
Appeal Decision

Site visit made on 30 June 2020

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

an Inspector appointed by the Secretary of State

Decision date: 09 July 2020

Appeal Ref: APP/D0840/W/20/3247537

Treravel Farm, Rumford, St Ervan, Wadebridge PL27 7RS

- 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 Peter & Mrs Margaret Biddick against the decision of Cornwall Council.
 - The application Ref PA18/10045, dated 24 October 2018, was refused by notice dated 22 August 2019.
 - The development proposed is the replacement of large forage store building with single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Within the appeal documentation and correspondence, the Appellants have referred to a costs application to be submitted at a later date. However, no application for costs has been received from the Appellants. Consequently, no separate decision has been made in relation to costs.

Main Issue

3. The main issue is whether the site would provide a suitable location for the proposed development, having particular regard to policies which seek to control new housing in the countryside and if not, whether there are other material considerations to justify the proposal.

Reasons

4. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies (2010-2030) (the Local Plan). It sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing jobs in a proportional manner based on the role and function of each place.
5. Treravel Farm comprises a small group of agricultural buildings situated in the countryside. The planning history for the site indicates that permission has been provided for a number of buildings at the farm to be converted into residential dwellings, and I was able to observe on my site visit that works on these conversions and change of use had already commenced. Although the existing farm buildings would be used for residential purposes, the farm complex is distinctly rural in character. From my observations it appeared that

the existing buildings are constructed predominately of stone, traditionally proportioned and are in keeping with the appearance of a small farm in terms of their scale and arrangement.

6. The appeal site comprises land and a substantial portal frame agricultural barn, which is located on an elevated terrace west of and away from the existing stone buildings which are being converted to dwellings at Treravel Farm. The rural characteristics of the site are re-enforced by the wider surroundings with open agricultural fields enclosing the forage storage building to the north, east and west.
7. Whilst I acknowledge the Appellants' submissions, the buildings which comprise Treravel Farm would not constitute a settlement for planning purposes, but rather represent a group of associated buildings which once supported the agricultural activities of the farm. By reason of the surrounding predominately open agricultural landscape, narrow highways and high hedges, and given that the appeal site is outside of the boundaries of any settlement, the appeal scheme would be located within the countryside for planning purposes.
8. Policy 7 of the Local Plan seeks to restrict development within the countryside unless it accords with one of a number of criteria. The appeal scheme seeks to demolish the existing agricultural building and replace it with an unrestricted open market dwelling. Consequently, the scheme cannot be said to be the subdivision of an existing dwelling, a replacement for an existing dwelling or that the appeal proposal would convert or reuse the building. The appeal scheme is not advanced as being essential for rural workers and, for all these reasons, the proposal would not accord with Policy 7 of the Local Plan.
9. Policy 21 of the Local Plan seeks to ensure that development makes best use of land and provides that encouragement will be provided for development which, amongst other things, makes use of previously developed land (PDL) or where the increased density of housing is suitable with regards to access to services and facilities and with regard to the character of the area.
10. As noted above, the appeal site is currently in agricultural use as a forage store building and, accordingly, the appeal site cannot be considered to be PDL within the definition provided by the glossary of the National Planning Policy Framework (the Framework). Whilst I acknowledge the submissions of the Appellants with regards access to services and facilities, the appeal site is not located close to any centres which would provide the basic level of services that may be reasonably required on a daily basis. There are some bus stops within the wider area, but pedestrian access to these would be along narrow unlit country lanes with no footways. I also acknowledge that there are public footpaths within the surrounding area, but these are similarly unlit.
11. In light of the above, travelling along the lanes or footpaths for access to services and facilities would not represent a particularly safe or attractive option for pedestrians or cyclists particularly in adverse weather conditions or at night. Consequently, it is likely that future residents of the proposal would be heavily reliant on motor vehicles for access to services and facilities.
12. The appeal proposal would dramatically alter the agricultural character and appearance of the site, with the urbanisation of the site resulting from domestic paraphernalia associated with residential occupation being harmful to the rural character and appearance of the surrounding area. In my view, the

appeal proposal would not appear to be well related in terms of scale and position to the existing group of buildings which comprise Treravel Farm and would be seen as an encroachment into the countryside. Whilst I acknowledge that the current building is substantial in terms of its size and has no particular architectural merit, it nonetheless does have the appearance of a building which would be typical in a farmed landscape.

13. Given that the appeal site is not well located with regards to services and facilities, and given that increasing density of housing at the appeal site would not be appropriate with regards to the rural character of the surrounding area, the appeal scheme would not accord with Policy 21 of the Local Plan. Furthermore, the proposed development would conflict with Policy 27 of the Local Plan which, amongst other matters, seeks to ensure development is located in the most accessible locations and sited so as to easily access shops, schools and employment and reduce the need to travel by private car.
14. For the above reasons, the appeal proposal would conflict with Policies 7, 21 and 27 of the Local Plan. Furthermore, the appeal scheme would be contrary to 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 Treravel Farm have a role to play in providing additional general housing for the wider area. The conflict with the development plan when taken as a whole and the identified harm that would result from the proposal as described above, weighs significantly against the scheme.
15. While I am conscious of the main parties' reference to paragraph 79 of the Framework, the proposal would not be located far from other people or buildings and therefore cannot be considered to be isolated within the context of the Framework. Consequently, the provisions of paragraph 79 of the Framework do not apply to the appeal scheme.
16. The appeal scheme would provide some economic benefits in terms of future spend of occupiers at businesses within this part of Cornwall, and through employment opportunities during the construction phase. The Appellants have put it to me that any funds raised from the development of the site would be put back into the sustainable management of their farm business and, whilst I acknowledge that this would be a materially positive benefit, I have no information as to how this would be achieved in practice and how this would contribute to the viability of the farm or its ability to continue offering employment opportunities.
17. Notwithstanding the above, I acknowledge that the proposal would provide an additional unit towards housing supply and that the development, by reason of its scale, would be likely to be completed within a short time. Additionally, it is maintained that the removal of the existing building would result in less farm traffic at Treravel Farm and this would represent an improvement of social conditions for future occupants of the recently approved dwellings thereon. However, I attach only very limited weight to this consideration, given that such agricultural vehicle movements were not found to be harmful to the living conditions of future residents when the relevant planning applications were considered by the Council. Given the modest scale of development, I attach moderate weight to all of the benefits described above, in the determination of this appeal.

18. Against these benefits, the proposal would represent an undesirable encroachment of residential built form into the countryside. While I recognise that the scale of the proposal would represent a reduction in the overall built form at the site, the existing building is a typical example of agricultural buildings found across Cornwall, whereas the proposal would be seen as a domestic residential encroachment into the countryside.
19. Furthermore, the proposal would not be located close to services or facilities reasonably required on a day to day basis and, consequently, the scheme would contribute to a pattern of development that would cause environmental harm as a result of increased car journeys and hence carbon emissions. Whilst I acknowledge that the proposal would result in less trips taken by farm machinery and vehicles to the site, it is likely that residential occupation of the site would result in an increase of daily trips by motor vehicles overall.
20. For the reasons given above, I attach significant weight to the proposal's conflict with the development plan and the resulting identified harm. The moderate benefits of the scheme, singularly or in combination, would not outweigh the significant harm and development plan conflict. The likely heavy reliance on motor vehicles to access services and facilities and the encroachment of residential built form into the countryside would be in conflict with the environmental dimension of sustainable development. Consequently, the appeal scheme would be in conflict with Policy 1 of the Local Plan, which seeks to support sustainable development within Cornwall.
21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
22. The Appellants have put it to me that the existing building could be converted to dwellings under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), and that, given the appeal scheme would be a reduction in the overall built form when compared to this potential fallback position, the proposal would represent a better planning solution for the appeal site than the fallback. In this regard, I acknowledge the submissions of the Appellants and the references to the Court of Appeal judgement in Mansell¹ and an appeal decision in relation to a development in Dorset².
23. While there is no existing permission which would represent a fallback, the Court of Appeal judgement in Mansell indicates that the real prospect of a fallback being implemented is not dependent on planning permission having been granted for the conversion. Nevertheless, in the absence of a planning permission having been granted, there is still a degree of uncertainty as to whether the potential fallback could be implemented.
24. In this regard, while I acknowledge the details provided that confirm the building is structurally sound and capable of providing support for conversion, I have very limited information as to the amount of works that may be required to convert the building. Accordingly, it would not be possible to determine whether the conversion may require works that would be excessive and beyond that permitted under Class Q of the GPDO.

¹ Mansell v Tonbridge and Malling Borough Council [2017] EWCA

² Appeal Reference: APP/N1215/W/18/3200120

25. Furthermore, in the event that the fallback could be permitted under Class Q, the dwellings that would be created as a result of any such fallback would be likely to be distinctly different to that which is sought in the appeal scheme before me, in terms of their scale, form and appearance. Any conversion under the permitted rights would be likely to retain an agricultural form and scale to the building and therefore would not necessarily look out of place in the rural surroundings of the site. For these reasons, I attach very limited weight to the potential fallback position in the determination of this appeal.

Other Matters

26. The Appellants have referred to a number of appeal decisions which, it is maintained, have comparisons to and therefore support the appeal scheme. In respect of the development at Flushing³ it is noted that that development proposed the retention of part of the pre-existing building albeit to a small degree. The appeal scheme is not comparable as it proposes the complete removal of the existing building. Furthermore, whilst I acknowledge the submissions with regards to the appeals at Matford Farm⁴, Binegar⁵ and Corsham⁶, those appeals concerned applications for prior approval under Class Q, or indeed had the benefit of a prior approval which could then be assessed against the proposal. The circumstances of this appeal are, for the reasons given above, not comparable to these appeals. Consequently, I have determined this appeal on its own merits.

Conclusion

27. For the reasons given above, the scheme conflicts with the development plan when considered as a whole and there are no material considerations to outweigh the significant identified harm and subsequent development plan conflict in relation to the suitability of the location of the appeal site for new housing. I therefore conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR

³ Appeal Reference: APP/D0840/W/19/3220335

⁴ Appeal Reference: APP/B1930/W/18/3213778

⁵ Appeal Reference: APP/Q3305/W/16/3146648

⁶ Appeal Reference: APP/Y3940/W/18/3200095