



Appeal Decision

Site visit made on 18 May 2021

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 June 2021

Appeal Ref: APP/D0840/W/21/3269201

Wheal Jane Earth Science Park, Access to Wheal Jane from junction north of Hollybush Cottage, Baldhu, TR3 6EE

- 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 B Ballard against the decision of Cornwall Council.
 - The application Ref PA20/05339, dated 30 June 2020, was refused by notice dated 24 August 2020.
 - The development proposed is conversion of 2 redundant water storage tanks into 2no dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site provides a suitable location for the proposed dwellings.

Reasons

3. The appeal concerns a pair of concrete water tanks which were originally used for industrial purposes but are now redundant. There is various development in the vicinity of the site, including commercial premises and a detached dwelling to the west. Further to the south, there are industrial buildings associated with the Wheal Jane Earth Science Park.
4. Despite the presence of nearby development, it seems to me that the water tanks should be treated as being within the 'open countryside' for the purposes of planning policy. Paragraph 2.33 of the Local Plan¹ defines open countryside as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape). In this case, the site cannot be said to fall within the boundaries of a clearly definable settlement. The pattern of development in this area is very dispersed and the water tanks are well separated from the nearest buildings, being entirely surrounded by open land in close proximity to adjacent agricultural fields.
5. Policy 7 of the Local Plan only allows new housing in the open countryside if any of the special circumstances listed in the policy are met. Of particular relevance to the current appeal is part (3) of the policy which refers to the

¹ Cornwall Local Plan Strategic Policies 2010-2030.

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.

6. The first matter to consider is whether the proposal would constitute the re-use of suitably constructed buildings that are appropriate to retain. Paragraph 2.33 of the Local Plan supporting text advises that the appropriateness of buildings for conversion will depend on their scale and method of construction, structural soundness and the ability to convert the building without the necessity of substantial demolition or substantial rebuilding operations.
7. Although it is intended to retain most of the existing water tanks, the structural survey² indicates a need for further investigation to confirm whether this is possible. It is also uncertain whether the tanks have foundations, and if they do not, these will have to be provided as part of the proposed development. As such, it is not entirely clear whether the existing structures could be retained exactly as anticipated in the plans.
8. Furthermore, the water tanks would need to be extended and altered quite substantially in order to accommodate the new dwellings. This would include the addition of pitched roofs (resulting in an increase in height) as well as some extensions to the footprint of the buildings. There is also a need to create numerous openings for windows and doors. Whilst I appreciate that a certain amount of rebuilding may be expected when converting non-residential buildings into habitable accommodation, the alterations in this case appear fairly extensive. When this is considered alongside the uncertainty that surrounds the extent to which the existing structures can be retained and the potential need for foundations, it leads me to conclude that the development would not constitute the re-use of a suitably constructed building.
9. I now turn to the matter of whether the development would lead to an enhancement of the immediate setting. Given that the dwellings would be relatively modest in size and that there are already buildings in the vicinity of the site (including an existing dwelling) I do not consider that the proposed development would necessarily appear out of keeping. However, the lack of harm in this respect is not sufficient to comply with the terms of Policy 7 as this requires an *enhancement* of the immediate setting. Although the water tanks may be bland and functional concrete structures, they are not especially prominent or visually intrusive in this location. It is not entirely clear from the evidence how the proposed dwellings would lead to a positive enhancement of the site compared to the existing situation.
10. All of the above leads me to find that the proposal would not be in compliance with Policy 7. Nevertheless, the overall purpose of the planning system is to achieve sustainable development and I recognise that the proposal has potential to contribute to other planning objectives. Alongside a small benefit to the local economy during the construction phase, the development would also make a contribution to local housing supply. In this respect, I am mindful of Paragraph 59 of the Framework³ which reiterates the Government's objective of significantly boosting the supply of homes.

² Datson Consulting Structural Appraisal Report, June 2019.

³ National Planning Policy Framework, Ministry of Housing Communities and Local Government, February 2019.

11. However, the Framework also indicates that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The Local Plan follows this approach by concentrating the majority of new development in larger settlements with a range of facilities. Although the plan does allow limited development within smaller settlements (even if they do not benefit from good transport links or facilities) I have determined that the appeal site is not within, or on the edge, of a clearly defined settlement.
12. There are some businesses in close proximity to the site and I understand that there are shops, services and public transport links dispersed around the wider area. Given the distances involved to reach these, it seems likely that future occupiers of the proposed houses would be heavily reliant on their vehicles for day-to-activities, although I accept that this is the case in much of Cornwall and not every journey would necessarily be lengthy.
13. Nonetheless, it seems to me that there is nothing especially accessible about this location that would justify deviating from the policies of the Local Plan. Although the proposal would help to boost local housing supply, the evidence indicates that homes can be provided in more accessible, and therefore more sustainable, locations than this. I am aware that Policy 21 of the Local Plan supports the use previously developed land and buildings, but this is on the condition that the sites are sustainably located.

Conclusion

14. I therefore conclude that the site would not provide a suitable location for the proposed dwellings. For the reasons given above, there would be conflict with Policies 7 and 21 of the Local Plan. The development would also conflict with Local Plan Policies 1 and 2 insofar as it would deviate from the spatial strategy established by the plan and would therefore not deliver sustainable development in the manner anticipated by those policies.
15. The appeal is therefore dismissed.

C Cresswell

INSPECTOR