
Appeal Decision

Site visit made on 23 March 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2020

Appeal Ref: APP/D0840/W/19/3243906

Kilcummer Barn, Tregeath Lane, Trewarmett, Tintagel PL34 0EA

- 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 Michael Walmisley against the decision of Cornwall Council.
 - The application Ref PA19/04679, dated 31 May 2019, was refused by notice dated 29 August 2019.
 - The development proposed is described as 'to convert Kilcummer Barn into a single storey dwelling by utilising a large proportion of the structure'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be in an appropriate location having regard to development plan policies; and
 - the effect of the proposed development on the character and appearance of the surrounding area, including the Cornwall Area of Outstanding Natural Beauty (AONB) and Heritage Coast.

Reasons

Location

3. Containing a single-storey barn, the appeal site is located in the countryside. Its degree of separation to other buildings indicates that it is, like them, in a relatively isolated position¹. Dating from around the 1950/60s, the barn has a somewhat run-down and dilapidated appearance.
4. Policy 7 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) restricts housing development in the countryside except under certain special circumstances which are listed within the policy. One of the special circumstances sets out that the 'reuse of suitably constructed redundant, disused or historic buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting. The building to be converted should have an existing lawful...use and be ten years old or greater'.

¹ The National Planning Policy Framework does not define the word 'isolated', but in *Braintree District Council v SSCLG & Ors* [2017] EWHC 2743 (Admin), the judge found 'isolated' should be given its ordinary objective meaning of 'far away from other places, buildings or people; remote'. That judgement was subsequently upheld at the Court of Appeal, *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610.

5. The barn has a lawful use and has been in place for more than ten years. However, the evidence before me, including the application form, indicates that although it is no longer used to house animals, it is used for storage. On this basis, the building cannot reasonably be described as redundant, disused or - given its age - historic.
6. Even if the building were now disused or redundant, it seems to me from the available evidence - including the structural survey, proposed plans and the works detailed in drawing no MBW10 - that the proposed building work to convert the barn to a residential use would involve extensive and significant construction works. On this basis, the appeal proposal cannot reasonably be described as reusing a suitably constructed building. The fact that the works would make the building liveable and energy efficient do not lead me to a different conclusion. Given the barn's appearance and the structural defects with its roof and the notable cracks on some of its single-skin concrete blockwork walls, neither can it be considered as a building which is appropriate to retain.
7. For the above reasons, I conclude that the proposed development would not be in an appropriate location having regard to development plan policies. I therefore find that it conflicts with CLP Policies 1 and 7. Amongst other aspects, these indicate that planning applications that accord with adopted development plan policies will be approved and set out the Council's approach to the development of new dwellings in the countryside. The proposal would also be inconsistent with the provisions in the National Planning Policy Framework (Framework) in relation to rural housing.

Character and appearance

8. Converting the barn to a dwelling, which would involve amongst other things a new roof, an external domestic appearance with additional fenestration, and the introduction of artificial lighting, would change its character and appearance from agricultural to residential. With the introduction of residential paraphernalia and a wider access from the highway, the appeal site would also present a residential character and appearance to the public realm. Although soft landscaping would provide some screening, the proposed development and resulting residential use would nevertheless be noticeable in the surrounding area, including from the highway, some nearby public footpaths and the wider agricultural landscape.
9. The site is situated within the Cornwall AONB and Heritage Coast and is readily visible in the locality and surrounding countryside. The appeal proposal therefore has the potential to affect the character of the landscape and the special qualities of the AONB and the special character of the Heritage Coast. The development plan and the Framework seek to protect designated landscapes, recognise the intrinsic character and beauty of the countryside, and attach great weight to conserving and enhancing the landscape character and scenic beauty of AONBs, which have the highest status of protection in relation to these issues. I attach significant weight to this, to the general duty to have regard to the purpose of conserving and enhancing the natural beauty of AONBs, and to the importance of conserving the special character and distinctive landscape qualities of Heritage Coast areas.
10. The site is situated in a rural setting containing farmsteads and agricultural buildings. However, as referenced in the Cornwall and Isles of Scilly Landscape Character Study, there are also some scattered residential properties in the surrounding area. I observed on my site visit that those properties, which are generally well separated and relatively isolated from one another, also form part of the locality's character and appearance and do not detract from its rural setting. Accordingly, and in relation to the scattered properties in the locality and the

spacing between them, converting the barn and the residential use of the site would not appear incongruous or out of character with the surrounding landscape.

11. Making use of an existing building and plot, the appeal proposal would not affect the pattern of development in the surrounding area, including with regard to medieval farm settlements and boundaries. Although the barn's agricultural form reflects its rural, agricultural location, the current state of the barn and the somewhat unkempt appearance of the site means that they do not contribute positively to the locality. With its use of local materials such as slate reflecting surrounding built form, it seems to me that the proposed development would therefore improve its setting. Accordingly, the appeal proposal would conserve and enhance the landscape character and natural beauty of the AONB and would maintain the character and distinctive landscape qualities of the Heritage Coast.
12. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area, the Cornwall AONB or Heritage Coast. I therefore find that it accords with CLP Policies 2, 12 and 23. Amongst other aspects, these give great weight to conserving the landscape and scenic beauty of AONBs and require high quality development which: maintain Cornwall's dispersed development pattern; respect its special and distinctive character and landscapes; and maintain the character and distinctive landscape qualities of Heritage Coast areas. The proposal would also be consistent with: the provisions in the Framework in relation to achieving well-designed places and conserving and enhancing the natural environment; and Policy MD9 of the AONB Management Plan which, amongst other aspects, seeks development to be compatible with the character of the area and the rural landscape.

Other matters

13. I recognise that the appellant is disappointed that the Council provided limited help in finding solutions and that the delay in publishing the landscape and visual impact assessment extended the application's determination period. However, these matters are not determinative as to the acceptability of the appeal proposal, which I have considered on its merits, based on the evidence before me.
14. My attention has been drawn to CLP Policies 3 and 9, which respectively cover the Council's approach to accommodating new development, including housing, and rural exception sites. However, with its relatively isolated location in the countryside and the proposed development providing market rather than affordable housing, these policies are not determinative in my decision.
15. It has been put to me that planning rules have been stretched for other planning applications in the local area. However, as I do not have the full details of those developments, I am unable to draw a direct comparison between them and this appeal proposal. Consequently, I give those examples limited weight, and it is necessary to determine this appeal on its merits in any event.
16. There are a number of footpaths in the locality and there is a bus stop within walking distance of the site. However, I have little substantive evidence that local footpaths would provide residents of the proposed development with suitable access to local services and facilities. There are also no separate footways or cycle lanes on the relatively narrow, unlit highway in the locality. On this basis, it seems to me that the site's situation, remote from services and facilities necessary for day to day living, is not conducive to accessing the proposed development except predominantly by private car.
17. I accept that this may be the case for rural areas in general, and the Framework recognises that opportunities to maximise sustainable transport solutions will vary

from urban to rural areas. However, residents would be likely to be highly reliant on one mode of transport – the private car – for many of their journeys and to serve their daily needs. Despite the additional vehicles for the dwelling likely being negligible for the area, this weighs against the proposal.

Planning Balance

18. As set out in the Framework, planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
19. The appellant and Mrs Walmisley are retired and the appeal proposal would provide a new, sufficiently-sized single-storey dwelling that would cater for the elderly and less able-bodied. It has been put to me that there is a lack of dwellings in the region that cater for such groups.
20. Located on previously developed land which is unlikely to be contaminated, the energy-efficient eco-home would have a reduced carbon impact and running costs. Reducing carbon footprints, including in relation to building conversions, is supported by local and national planning policy and guidance, and the government has committed to become carbon neutral by 2050.
21. The existing asbestos roof would be replaced and additional vegetation has been planted to help support the local environment. The Council has not alleged that the development would harm the living conditions of adjoining occupiers, and neighbours have not commented or objected. I have also found that the proposed development would not harm the character and appearance of the surrounding area, including the AONB and Heritage Coast.
22. However, the proposal would conflict with the development plan in relation to the restrictions on housing development in the countryside. The available evidence indicates that the Council has a sufficient supply of housing land and I have little substantive evidence that there is a particular unmet housing need for the elderly or less-able bodied. Residents of the development would also be likely to be reliant on the private car to access services and facilities necessary for day to day living.
23. Given the scale of the development, the contribution to the supply of housing in the area and construction related employment would be negligible, and the social, economic and environmental benefits would be limited. With the development only providing one dwelling, it would also not enhance or maintain the vitality of the rural community to any notable degree.
24. Having given these matters careful consideration, I find that the benefits of the appeal proposal would not outweigh the conflict with the development plan and the provisions in the Framework. Accordingly, material considerations do not indicate that the appeal proposal should be determined other than in accordance with the development plan, and the conflict with it is sufficient for me to find against the proposal.

Conclusion

25. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR