



Appeal Decision

Site Visit made on 27 May 2021

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

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021

Appeal Ref: APP/D0840/W/21/3267673

Unit 3&4 Cambridge Barn, New Portreath Road, Redruth TR16 4QL

- 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 Mark Hitchen against the decision of Cornwall Council.
 - The application Ref PA20/07498, dated 2 September 2020, was refused by notice dated 18 November 2020.
 - The development proposed is the reposition of approved extended dwellings known as Unit 3&4 Cambridge Barn.
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Decision

1. The appeal is allowed and planning permission is granted for is the reposition of approved extended dwellings known as Unit 3&4 Cambridge Barn at Unit 3&4 Cambridge Barn, New Portreath Road, Redruth TR16 4QL, in accordance with the terms of the application, Ref: PA20/07498, dated 2 September 2020, subject to the conditions in the attached schedule.

Applications for costs

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

Procedural Matters

3. I have amended the description of development as provided on the planning application to omit the term "(resubmission of PA20/02254)" as this is not a description of development. Furthermore, the evidence before me indicates that the appeal proposal has been substantively amended since that previous application and which was dismissed at appeal¹. Whilst I have had due regard to the context and background in respect of that separate application and decisions, I have determined this appeal on the basis of the proposed development before me and on its own merits.
4. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this, I have sought the views of the main parties in writing, and I have taken any relevant correspondence into consideration.

Main Issue

5. The main issue the effect of the proposed development on the character and appearance of the surrounding area.

¹ Appeal Reference: APP/D0840/W/20/3256563

Reasons

6. At the date of my visit, units 3 and 4 Cambridge Barn comprised modestly sized, single storey dwellings with limited external amenity space. Whilst situated close to other buildings, the site is located outside of any recognised settlement and within the countryside for planning purposes. To the south of the site are extensive agricultural fields which slope steeply downhill in the direction of the B3300 highway. By reason of its position on a hillside and given the undeveloped nature of the land to the south, the appeal site is prominent in views from within the wider surrounding area south of the site.
7. Extensive planning history for the site confirms that units 3 and 4 have the benefit of planning permission granted in 2018² (the Previously Approved Scheme) which remains extant, and which permits the replacement of the existing units with larger dwellings at the site. The Previously Approved Scheme is a genuine and realistic fallback position to which I attach significant weight.
8. The site is located within the countryside as noted above. Policy 7 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) seeks to restrict development within the countryside and only allows the development of new homes within the open countryside subject to certain criteria. Criterion 1 of Policy 7 of the Local Plan provides that replacement dwellings broadly comparable to the size, scale and bulk of the dwelling being replaced and of an appropriate scale and character to their location will be permitted.
9. The proposed dwellings would be of a similar scale, design and appearance to those permitted under the Previously Approved Scheme and would be positioned to fall generally within the plot of land which benefits from the extant permission granted under the Previously Approved Scheme. Consistent with the conclusions of the Council, I find that the appeal scheme would be broadly comparable to the size, scale and bulk of the dwelling units to be replaced.
10. Notwithstanding the above, the Previously Approved Scheme provided for dwellings that would have their main elevations facing east west, whereas the appeal proposal would be orientated with the main elevations of the replacement dwellings facing north south. In this regard, the Council have put it to me that the appeal scheme would result in a more dominant built mass being harmful to the character and appearance of the surrounding area and which would be made more prominent in views given the change in the amount and degree of glazing that would face south, when compared to the Previously Approved Scheme. The Council further raises concerns regarding the amount of external amenity space provided within the appeal scheme.
11. With regards to the Previously Approved Scheme, in views from the more open countryside south of the site, the side elevation of one of the dwellings would be visible, with the roof of the second dwelling being visible above and behind that first dwelling. The plans submitted in relation to the Previously Approved Scheme, show that the side elevation would provide a number of openings which includes moderate amounts of glazing at ground and first floor level. Accordingly, when viewed from the south, the side elevation of the proposed dwelling which would be located closest to the B3300 highway, would be the

² Local Planning Authority Reference: PA18/09260

most apparent and would appear as one built mass with a moderate amount of glazing.

12. When compared to the Previously Approved Scheme, cumulatively the appeal proposal would present a wider spread of development in views of the site from the south. However, in this regard I find that the spread of development across the site would not be significantly greater than that provided under the previously approved scheme and would not be harmful with regards to the character and appearance of the area.
13. Furthermore, whilst the proposed reorientation of the dwellings would present a limited increase in the amount of glazing which would face south, the degree of change in terms of amount of glazing that would be presented to the south would not be significantly different when compared to the position under the Previously Approved Scheme. Landscaping, which could be secured by condition, would provide additional screening for the limited increase in glazing at ground floor level. The proposed orientation of the appeal proposal would also replicate the orientation and alignment of those prominent buildings which are located further up the hillside to the north of the site, and which also exhibited ample amounts of south facing glazing. In this respect, I find that the proposal would integrate well with the nearby built form.
14. For the above reasons, the appeal scheme would not represent an unsympathetic or significant encroachment into the open countryside. The appeal scheme would result in a wider form of development than that provided under the Previously Approved Scheme and would include some additional elements of glazing. However, I find that the differences between the appeal scheme and the Previously Approved Scheme would not be significant in this regard, with the appeal scheme providing a form of development that replicates the orientation of the nearby dwellings which, in my view, would integrate more successfully into its surroundings than that as permitted under the Previously Approved Scheme.
15. Further to the above, I have noted the details provided within the Council Officer's report regarding the amount of external amenity space for future residents of the proposed dwellings. However, in this regard, from the evidence before me, it appears that the amount of external amenity space to be provided by the appeal scheme, whilst arranged in a different manner, would be of a similar level to that as provided under the Previously Approved Scheme. The position and layout of the proposed parking would not have a harmful effect on the character or appearance of the area.
16. In summary of the above, the appeal scheme would not have a harmful effect on the character and appearance of the surrounding area and, in my view, would result in a form of development that would provide a better level of integration within its surroundings when compared to the Previously Approved Scheme. Consequently, the proposal would comply with Policies 7, 12 and 23 of the Local Plan which, amongst other matters, requires that replacement dwellings be of an appropriate scale and character to their location and which sustains local distinctiveness and Cornwall's distinctive natural landscape character.
17. For the same reasons the proposal would accord with the provisions of sections 12 and 15 of the National Planning Policy Framework which concern achieving well designed places and conserving and enhancing the natural

environment, and would accord with the guidance contained within the Cornwall Design Guide in respect of the proposal integrating with the surrounding area and respecting its characteristics.

Other Matters

18. It is noted that the appeal site is located within the zone of influence of the Penhale Dunes Special Area of Conservation (the SAC). In this respect, an Appropriate Assessment has been completed with Natural England confirming that, in accordance with the Council's emerging European Sites Mitigation Strategy Supplementary Planning Document (the SPD), the qualifying criteria for contributions as outlined in the SPD is sufficient to ensure that an adverse impact on the integrity of the SAC, and its relevant features, can be avoided. In this regard, Natural England have confirmed that proposals which result in a net gain of residential units would be liable to make a contribution to the strategic mitigation strategy. In this instance, the proposal is for replacement of existing buildings and therefore there would not be any net gain in the number of residential units. While an important issue, I have not, therefore, found it necessary to examine this matter in greater detail.

Conditions

19. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. Furthermore, conditions that require details of the proposed use of external materials and landscaping are reasonable to ensure that the scheme does not adversely affect the character and appearance of the area.
20. Where necessary, and in the interests of clarity and precision, I have altered the wording of the conditions suggested by the Council in order to better reflect the relevant guidance. The Appellant has been provided with the opportunity to comment on the wording of the Council's suggested pre-commencement conditions and these have been agreed by the Appellant.

Conclusion

21. For the reasons given and subject to the conditions in the attached schedule, I conclude that the appeal should be allowed

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby approved shall in all respects accord strictly with drawing number: Site/Location Plan 17-006-UNIT 3&4-L-B received by the Local Planning Authority on 27 October 2020 and drawing numbers: Existing 17/006-UNIT3&4-EX01, Block Plan 17/006-UNIT3&4-PL06 REV C, Proposed 17/006-UNIT3&4-PL03 REV A, Proposed 17/006-UNIT3&4-PL01 REV B, Proposed 17/006-UNIT3&4-PL02 REV A and Proposed 17/006-UNIT3&4-PL04 REV A received by the Local Planning Authority on 2 September 2020.
3. No external materials shall be used in the construction of the external surfaces of the buildings hereby approved, until details of the natural stone and timber cladding 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.
4. Notwithstanding the details show on approved Plans (showing planting) no development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved in the first planting season following the occupation of the building, or the completion of the development hereby approved, whichever is the sooner. The hard landscaping details shall include proposed finished ground levels or contours; means of enclosure; car parking layout; other vehicle and pedestrian access and hard surfacing materials. The soft landscape works details shall include planting plans, written specifications, and schedules of plants noting species, plant sizes and proposed numbers/densities. All hard and soft landscape works shall be carried out in full accordance with the approved details. 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.