



Appeal Decision

Site Visit made on 26 July 2021

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

an Inspector appointed by the Secretary of State

Decision date: 18 August 2021

Appeal Ref: APP/D0840/W/21/3272306

Flushing Methodist Church, Kersey Road, Flushing TR11 5TR

- 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 Rowse of Flushing & Gwennap M.P.C against the decision of Cornwall Council.
 - The application Ref PA20/02569, dated 16 March 2020, was refused by notice dated 8 October 2020.
 - The development proposed is the conversion of former Methodist church to create 3 residential apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 Issues

3. The main issues in this appeal are:
 - Whether the proposed development would be in a suitable location with regards to the accessibility of the site and with regards to reliance of future occupiers on private motor vehicles; and,
 - Whether the proposed development would preserve or enhance the character or appearance of the Flushing Conservation Area (the Conservation Area).

Reasons

Policy Context

4. The development plan comprises of the Cornwall Local Plan Strategic Policies 2010-2030¹ (the Local Plan). The evidence before me indicates that the Mylor Parish Neighbourhood Development Plan (the MPNDP) has not been adopted and is currently at a relatively early stage. Consequently, I attach limited weight to the MPNDP in the determination of this appeal.

¹ Adopted November 2016

Accessibility

5. Criterion 3. of Policy 13 of the Local Plan seeks to ensure that all new developments provide appropriate levels of off-street parking whilst taking into account the accessibility of the location in terms of public transport and proximity to facilities and services. Criterion c. of Policy TA1 of the MPNDP states that all new residential developments to have parking provision for two vehicles per dwelling off road and provide at least one visitor space for every four dwellings where practical and appropriate. The appeal scheme does not include provision of off street parking.
6. The streets and lanes contained within this part of Flushing are extremely constrained and significantly narrow in places close to the appeal site. As I observed on my site visit, which was conducted in the afternoon and during a period where there was no restriction on travel within England due to the Covid-19 pandemic, there was a lack of on street parking close to the site, with a number of cars having been parked overhanging pavements. I saw that vehicles, including both cars and delivery vans, mounted the pavements in areas where parking had partially obstructed the highway, in order to continue with their journey. On my visit I was also able to observe that car parking space provision within the wider settlement was extremely limited.
7. The evidence before me confirms that the appeal building has a lawful D1 use (non-residential institutions). Whilst noting that the Highways Development Officer concluded that that use could result in a greater number of vehicle movements when compared to the appeal scheme, in my view it is likely that local residents would walk to such an institution, with trips generated by visitors from further afield likely to be transient in nature.
8. The appeal scheme would provide separate dedicated bicycle storage areas for each of the residential units. The site is within convenient walking distances to the services and facilities contained within Flushing. However, the level of services and facilities contained within the settlement are very modest. In my view, it is likely that future residents would have to travel to larger settlements in order to access services and facilities that could reasonably be required on a daily basis.
9. Flushing does provide access to bus stops and a ferry service to Falmouth. However, from the evidence provided in support of the appeal, it appears that the bus stops nearest to the site do not provide frequent services to the nearby larger settlements and the evidence before me confirms that the ferry service can be disrupted by adverse weather conditions. As such, whilst future residents may have access to some alternative forms of transport, in my view it is likely that a significant proportion of trips to and from the site would be taken by private motor vehicle. In this respect, the proposal 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.
10. In summary of the above, I find that it is likely that a significant proportion of trips to and from the site would be taken by private motor vehicle. Given that two of the proposed residential units would provide three bedroom accommodation and therefore could provide for occupation by a family, in combination with the above factors, car ownership amongst these potential future residents is unlikely to be limited. Consequently, in terms of access to public transport and proximity to services and facilities, the proposal would

conflict with criterion 3. of Policy 13 of the Local Plan which, amongst other matters, requires that an appropriate level of off street parking is provided relative to the accessibility of the appeal scheme's location.

Character and Appearance

11. The appeal site is located within the Conservation Area which covers much of the historic core of the settlement. I have not been provided with a Conservation Area appraisal. However, I was able to explore the Conservation Area on my site visit and, from the observations made, I consider that the significance of the Conservation Area is predominately derived from the architectural quality of buildings which are closely arranged and located close to the estuary. There does not appear to be any dispute between the main parties that the appeal building represents a non-designated heritage asset (NDHA). Given its location within the core of the village and by reason of its form and design, the appeal building makes a positive contribution to the significance of the Conservation Area.
12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas, which is reflected in the wording of Policy 24 of the Local Plan.
13. The appeal scheme proposes the conversion of the appeal building into three residential units. The evidence before me confirms that the building has remained unused since 2016 and that there are no longer any significant internal features within the building. The appeal scheme proposes the insertion of a new first floor level which would cut across the existing windows at the appeal building, with the Council putting it to me that such an addition would result in harm to the character and appearance of the Conservation Area and to the significance of the NDHA.
14. However, as noted on my site visit, the appeal building exhibited an internal balcony and substantial staircase which, whilst not being highly visible from the side elevations of the building, were prominent in views through the large windows positioned on the front of the appeal building. In my view, the proposed insertion of a first floor would replicate the existing position with regards to the external appearance, having a neutral effect on the Conservation Area thereby preserving its character and appearance, with the proposal not being harmful to the significance of the NDHA.
15. The Appellant maintains that through the inclusion of a suggested condition that requires that external materials be approved by the Council prior to commencement of the development, that the proposal would also enhance the character and appearance of the Conservation Area. However, such a condition is to ensure that materials are appropriate and consistent with the existing building and its surroundings. In my view, such a condition would enable the proposal to preserve, rather than enhance, the character and appearance of the Conservation Area. Nonetheless, the requirements of Policy 24 of the Local Plan and Section 72(1) of the Act with regards to the preservation of the heritage asset would be met by the appeal scheme.
16. For the above reasons, the appeal proposal would not be harmful to the significance of the NDHA and would satisfy the requirements of the statutory duty contained within section 72(1) of the Act to preserve or enhance the

character or appearance of the Conservation Area. The proposed development would comply with the provisions of Policy 24 of the Local Plan which, amongst other matters, seeks to ensure that development protects, conserves and, where appropriate, enhances the significance of designated and non-designated heritage assets. For the same reasons, the appeal scheme would not conflict with Policy HE1 of the MPNDP and would accord with those sections and paragraphs of the Framework which concern conserving and enhancing the historic environment.

17. Section 66(1) of the Act requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
18. I have had regard to the presence of the nearby listed structures as identified by the Council and the need to give special attention to the desirability of preserving the setting of listed buildings. In this respect, I consider that the degree of separation between the identified listed buildings and the appeal scheme is sufficient that no harm to the significance or setting of these heritage assets would arise from the proposal.

Planning Balance and Conclusion

19. Although I find no harm in respect of the impact of the proposal on designated and non-designated heritage assets, the appeal scheme would not provide an appropriate level of off street parking relative to the accessibility of the location of the proposed development. The appeal scheme would conflict with the policies of the Local Plan when taken as a whole and I attach significant weight to this conflict in the determination of this appeal.
20. Weighed against this conflict, it is acknowledged that the proposal would provide very limited economic benefits in terms of employment opportunities during the construction phase, and I accept that future residents could help support the local economy through future spend. The proposal would make use of an unused building and would provide three additional units towards housing supply. I note that the Appellant maintains that the proposal would represent optimum viable use of the building. Nonetheless, in my view the benefits of the scheme are limited and cumulatively would not outweigh the harm and resulting conflict with the development plan as identified above.
21. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR