



Appeal Decision

Site Visit made on 23 November 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2022

Appeal Ref: APP/D0840/W/21/3279222

Little Park Farm, Road from Junction East of Marston to Junction North East of Park Farm, St Clement TR1 1SX

- 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 Mrs B V Roberts against the decision of Cornwall Council.
 - The application Ref PA21/02626, dated 9 March 2021, was refused by notice dated 5 May 2021.
 - The development proposed is Conversion of existing barn to form dwelling house & associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for Conversion of existing barn to form dwelling house & associated works at Little Park Farm, Road from Junction East of Marston to Junction North East of Park Farm, St Clement TR1 1SX in accordance with the terms of the application, Ref PA21/02626, dated 9 March 2021, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021. However, the main parties submitted appeal documents after this and therefore had the opportunity to comment on its relevance to the appeal proposal. Consequently, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.
3. As the appeal proposal is located within an area of outstanding natural beauty (AONB), I have had regard to the purpose of conserving and enhancing the natural beauty of the area as set out in section 85 of the Countryside and Rights of Way Act 2000 (as amended). The development plan and the Framework also seek to protect such designated landscapes, recognise the intrinsic character and beauty of the countryside, and attach great weight to conserving and enhancing the landscape character and scenic beauty of AONBs, which have the highest status of protection in relation to these issues.

Main Issues

4. The main issues are:
 - whether the proposed development would be in an appropriate location, having particular regard to development plan policies and the character and appearance of the surrounding area; and

- the effect of the proposed development on designated nature conservation sites.

Reasons

Location

5. The appeal site is located in the countryside and contains a barn with a functional, agricultural appearance. Although the surrounding area includes farmland and has a rural character, the site is situated in relatively close proximity to residential uses including Little Park Farm, which it shares a domestic access with, and a number of other dwellings in the vicinity. Accordingly, the site is not in an isolated position¹ and reads as being in a residential situation within the wider rural setting. Due to its position and the screening provided by boundary treatment and soft landscaping, the barn is not particularly visible in public views.
6. The site is situated within the Fal Ria area of the South Coast Central section of the Cornwall AONB and within the Mid-Fal Plateau landscape character area. Setting out that the ria's main channel is formed where the River Fal meets the open seas and contains various creeks, the Cornwall AONB Management Plan 2016-2021 identifies estuarine woodland as an important feature and that the ridges between creeks have a sense of openness and contain scattered farm holdings. The Cornwall and Isles of Scilly Landscape Character Study sets out that the sparsely populated area, with its scattered farms and isolated dwellings, is gently undulating elevated plateau with a strong farmland character. Amongst other aspects, it identifies urban encroachment as a pressure on the landscape, with modern bungalows on the edges of settlements leading to incremental erosion of rural landscape character.
7. Policy 7 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) restricts housing development in the countryside to certain circumstances, including the 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. The building to be converted should also have an existing lawful residential or non-residential use and be ten years old or greater.
8. The appellant indicates that the barn is redundant and disused. The Council neither disagrees with this nor alleges that the barn, which has been in situ for approximately 20 years, is unlawful. On the basis of the submitted evidence, I have no reason to find otherwise.
9. It has been put to me that the barn is not worthy of retention. However, I observed on my site visit that although it has a utilitarian form and appearance, it has a limited, unobtrusive presence and does not read as a harmful or incongruous feature in the locality. Accordingly, I do not consider that it would be inappropriate to retain it. In coming to this view, I have taken into account that the portal framed building is neither historic nor has any particular architectural merit. Simply because something does not positively contribute to the visual amenity of the area does also not inevitably mean that it would not be appropriate for it to be retained.

¹ The Framework does not define the word 'isolated', but in *Braintree District Council v SSCLG & Ors* [2017] EWHC 2743 (Admin), the judge found 'isolated' should be given its ordinary objective meaning of 'far away from other places, buildings or people; remote'. That judgement was subsequently upheld at the Court of Appeal, *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610.

10. The barn has a reasonably open form given its design, including its openings at the front and rear and the various (albeit small) gaps between the timber cladding. However, it is structurally sound and the existing steel portal frame would continue to form the main structure of the proposed dwelling. The submitted Structural Report also identifies that the steel framing is performing well based on its current load conditions, which are not expected to change significantly due to the conversion. This indicates that the proposed slate roof and internal timber framing would therefore not require additional structural works or support, while the internal framing could be designed to be tied back to the building's existing structural elements. The works required to convert the barn would thus be non-structural and, although relatively extensive², would equate to a conversion and neither involve substantial demolition nor amount to substantial re-building operations. Accordingly, I am satisfied that the building is suitably constructed. In coming to this view, I have taken into account the supporting text to CLP Policy 7 sets out that conversion of large portal framed buildings will rarely be appropriate.
11. The proposed residential use of the barn and domestication of the site, with the associated domestic paraphernalia, would reflect its residential situation. It would therefore suitably relate to its immediate setting and would not appear out of character. Although it would have a contemporary design and domestic appearance, and would have some large areas of glazing, the converted building would read as a barn conversion with a modern take. It would not appear as a dominant or particularly prominent feature in the locality, while public views of it would be limited. The works proposed, including changing the roof from box profile sheeting to slate and turning part of the existing gravelled area into garden and thus reducing the existing parking/turning area, would also enhance the appearance of the building, site and surroundings. The appeal proposal would therefore enhance the immediate setting and preserve the character and appearance of the surrounding area and the AONB, with its woodlands, the sense of openness and spread of development unaffected.
12. For the above reasons, I conclude that the development would be in an appropriate location, having particular regard to development plan policies and the character and appearance of the surrounding area. I therefore find that it accords with CLP Policies 1, 2, 7, 12 and 23. Amongst other aspects, these: set out the Council's approach to decision making and housing in the countryside; and require development to protect, conserve and enhance the natural landscape, maintain and enhance Cornwall's distinctive character, and conserve and enhance the landscape character and natural beauty of the AONB. The proposal would also be consistent with the provisions in the Framework in relation to achieving sustainable development, rural housing, achieving well-designed places, and conserving and enhancing the natural environment.

Designated wildlife sites

13. The appeal site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). The submitted evidence, including the Council's recently adopted European Sites Mitigation Supplementary Planning Document (SPD, July 2021), indicates that certain types of development, including all new housing, within 12.5 kilometres of the SAC add to increasing recreational

² Including, for example, changing the roof to slate, constructing an internal timber frame structure or similar for insulation and internal finishes, installing a concrete slab floor, and incorporating various fenestration and providing framing to form the openings.

impact at the designated site, which has been identified as vulnerable to such threats. Alone and/or in-combination with other relevant development in the area, the proposed development would therefore be likely to have a significant effect on it. Accordingly, under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), Appropriate Assessment of the implications of the project for the designated site in view of its conservation objectives is required. In accordance with CLP Policy 22, appropriate mitigation would, where necessary, also need to be secured.

14. The qualifying features of the Fal and Helford SAC include saltmarsh, intertidal mudflats and sandflats, subtidal sandbanks, large shallow inlets and bays including habitats such as reefs and rocky shores, estuaries, and reefs, Atlantic salt meadows and Shore dock. The conservation objectives for the site seek to ensure that its integrity is maintained or restored as appropriate and that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features by maintaining or restoring the: extent and distribution of qualifying habitats and habitats of qualifying species; structure and function of qualifying natural habitats and the habitats of qualifying species; supporting processes on which qualifying natural habitats and the habitats of qualifying species rely; and the populations and distribution of the site's qualifying species. The SAC also has a Site Improvement Plan which, amongst other things, details the current and predicted issues affecting the condition of the site's features, which includes public access/disturbance, and the actions required to improve the condition of the features.
15. The available evidence indicates that without mitigation it would not be possible to ascertain that the residential accommodation proposed would not adversely affect the integrity of the designated site through the indirect effects of increased recreational impacts on its interest features. However, the SPD sets out that the adverse effects of development can be mitigated by managing access to or within the SAC, managing visitor behaviour near and within it, and making the designated site more resilient to recreational pressure. Collectively, these are known as Strategic Access Management and Monitoring (SAMM).
16. Unless developers choose to provide their own mitigation measures, the SPD indicates that such mitigation can be strategically led through a SAMM plan, which has been drawn up and costed for the Fal and Helford SAC, would be funded by financial contributions from relevant development, and would be delivered by the Council. The SPD, produced with input from Natural England, identifies that the securing of a financial contribution can be achieved through either the submission of a legal agreement or through the imposition of a planning condition.
17. Based on the submitted evidence, the securing of the necessary mitigation would be sufficient to mitigate the effects of the development on the designated site. In this case, the Council has identified that a planning condition, as drafted in the SPD, would achieve this and the appellant has indicated their acceptance of the condition and understanding as to what the scheme of mitigation would involve. In this instance, I am satisfied that the proposed condition would be sufficient and would ensure that the necessary mitigation is secured and delivered. This is because: the SPD includes details of the relevant mitigation measures, their implementation and how development can take part in the strategic mitigation plan; the proposed condition – not specifically requiring the submission of a financial contribution or legal

agreement – would prevent development from commencing until a scheme to secure mitigation and an appropriate mechanism to secure its delivery has been approved by the Council; and the Council's appeal statement has indicated what form the mitigation scheme for the appeal proposal could take and how it could be secured and delivered.

18. Accordingly, the proposed condition allows me to be certain that the proposed development would, in this case, not adversely affect the integrity of the designated site. Confirming this, Natural England indicate that they are content that it adequately secures the deliverability of mitigation measures to prevent the harmful effects of recreational disturbance from occurring as a result of the appeal proposal. This confirms that the mitigation measures are sufficient to ensure that an adverse impact on the integrity of the Fal and Helford SAC and its relevant features can be avoided.
19. On this basis and following consultation with Natural England, I am able to ascertain, as the competent authority undertaking Appropriate Assessment, that the integrity of the designated site would not be adversely affected by the proposed development. Consequently, I find that the proposal would accord with CLP Policy 22 and the Habitats Regulations.

Conditions

20. I have had regard to the various planning conditions that have been suggested by the main parties. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
21. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. A condition requiring the submission of external material details is necessary in the interests of the character and appearance of the surrounding area. However, as such details are not needed in advance of all works taking place, I have amended the condition accordingly.
22. A pre-commencement condition covering mitigation for the Fal and Helford SAC is necessary to make the development acceptable in relation to its effect on the designated site and ensure that the required mitigation is secured and delivered prior to the affect arising. A pre-commencement condition requiring a construction method statement is also necessary in the interests of the living conditions of surrounding occupiers and given the narrow highway access.
23. A condition requiring the installation of a bat box is necessary in the interests of biodiversity. However, a condition to protect trees to the west of the site is not necessary in this instance because the trees are outside of the appeal site and, as identified by the Council, are already protected by a preservation order.

Conclusion

24. For the above reasons, the appeal is allowed.

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plans (Drawing No 001); Existing Plans & Elevations (Drawing No 002); Proposed Plans & Elevations (Drawing No 003); and 3D Visuals (Drawing No 004).
- 3) The development hereby permitted shall not be commenced until the local planning authority has approved, in writing, a scheme to secure mitigation of the additional recreational pressures to the Fal and Helford SAC, together with an appropriate mechanism to secure delivery of the mitigation.
- 4) The development hereby permitted shall not be commenced, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall thereafter be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and (viii) hours of working.
- 5) Prior to the commencement of external works on the building, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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.
- 6) Prior to occupation of the development hereby permitted, a bat box shall be installed in accordance with paragraph 6.4 and Appendix 1 of the submitted Bat and Nesting Bird Survey with brief ecological appraisal (Sophie Higgins, dated February 2021) and shall thereafter be retained.

END OF SCHEDULE