such as the Ramblers and the Countryside Access Team do not object to the proposal.
22. While the Planning Report raises a concern with the impact of the proposal on the amenity of adjoining residents, this has not been detailed in the reason for refusal. Based on my site visit, and all the other available information, I am satisfied that the proposal would not adversely affect the living conditions of the occupiers of adjoining properties.
23. I note that the site lies within the zone of influence of the Penhale Dunes Special Area of Conservation. However, given my overall conclusion I do not need to consider this matter further.

Conclusion

24. The scheme would have a broadly neutral impact on the character and appearance of the area and consequently be policy compliant in this respect. Cumulatively the benefits of the scheme, with the delivery of a single dwelling, afford limited weight. However, I have found that the proposal would effectively result in the construction of a new dwelling in the countryside. This would be contrary to the approach to the location of new housing in the Local Plan and the Framework. This harm is a matter to which I attribute significant weight.
25. The appellant makes the case that the Council is unable to demonstrate a 5 year supply of deliverable housing land. The Council dispute this and have set out details in their statement. However, even if I was to agree with the appellant on this matter, and the presumption in favour of sustainable

development as set out in paragraph 11(d) of the Framework was engaged, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

26. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm from the associated development plan conflict. I therefore conclude, and taking all other matters into account, that the appeal should be dismissed.

David Wyborn

INSPECTOR