



Appeal Decision

Site Visit made on 11 December 2020

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/D0840/W/20/3259422

North Barn, Boquio Farm, Access to Boquio Farm, Farms Common, Wendron TR13 0JH

- 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 Roger Young against the decision of Cornwall Council.
 - The application Ref PA20/05344, dated 20 July 2020, was refused by notice dated 25 August 2020.
 - The development proposed is Demolition of existing agricultural building and erection of two dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing agricultural building and erection of two dwellings at North Barn, Boquio Farm, Access to Boquio Farm, Farms Common, Wendron TR13 0JH in accordance with the terms of the application, Ref PA20/05344, dated 20 July 2020, and subject to the conditions set out in the schedule to this decision.

Applications for costs

2. An application for costs was made by Mr Roger Young against Cornwall Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development would be in an appropriate location, with particular regard to the character and appearance of the surrounding area and development in the open countryside.

Reasons

4. Located within the open countryside, the appeal site has a rural character and appearance. Containing an existing agricultural building, known as North Barn and said to now be redundant, the site forms part of a wider collection of buildings at Boquio Farm, which includes dwellings and agricultural barns. Given its relatively remote setting, the site is not particularly visible in the wider area. However, public views of it are possible due to the public right of way that runs through Boquio Farm. The surrounding area, identified as Carnmenellis in the Cornwall and Isles of Scilly Landscape Character Study, includes, amongst other aspects, dispersed, scattered farmsteads and residential properties situated in the open, rural landscape of the undulating upland plateau.
5. In 2019, the Council determined that prior approval was not required for application Ref PA19/06209, which involved subdivision of the barn on the

appeal site into two dwellings under Class Q, Part 3, Schedule 2 of the General Permitted Development Order 2015 (as amended). The available evidence indicates that the permission remains extant. It seems to me that there is thus a realistic prospect of it being implemented and I note the appellant's stated intent to proceed with that development if the appeal proposal is dismissed. Accordingly, that scheme represents a realistic fallback position to which I attach substantial weight.

6. An existing agricultural building would separate the proposed semi-detached bungalows from the other dwellings at Boquio Farm. However, the degree of separation would not be significant and I observed on my site visit that the proposed development would be seen in the same views from the public right of way as the existing dwellings. It would therefore read as being sufficiently related to its context.
7. Despite its somewhat modern fenestration, the proposed development would have a broadly traditional design. It would reflect the characteristics of the existing dwellings at Boquio Farm, including for example in relation to granite quoins and the use of slate. Its roof form would be consistent with those dwellings which include single- and double-pitched roofs. With a similar layout and scale as the existing barn and the other bungalows at Boquio Farm, the proposed dwellings would also be relatively modest in size. The proposed building would therefore sufficiently reflect its rural surroundings and neither appear incongruous nor out of character.
8. Although the proposed development would introduce a residential use with associated parking, paraphernalia and lighting on the site, so would the fallback scenario. The design of the proposed development would also not be significantly different to the approved Class Q dwellings, which would have a similar presence and residential appearance. I therefore give limited weight to the suggestion that the appeal proposal would harm and urbanise the site's countryside setting. Its slightly larger windows and curtilages compared with the approved scheme on the site do not lead me to a different conclusion.
9. Accordingly, and with regard to the fallback scenario, the proposed development would not harm the character and appearance of the surrounding area. It would therefore not conflict with Policies 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP). Amongst other aspects, these require development of a high quality design and appropriate scale which maintain and respect character and the surrounding landscape. The proposal would also be consistent with the provisions in the National Planning Policy Framework (Framework) in relation to achieving well-designed places.
10. CLP Policy 3 sets out the Council's approach to accommodating new development in the district. It includes a number of criteria regarding the delivery of new housing, none of which the proposed development would meet. The appeal proposal would not therefore accord with it. However, given the wording of that policy and of CLP Policy 1, I find that neither would there be a conflict with these policies.
11. CLP Policy 7 sets out that new homes in the open countryside will only be permitted where there are special circumstances. It restricts new dwellings to a number of specific scenarios. However, even though the fallback scenario would provide two dwellings on the site, it seems to me that the appeal proposal cannot reasonably be described as providing replacement dwellings

given the current agricultural status of the existing building. It has not been put to me that any of the other scenarios listed in the policy apply and the submitted evidence does not indicate otherwise. Accordingly, the proposed demolition of the agricultural barn and the erection of two semi-detached dwellings in its place would conflict with CLP Policy 7.

12. However, the same number of new dwellings would also be erected on the site under the fallback scenario. It therefore seems to me that the proposed development would not result in additional accommodation in the open countryside beyond what can already be constructed. The same can be said in relation to vehicular trips between the site and the services and facilities necessary to serve future residents' daily needs. Although the site is in a relatively inaccessible and remote area, the presence of other buildings nearby means that the proposed housing on the site also cannot be described as isolated in relation to the provisions in the Framework regarding rural housing.
13. In weighing up these matters, I give significant weight to the fallback scenario, which is realistic and similar to the appeal proposal. I have also not identified any specific direct or in-direct harm that would occur as a result of the proposed development. Accordingly, and despite placing significant weight on the CLP and the conflict I have identified with Policy 7, I find in this instance that the above considerations outweigh the conflict that I have identified with the development plan. This indicates that permission should be granted, notwithstanding that the development conflicts with the above listed policy. In coming to this view, I have taken account of the Council's 'Class Q Prior Notification Guidance Note' and the limited details available regarding the energy efficiency of the proposed development and the approved scheme.

Conditions

14. I have had regard to the planning conditions that have been suggested by the main parties. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
15. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. A condition covering parking is necessary to ensure that adequate parking and turning space is available on the site. In the interests of the character and appearance of the surrounding area, conditions relating to the external materials of the proposed dwellings and landscaping of the site are also necessary. However, as I have little substantive evidence that the former needs to be a pre-commencement condition, I have amended it accordingly. Given the limited extent of current soft landscaping on the site, I have also amended the suggested landscaping condition, removing the references to existing trees and hedgerows and the requirements relating to their protection. On this basis, the landscaping condition does also not need to be a pre-commencement condition.

Conclusion

16. For the above reasons, the appeal is allowed.

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1766/02); Plan View - Existing (Drawing No 001); Elevations / Section Profile – Existing (Drawing No 003); Site Plan (1766/01); and Proposed Plans and Elevations Unit 1 & 2 (1766/04).
- 3) No development above foundation level shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall provide planting plans with written specifications including: full schedule of proposed planting; details of the mix, size, distribution and density of all proposed trees/shrubs/hedges; and cultivation proposals for the maintenance and management of the soft landscaping.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Notice shall be given to the local planning authority when the approved scheme has been completed.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted.
- 4) No development above foundation level shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 5) Prior to occupation of the development hereby permitted, the parking and turning areas shall be laid out and constructed in accordance with the approved Site Plan (1766/01). The parking and turning areas shall thereafter be permanently retained and kept available for the parking and turning of vehicles at all times.

END OF SCHEDULE