



Appeal Decision

Site visit made on 9 July 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Appeal Ref: APP/D0840/W/20/3251100

Land to the south of Hillside, Coombe Mill, St Breward, Bodmin

- 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 N Cambouropoulos against the decision of Cornwall Council.
 - The application Ref PA19/07960, dated 1 September 2019, was refused by notice dated 11 February 2020.
 - The development proposed is demolition of the commercial storage building, the erection of a replacement dwelling and the installation of a septic tank.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - the suitability of the location for the development, having regard to local policies that seek to minimise the need to travel and protect the character of the countryside; and
 - the effects of the proposal on protected species, notably bats.

Reasons

Location of development

3. The appeal site lies in a remote location on the outskirts of St Breward. It is accessed via particularly narrow, rural roads without streetlighting or footways. Other dwellings between the site and St Breward largely fall into the category of isolated farmsteads, scattered or clustered dwellings and dwellings converted from former rural buildings, such as at The Engine House.
4. The site accommodates a former stable block which is modestly-sized and constructed from wood. Its siting and design is relatively innocuous and typical of such a building in a countryside setting. The proposal seeks to demolish the building and replace it with a dormer-style dwelling in a broadly similar position.
5. Policies 1 and 2 of the Cornwall Local Plan¹ (CLP) set the strategic requirements of the plan. Policy 3 seeks to support proportionate housing growth within settlements, or where schemes would constitute 'rounding off' or 'infilling', or the reuse of previously developed land (PDL) adjoining that settlement.

¹ Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016)

6. By virtue of the separation of the site from the built limits of the settlement, the proposal would not constitute infilling or rounding off. In policy terms, the site therefore falls within the open countryside.
7. Policy 7 of the CLP sets out that new homes in the open countryside will only be permitted where there are special circumstances, including the replacement of dwellings, subdivision of existing dwellings, rural workers dwellings and the reuse of suitably constructed redundant, disused or historical buildings. None of these circumstances strictly apply to the appeal proposal.
8. The appeal building to be demolished benefits from a lawful use for B8 storage purposes under the Use Classes Order² confirmed by way of a certificate of lawfulness. The appeal application was originally submitted on the basis that the General Permitted Development Order³ allowed the conversion of a B8 building to a dwelling (use class C3), although no prior approval was sought from the Council in this regard. As this right has since time expired, this does not constitute a valid fallback position.
9. In terms of the reuse of PDL, CLP Policy 21 seeks to encourage the increase of building density where appropriate, taking into account the character of the surrounding area and access to facilities and services. Notwithstanding that the building benefits from a commercial storage use, due to its location, the development would result in future residents being entirely reliant on vehicles for accessing places of employment, shops and schools. Accordingly, due to the tranquil and isolated character of the area and limited access to services, the proposal would not amount to the reuse of appropriately located PDL.
10. The appellant cites two cases of relevance which also involved the creation of new dwellings on sites also divorced from the settlement of St Breward. From the evidence, the distance of the appeal site to the village centre (approximately 1.6 km) and pub and shop (approximately 3.2 km) is roughly mid-way between the Engine House site⁴ and the site of the former aviary⁵.
11. In respect of the former, the conversion of a historical building which the Council indicate was worthy of retention and conversion under CLP Policy 7 differs from the scheme for a new dwelling to replace a building that does not appear to merit retention or conversion. Notwithstanding that the appellant would agree to a condition to retain elements of the building in the dwelling, that is not the proposal before me.
12. In respect of the latter, the Council indicate that the former aviary building was situated within a cluster of other dwellings. This aspect differs from the appeal site which is at least visually, more distant from other neighbouring dwellings, despite being closer to local facilities. Though the rationale for that particular decision may be limited, it does not follow that planning permission should automatically be granted in this instance. As the matters at hand are site-specific and fact sensitive, relying upon planning judgement, these particular cases carry limited weight in my reasoning.

² The Town and Country Planning (Use Classes) Order 1987 (as amended)

³ The Town and Country Planning (General Permitted Development) (England) Order 2015

⁴ Permission Ref PA16/10128

⁵ Permission Ref PA17/ 09625

13. The site is therefore located outside of an area suitable for new residential development and would therefore fail to accord with, in particular, Policies 1, 3, 7 and 21 of the CLP.

Protected Species

14. The appeal application was submitted with a Bat and Barn Owl Survey dated January 2018 and a report detailing 'Results of Further Survey Work' dated June 2019. The later surveys indicated that the building is used by Greater and Lesser Horseshoe bats, which are European Protected Species. The demolition of the building would therefore trigger the need for a European Protected Species Licence (EPSL). The ecologist indicates that a further emergence survey would be required to support the application for the EPSL, although distinguishes this from the survey effort required for the planning process.
15. Following the initial and further survey work, a 'moderate conservation significance' classification was attributed to the site in respect of its use by bats as a roost. The mitigation measures put forward include creating a suitable replacement roost, preventing harm to any bats during demolition and for a retained ecologist to undertake inspections and provide on-site instruction.
16. The minimum size requirements of the alternative bat roost were detailed but its location, either within the dwelling or as a standalone structure, were not. Neither design is detailed within the submitted plans, although given the imperative for the licence, this may have been capable of being addressed through conditions.
17. However, as the competent authority in this instance, and as I am dismissing this appeal for other reasons, I have not applied the tests set out in the Conservation of Habitats and Species Regulations 2017.

Other Matters

18. In respect of any suggestion of preferential treatment to specific applicants, I do not consider that there is any cogent evidence to this effect. It is my role to determine the appeal objectively and on its planning merits, as I have undertaken to do in this case.

Planning Balance and Conclusion

19. The proposal would result in the provision of a dwelling to the local housing stock which would have both economic and social benefits. The scale of these benefits would be restrained by the scale of the development and consequently, they attract limited weight in the overall balance.
20. Weighing all of the relevant considerations together in this case, including the limited number of objections from local residents and statutory consultees, the benefits do not outweigh the identified harm.
21. For the above reasons, the appeal is dismissed.

H Nicholls

INSPECTOR