



Appeal Decision

Site visit made on 4 May 2022

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2022

Appeal Ref: APP/D0840/W/21/3283411

Todden Coath Farm, road from junction south of Sheffield to Todden Coath, Sheffield, Paul TR19 6UQ

- 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 D Newby against the decision of Cornwall Council.
 - The application Ref PA21/04012, dated 14 April 2021, was refused by notice dated 22 July 2021.
 - The development proposed is the conversion of barn to form dwelling house and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the development plan would support the use of the building as a dwelling, including the effect of the development on the character and appearance of the area.

Reasons

3. Todden Coath Farm includes an attractive and vernacular dwelling and a single storey range of stone buildings which project forward to the road. At the rear of the single storey buildings is a portal framed building which, at my site visit, appeared to be used for vehicle parking and other activities associated with the house and its garden area. This building, and the rear of the site, is accessed via a track which passes from the road and then along the outside of the single storey buildings.
4. At the end of, and on the other side of, the access track is the appeal building. It is a reasonable sized, portal framed agricultural building. Visually it appears to be somewhat separated from the main group of buildings as it has been constructed in the corner of the adjoining field. The building is not fenced or divided off and the grassed area of the field runs up to the south and west elevations. The building can be seen from the road through the gateway where this section of the field provides it with a rural setting.
5. The site is fairly close to the village of Paul. However, it is separated by the cemetery on one side of the road and open fields on the other. There is therefore some intervening open land between the site and the settlement. The site therefore falls to be considered within the countryside for planning purposes.

6. In such a location, Policy 7 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (the Local Plan) explains that new homes will only be permitted where there are special circumstances. One of the specified circumstances is 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. It is not disputed that the building meets the qualifying requirements of Policy 7 relating to its lawfulness and age.
7. The building and its timber frame appear to be in reasonably good condition. The Structural Report accompanying the application explains that the principal elements of the main frame should be suitable to remain as part of any conversion works providing the new internal structure is designed accordingly. Based on my site visit, the details of the proposal and the report from a qualified engineer, I am satisfied that the building could be converted without the necessity of substantial demolition or substantial rebuilding operations. The works would therefore reuse a suitably constructed building.
8. In terms of the policy it is also necessary to consider whether the building is redundant, disused or historic. There is no evidence that the building is of any historic significance. The Council question whether the building is redundant or disused and that the building was in use, it is understood for repairing a car, when the planning officer visited in the past. The comments from the appellant are that this was a short term convenience and does not indicate that the building is not redundant or disused. At my site visit, although only a snap shot in time, the building was empty and the evidence explains that the appeal building is no longer in use for agricultural purposes, the farmstead in which it was historically associated is no longer in use for such a purpose, nor is there any other link to agricultural activities. Based on the information before me, I consider that the building can be considered disused for the purposes of this element of the policy and probably, on the balance of the evidence, redundant.
9. The other elements of the policy test concern whether the building is considered appropriate to retain and whether the scheme would lead to an enhancement to the immediate setting. At the present time the building is a fairly typical sized agricultural building that can often be found within the countryside. The appearance of the roof and elevations have mellowed and, with its location in the corner of the field with the grass running up to adjoining elevations, it has a benign appearance. I appreciate that paragraph 2.33 of the Local Plan explains that the conversion of large portal framed buildings will rarely be appropriate. However, I consider that the building could be a case where it may be appropriate to retain it, providing the converted building could maintain many of its existing visual qualities, such as its unimposing agricultural character, so as to continue not to detract from the rural surroundings.
10. Examining the details of the scheme, the north elevation would have no openings and the translucent roof panels would be removed such that there would be no rooflights to this section of the roof. This elevation would face the sunken public bridleway and the building would retain its agricultural character. The east elevation incorporating the proposed tall timber clad doors would result in a satisfactory change and the area of glazing would face towards the access track and existing outbuilding and, in the context of this position, be acceptable.

11. The west elevation, although facing the field and with very limited public visibility, would nevertheless, introduce areas of glazing, some fairly large. This arrangement of fenestration would not help to retain an unimposing agricultural character and this aspect of the development would not be a positive feature of the building in its rural surroundings.
12. The south elevation would benefit from the removal of the translucent panels to the roof and the long sweep of the roof would be a feature that would help retain some of the existing character of the building. However, the series of full height glazing along this elevation would be a conspicuous change that would draw the eye and detract from the existing character of the building in its setting. I appreciate that the glazing would replace the translucent panels, however, they have become covered with algae over time and are not especially noticeable alongside the timber boards. Additionally, the extent of proposed glazing would be likely to lead to light spill into the immediate surroundings when these rooms were internally lit after dark. This elevation would, together with the resulting impacts, be likely to be visible from the road through the gateway.
13. The plans also show that the site would be sub-divided from the field with the introduction of a new granite hedge with planting. The effect of this would, it appears, introduce a garden area between the south elevation of the building and the boundary with the road. This would create quite a sizeable space and, in all likelihood, accommodate some areas of more residential planting, sitting out space and domestic paraphernalia. This impact could not be reasonably addressed by planning conditions in any approval. In these circumstances, this would introduce a suburban area and setting to the building.
14. This harmful domestic impact would be reinforced by the extent of glazing to this southern elevation and its resulting change in character to the building. As a consequence, the present rural setting to the barn, and the maintenance of the rural character of the area provided by the unassuming presence of the southern elevation of the building, would be severely compromised by the proposed scheme. I do not consider that the location of the building adjoining the other buildings on the wider site would help to mitigate this adverse impact because the appeal building is to a reasonable extent experienced in its rural context in association with the field.
15. Accordingly, I conclude that the scheme would harm the setting to the building. The test in Policy 7 of the Local Plan that development should lead to an enhancement to the immediate setting would not be met. Furthermore, in the form that the conversion of the building has been presented, the scheme would not maintain sufficient of its present and positive character to demonstrate that it would be appropriate to be retained. In coming to this judgement I acknowledge that some aspects of the external alterations are positive and that a residential use would inevitably lead to some change in appearance and impact.
16. Taking all these matters together, the effect of the scheme would be to alter the building in an unsympathetic manner and the layout would also lead to an encroachment of suburban development into the field. The result would be harm to the rural character and appearance of the area.
17. I appreciate that if a worthwhile use cannot be found for the building then it may deteriorate and this would ultimately lead to an adverse visual effect to

the appearance of the area. However, the building would, in all likelihood, still retain its rural setting and the appearance of a deteriorating building would not outweigh the harm to the character and appearance of the area that would result from the proposed development.

18. In terms of national policy, as I have found that the immediate setting to the building would be harmed by the development, the relevant policy requirement set out in paragraph 80c of the National Planning Policy Framework (the Framework), which can allow new homes in the countryside, would not be met.
19. I have noted the arguments in relation to the potential to convert the building to residential use under permitted development rights and the analysis of the related criteria. However, such an application has already been refused and a prior approval scheme is not before me. The appeal proposal seeks express planning permission and is required to be determined in accordance with the development plan, unless material considerations indicate otherwise. As a consequence, the arguments in respect of permitted development rights and any fallback option that may be available are therefore matters to which I attach limited weight.
20. Two appeal decisions have also been highlighted as examples which are said to be similar to the present case such that their approval supports the present proposal. In relation to the scheme at Greenbank Farm¹, that Inspector found that particular barn did not have an attractive setting and that the scheme would lead to an overall enhancement of its immediate setting. Furthermore, the Inspector concluded that there would be no material harm to the character and appearance of the area. These matters differ from the present proposal where I have found harm in these respects.
21. With the appeal proposal at Nanfan Farm², the particular arrangement of the buildings led the Inspector to conclude that building appeared more visually associated with the nearby residential properties than any of the agricultural buildings in the vicinity and the conversion to residential use was more in keeping with the immediate setting. This helped him to conclude that the proposal would lead to an overall enhancement of the immediate setting. In terms of the effect on the character and appearance of that area, the Inspector found that this would be acceptable at Nanfan Farm, in part, because the immediate surroundings already assumed a domestic character. Again these are matters which differ from my conclusion with the present appeal. For these reasons, there are material differences between these other two appeal cases and the details of the present scheme. I therefore attribute these other appeal cases limited weight in my overall assessment.
22. I have noted that Penzance Town Council has not raised objection to the scheme. However, in the light of the above analysis, I conclude that the development plan would not support the use of the building as a dwelling, including that the scheme would have an undue adverse effect on the character and appearance of the area. Accordingly, the scheme would conflict with Policies 1, 2, 3, 7, 12 and 23 of the Local Plan and the Framework which, amongst other things, set the policy tests for the provision of new homes in the countryside.

¹ Appeal Ref: APP/D0840/W/20/3265193 Greenbank Farm, Tresowes Hill, Ashton TR13 9SZ

² Appeal Ref: APP/D0840/W/19/3237330 Nanfan Farm, Churchtown, Cury, Cornwall TR12 7BW

Conclusion

23. There would be economic and social benefits that would flow from the conversion works and subsequent occupation of the dwelling. It would provide a small boost to housing supply. However, as only one dwelling would be provided the cumulative benefits would afford only limited weight. On the other hand, the harm and policy conflict that I have identified are matters to which I attribute substantial weight. The benefits would therefore not outweigh the harm.
24. For the reasons given above, the harm and policy conflict that would be caused by the development would be such that the proposal would not comply with the development plan when considered as a whole. There are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR