



Appeal Decision

Site Visit made on 6 May 2021

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

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/D0840/W/21/3267275

Goonlaze Field, Football Lane, Goonlaze, St Agnes, TR5 0RB

- 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 Tom Lynch against the decision of Cornwall Council.
 - The application Ref PA20/05315, dated 15 June 2020, was refused by notice dated 24 September 2020.
 - The development proposed is the conversion of redundant agricultural store to a single dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed development would be in a suitable location for a new dwelling, having regard to Local and National Planning Policies.

Reasons

3. The appeal site comprises a parcel of land positioned in the northwest corner of a large field which is agricultural in appearance, in addition to a trackway which crosses the field, and which connects the aforementioned parcel of land with Football Lane. Situated within the parcel of land is a modestly sized, single storey, building which is utilitarian in appearance and which exhibits a low mono-pitched roof form. The scale and appearance of this building is typical of agricultural buildings which are part and parcel of a farmed landscape and, consequently, does not look out of place within the context of the surrounding area.
4. The site is predominately surrounded by agricultural land and, given its surroundings and the distance to the nearest dwellings located within St Agnes, in my view the site is at an isolated location outside of any settlement. By reason of its location outside the boundaries of a recognised settlement, and in accordance with paragraph 2.33 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan), the appeal site is considered to be within the countryside for planning purposes.
5. Policy 7 of the Local Plan seeks to restrict development within the countryside and only allows the development of new homes within the open countryside where there are special circumstances such as where the proposal is for a replacement dwelling or where accommodation is required for rural workers. The appeal scheme is not advanced as being essential for rural workers such as

- an agricultural workers dwelling, nor would replace or subdivide an existing dwelling.
6. However, one special circumstance contained within Policy 7 of the Local Plan is where the development relates to the reuse of a suitably constructed redundant, disused or historic building that is considered appropriate to retain and would lead to an enhancement of the immediate setting. These circumstances reflect the aims of Paragraph 79c) of the National Planning Policy Framework (the Framework).
 7. The submissions of the main parties with regards to whether the existing building at the site is ten years old or greater and whether the building can properly be described as redundant or disused, are acknowledged. However, irrespective of whether the proposal would accord with or reflect those elements, to comply with criterion 3 of Policy 7 of the Local Plan the existing building would need to be considered to be appropriate to retain, with the proposed development resulting in an enhancement to the immediate setting.
 8. In terms of whether the building is appropriate to retain, paragraph 2.33 of the Local Plan confirms 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 demolition or substantial rebuilding operations.
 9. At the time of my visit, the building appeared to be of a sound construction which, externally, appeared to be in a relatively good state of repair. In support of the planning application, the Appellant has provided a Structural Appraisal of the building which concludes that the building is structurally capable of conversion subject to a number of recommendations.
 10. In the context of the existing building's scale, structural soundness, its simple agricultural appearance and external state of repair, I see no reason why the existing building would not be appropriate to retain. However, as noted above, assessment of the appropriateness to retain also requires the ability to convert the building without the necessity of demolition or substantial rebuilding operations.
 11. In this regard, the evidence before me indicates that in order to convert the building into a dwelling, ground levels externally and internally would need to be raised, an entire new roof would be required which would result in a significant increase in building height and that an additional porch room would be constructed and which would moderately increase the overall footprint of the building when compared to its existing form. All these works demonstrate to me that substantial rebuilding operations would be necessary to convert the existing building into a dwelling.
 12. Notwithstanding the above, to fully comply with criterion 3 of Policy 7 of the Local Plan such proposals must also result in an enhancement to the setting. In this regard, I find that the design of the proposed dwelling in combination with the proposed use of materials could be considered to be an enhancement to the appearance of the existing building. However, the provision of a dwelling with all the domestic paraphernalia that would result from residential occupation, in combination with the trackway which connects the site to Football Lane, would represent an encroachment into the countryside and, in my view, would be an incongruous isolated feature within this rural setting

when compared to the simple agricultural appearance of the existing building. Consequently, the proposal would not enhance the immediate setting.

13. Whilst I note that the site is relatively well screened by vegetation and the existing building at the site is not highly prominent from wider public vantage points, as I observed on my visit the site is visible from within the immediate surrounding area. In this respect, the existing vegetation would assist in minimising the adverse impacts of the appeal scheme on the immediate setting. Nonetheless, and notwithstanding the additional planting that is proposed, the scheme would appear as an encroachment into the open countryside and would not sustain local distinctiveness or character.
14. The appeal site is in an isolated location outside of the nearest settlement at St Agnes where there are services and facilities capable of meeting the everyday needs of future residents. In this respect, while it may be possible for some to walk or cycle to the nearest services contained within St Agnes, by reason of the distance involved, and given that the route would require travelling along roads which are unlit, do not have the benefit of pedestrian footways and which are steeply inclined in parts, it cannot be said that travelling to the nearest services and facilities would represent an attractive option for all, especially during hours of darkness or in adverse weather conditions. In this respect, the same could be said for travelling along public footpaths close to the site, which were similarly unlit and would not provide suitable alternative access especially for those with reduced mobility.
15. While I note that a bus stop is located towards the edge of St Agnes and which provides relatively frequent services to nearby larger settlements, travel to and from that transport link would similarly require travel along unlit paths or roads which are steeply inclined in places. Due to these factors, I consider that future occupants of the proposed dwelling would likely be heavily reliant on using private motor vehicles to access services and facilities that could reasonably be required on a day to day basis.
16. Opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, whilst dependence on private vehicles may be expected in a rural location such as this, the proposal would be likely to exacerbate this level of reliance. It would be likely to contribute to a pattern of development that could cause environmental harm as a result of increased car journeys and hence carbon emissions. The availability of food shopping deliveries would not provide sufficient mitigation for the poor level of accessibility to a wider range of services which are likely to be required by future residents on a day to day basis.
17. In light of the above, the proposal would conflict with Policy 27 of the Local Plan and the provisions of the Framework which together seek 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. Furthermore, the appeal scheme finds no support under Policy 21 of the Local Plan, which encourages the reuse of land provided that the proposal is sustainably located.
18. In summary of the above, the appeal scheme would be located in an isolated position with future residents likely to be heavily reliant on private motor vehicles in order to access basic services and facilities that may reasonably be required on a day to day basis. The existing building would require substantial

rebuilding operations to convert to a dwelling and I find that the scheme would be an incongruous feature which would be harmful to the intrinsic character and beauty of the countryside at this location.

19. For the above reasons, the proposed development would conflict with Policies 2, 7, 21, 23 and 27 of the Local Plan which, amongst other things, seek to improve environmental conditions within the area, ensuring best use of land which 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 and that development responds appropriately to its landscape setting. For the same reasons, the proposal would fail to accord with those parts of the Framework which concern rural housing and conserving and enhancing the natural environment.
20. Further to the above, the appeal proposal would also be contrary to the provisions of Policy 10 of the St Agnes Neighbourhood Development Plan (2018 -2030) (the SANDP) which requires, amongst other matters, that development has appropriate regard to the identity of the local surroundings.
21. Whilst I acknowledge that the appeal proposal would provide some limited economic benefits in terms of employment during the construction phase and in terms of the future spend of residents within local businesses, for the reasons given above, the scheme would not accord with the environmental dimension of sustainable development as described within the Framework. Consequently, the proposed scheme could not be considered to be sustainable development in the terms of the Framework or in terms of Policy 1 of the Local Plan for which there is a presumption in favour of.
22. Within the Appellant's submissions it has been suggested that the existing building could be converted to a dwelling under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) and that this would represent a genuine fallback position.
23. However, the evidence before me does not provide any details of how the proposal would satisfy the criteria that is applied to such a conversion under Class Q of the GPDO, and without any application which provides such details to a sufficient degree, there would be no certainty that the conversion would be permitted under the GPDO.
24. The Appellant has referred to a number of planning permissions which, it is maintained, have comparisons to and therefore support the appeal scheme. However, I do not have full details of the circumstances that led to those planning applications being approved and so cannot be sure that they represent a direct comparison to the appeal scheme before me. Nonetheless, it does appear from the information before me that some of the provided examples are not comparable to the appeal scheme, in that they concerned applications for conversion of agricultural buildings under Class Q of the GPDO or appeared to be located adjoining settlements or other existing built forms. I have, in any event, determined this appeal based on its own merits.

Other Matters

25. I have carefully read and considered all the information provided by the Appellant, and it is with regret that I note the Appellant's frustrations with the Council's communication and the way in which it handled the application. I also

acknowledge the time and money which the Appellant has invested in the proposal to this point. However, these matters do not impact on the planning merits of the proposal and I have reached my own conclusions on the appeal proposal based on the evidence before me. While it is also noted that no public objections have been received, this does not outweigh the harm identified above in relation to the appeal scheme's conflict with the development plan.

26. I have great sympathy with the Appellant's desire to access the housing market in an area with which they have long standing connections, and I acknowledge that details provided by the Appellant with regards to house values and affordability in the area. However, while noting that policies of the SANDP provides, in the event of planning permission being granted, that a principal residence condition would need to be applied, there would be nothing to prevent the later sale of the proposed dwelling to those who wished to move from other areas to this locality. Consequently, local connections would not amount to special circumstances or would be a consideration which outweighs the harm identified above.

Conclusion

27. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan when taken as a whole. There are no considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR