



Appeal Decision

Site visit made on 24 May 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 June 2021

Appeal Ref: APP/D0840/W/21/3268997

Outbuilding south of Underlane, St Mabyn, Bodmin PL30 3DG

- 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 Ellery against the decision of Cornwall Council.
 - The application Ref PA20/07450, dated 26 August 2020, was refused by notice dated 12 January 2021.
 - The development proposed is conversion and extension of redundant agricultural building to form a residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following refusal of the appeal application, Natural England wrote to the Council to highlight the issue of potential effects from increased phosphates on the River Camel Special Area of Conservation (SAC), which is a site designated under the Habitats Regs¹. The appellant has been provided with an opportunity to respond on the implications of this matter, and consequently, I have considered it as a main issue.

Main Issues

3. The main issues are, (i) the effects of the proposal on the character and appearance of the area, and (ii), the effects of the proposal on the SAC.

Reasons

Character and appearance

4. The appeal building is a broadly L-shaped building, nestled into the corner of a field and hard against the rural road. It has a gated access adjacent to it and some sections of retaining wall forming a small flattened area around it. The building has a slated pitched roof, albeit with different heights, with one section being a low single storey height and the other closer to two storeys, with a mezzanine first floor level. The building is open fronted, with numerous granite support posts extending between the floor level and eaves. The building incorporates some rubble stone walls, some slate hanging on the upper level and the aforementioned granite posts. Due in part to its discreet position, its modest scale, condition and construction from traditional materials, the building has a charming, intrinsically rural character.

¹ The Conservation of Habitats and Species Regulations 2017, as amended

5. Taken in context with its surroundings, aside the rural road, the building stands in an isolated rural location. The rolling green pastoral land surrounding the building and the lush, treed setting towards the river on the western edge of the site, result in a picturesque, unspoiled countryside scene that befits the description of the host Landscape Character Area².
6. The appeal proposal would convert the building to a dwelling, adding a wing that would extend it to the north-east, onto the higher level of the land and extending to enclose more of the building into a C-shape. Internally, the building would accommodate two bedrooms, three bathrooms, a lounge, separate kitchen/diner and a utility room. The existing gated entrance adjacent to the building would be blocked up and a new access formed in the north-western corner, with a concreted access road extending along the width of the field, defining the boundary of the curtilage from the adjoining land. Other than a paved area around the building, including a parking area for two cars, the suggested landscaping includes post-and-wire fencing, a vegetable patch, an orchard and separate wildlife pond off-site within the blue line area.
7. Despite that the proposal would seek to reuse many of the open bays between the granite support posts, the new interventions would fall short of retaining the building's intrinsically rural character. The new extension would be overly-large relative to the scale of the building and its hipped roof, domestically-scaled window opening and rendered exterior would fail to adequately reflect the positive qualities of the building. Similarly, whilst a more modest intervention, the infilling of one of the open bays with a front door beneath a roof canopy would appear to over-domesticate the building, detracting from its simple, yet authentic agricultural appearance.
8. The concreting of an access road which would span the width of the field, combined with the hardsurfaced parking area, would also be harmful to the natural landscape qualities of the area. Taken together, the scale and spread and insensitive design of the works exceed that which would be appropriate for the conversion of such a modestly-scaled, discreetly positioned building in such an unspoiled countryside setting. Despite its limited public visibility and some degree of mitigation through landscaping, the totality of the works would fail to enhance the immediate setting.
9. In view of this main issue, the proposal would harm the character and appearance of the area and therefore conflicts with, in particular, Policies 7, 12 and 23 of the Cornwall Local Plan (2016). These Policies seek to allow the reuse of suitably constructed redundant, disused or historic buildings that are considered appropriate to retain where it would lead to an enhancement to the immediate setting, and also seek to promote high quality design that sustains local distinctiveness and character.

Effects on SAC

10. It is not disputed that the appeal site is within the hydrological catchment of the River Camel SAC. Excessive phosphates in the river system, from increased nitrates, can cause eutrophication and put the designated interest features of the SAC at risk. The increase of phosphates can arise from additional sewerage being processed through sewage treatment works that discharge to the River

² LCA No CA33 Camel and Allen Valleys – Cornwall and Isles of Scilly Landscape Character Study (2005 - 2007)

Camel. Additionally, agricultural activities have the potential to increase phosphate levels through discharge to watercourses that feed into the SAC.

11. Consequently, any development that would add additional phosphate either directly or indirectly, should be the subject of an Appropriate Assessment (AA), the outcome of which should be certainty that the proposal, considered alone or in combination, would not adversely affect the integrity of the SAC, with reliance on mitigation measures where necessary.
12. As the proposed new residential unit is of a development type that could give rise to adverse effects, the agent has submitted a 'Phosphorous Budget Calculator'. This appears to be based on a template devised by another Council in relation to another designated site. The proposal would be served by a non-mains foul drainage solution and the budget calculator template appears to show that the scheme could have a neutral effect, subject to appropriate mitigation. However, as the appeal is failing in relation to the main issue, I do not need to undertake an AA to determine the robustness of the phosphorous budget calculation methodology or any required mitigation.

Other Matters

13. I have had regard to the numerous supportive letters from local residents who would prefer to see the building repurposed to accommodate a family. However, the views expressed do not outweigh the incompatibility of the scheme with the host building and receiving landscape.
14. I also note the appellant's suggestion that there was a lack of engagement from the Council during the processing of the appeal application. I have limited evidence of this and, in any event, it does not appear to have interfered with the assessment of the scheme based on its planning merits.

Planning balance and conclusion

15. The proposal would be harmful to the character and appearance of the area, in conflict with the development plan, when read as a whole.
16. There would be social benefits from providing a single dwelling, through enabling increased access to housing, which would also assist the Council in meeting its housing targets. There would also be economic benefits of both a temporary nature during construction, and during the dwelling's occupation in terms of ongoing support for local services in St Mabyn and further afield. There would also be minor biodiversity enhancements through the creation of the wildlife pond, hedges and other specific features. However, the sum of these benefits would be modest given the scale of the proposal.
17. The identified harm would not be outweighed by the modest benefits and there are no other considerations, including the provisions of the National Planning Policy Framework, that indicate that a decision should be taken other than in accordance with the development plan.
18. Consequently, the appeal is dismissed.

Hollie Nicholls

INSPECTOR