



Appeal Decision

Site visit made on 17 August 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1ST September 2022

Appeal Ref: APP/D0840/W/22/3295436

Land South East of Penscombe Barns, Lezant, Launceston, Cornwall

- 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 Watkins against the decision of Cornwall Council.
 - The application Ref. PA21/04731, dated 29 April 2021, was refused by notice dated 15 November 2021.
 - The development proposed is alterations and extension to previously approved barn conversion with extant permission (E1/2009/00354).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area, with particular regard to the host property's classification as a non-designated heritage asset.

Reasons

3. The appeal site forms part of a complex of barns that are in the process of being converted to residential use. As I observed on my site visit, this conversion work is well advanced and in some cases the units have been completed. The barn, which is the subject of this appeal, is located towards to south eastern corner of the complex and to the south of the main site access onto the A388.
4. The parties agree that the appeal site is located within the countryside. As such, the spatial strategy for the area, set out in policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (November 2016) (CLP), seeks to manage the location and scale of new housing development. This approach is expanded in policy 3 confirming that new housing will be accommodated in accordance with a hierarchy that includes areas outside the main towns such as previously developed land and rural exception sites. Policy 7 of the CLP sets out the special circumstances whereby new dwellings will be permitted within the countryside, with part 3 confirming that this will include the reuse of redundant, disused or historic buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting.

5. The above policies need to be considered in conjunction with policy 12 of the CLP which requires development to be of an appropriate scale, height, mass and provide continuity with existing built form; and, policy 24 which states that development will be permitted where it sustains heritage assets (including non-designated assets) and takes on opportunities to better reveal their significance; and also part 3 of Housing 1 Policy of the Lezant Neighbourhood Development Plan 2019-2030 (February 2020) (LNP), which states that support will be given to the redevelopment of brownfield sites or redundant farm buildings where the original footprint is not exceeded.
6. The Council indicate that the appeal barn is considered to be a non-designated heritage asset, albeit there is no indication as to the basis or criteria on which it has been classified as such. Even so, as this has not been challenged by the Appellant, I have determined the appeal on the basis that the barn is a non-designated heritage asset. As such, paragraph 203 of the National Planning Policy Framework (July 2021) (Framework) states that when assessing the effect of development on such assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This approach is broadly consistent with that in policy 24 of the CLP, although the latter requires any harm to be weighed against the substantial public benefits of the proposal.
7. An extant planning permission exists to convert the appeal barn under reference E1/2009/00354 (2009 Permission). That permission includes a small extension on the rear, whose ridge would be sited well below the main ridge of the original barn. Whilst the appeal proposal would involve a similar sized extension on the north elevation, it also proposes a further extension on the south elevation, with a small flat roofed glazed link between the latter and the original barn.
8. The proposed extension on the north elevation (to accommodate bedroom 1) would be acceptable in that it would be similar in scale and layout to the extant extension. However, the scale, form and footprint of the proposed extension on the south elevation, with glazed link (to accommodate the living, kitchen and dining area) would, in my view, be excessive. It would visually dominate the barn and detract from its original form and small scale. As such, the proposed extension (on the south elevation) would overwhelm the original barn leading to the loss of its unique and simple character.
9. The footprint of the original barn, with the appeal proposal, would effectively be doubled, which would represent a significant increase in floorspace and form compared to existing. In addition, the ridge to the proposed extension (on the south elevation) would be broadly similar in height to that of the main barn, resulting in a development that is neither, in my view, proportional or subservient to the original barn. The historic character of the original barn, which derives from its simple form and small scale, features that contribute to the significance of this non-designated heritage asset, would be lost. For all the above reasons, the proposal would fail to preserve the character of the original barn or enhance its wider setting.
10. These findings are supported by the policy analysis set out above, where within countryside locations such as this the policies seek to resist

inappropriate development and to only permit new homes where special circumstances exist. Whilst I acknowledge that the reuse of redundant or historic buildings falls within the definition of special circumstances, as paragraphs 2.32 – 2.36 (inclusive) of the CLP confirm the emphasis is on supporting the conversion of redundant buildings without the necessity for substantial demolition or rebuilding operations, and where the proposed development is broadly comparable in size, scale and layout to the existing building. As the Council also emphasise policy 7 does not refer to the potential to extend redundant buildings, but simply to reuse them. Even so, the Council have already approved an extension to the barn on the basis that this small extension would be subservient and would have a limited impact on the intrinsic character of the original barn.

11. Part 3 of Housing 1 Policy of the LNP provides further support for the above findings in that it seeks to restrict the development of previously developed land or redundant buildings so that they do not exceed the original building footprint. The 'Intention' behind this policy is clear in that it is to provide for small scale housing needs whilst preventing large scale development that would change the rural nature of the area. The Appellant contends that the appeal proposal would be aligned with the broad intentions of that policy, which, for the reasons given above, is not a view I share.
12. The Appellant has indicated that the proposal would secure the viable conversion of the barn for residential use, ensuring its future maintenance and preventing it falling into disrepair. However, there is no substantive evidence before me to support that statement or to indicate why these benefits could not be secured through the extant 2009 Permission or if necessary, to meet modern living requirements, through the adaption of the extant consent layout without the need for additional extensions.
13. The Appellant has also suggested that the appeal proposal should be considered in the context of the comprehensive development of Penscombe Barns and that the existing barn has greater value as part of the wider group of barns. The wider context does not affect the findings I have reached above and I note in this respect that the original approval for the comprehensive development of the complex included the conversion of this barn to a workshop. In terms of value, the original barn has a simple but traditional appearance and is a good example of the vernacular buildings that are a defining part of the character of the Cornish countryside.
14. Reference has also been made to the detached new build single storey garages, including those to the north of the appeal site. Whilst I have not been provided with any planning background to these new buildings or the considerations that led to their approval, their existence does not provide, in my view, any justification for the appeal proposal. Neither does it override the need for the conversion of the barn to be considered on its individual merits, specifically in relation to the harm that would result from new development to the significance of the non-designated heritage asset.
15. Accordingly, I find that the appeal proposal would not conserve the character and appearance of the original barn or the surrounding area and that the proposed development would result in harm to the significance of this non-designated heritage asset. For these reasons, the appeal proposal

would conflict with Housing 1 Policy of the LNP, policies 2, 7, 12 and 24 of the CLP and the corresponding policies of the Framework.

Other Matters

16. Policy 24 of the CLP states that any harm to a non-designated heritage asset should be justified and weighed against, in particular, the substantial public benefits of the proposal. Whilst paragraph 203 of the Framework, when read in conjunction with paragraphs 200-202 (inclusive), does not require the proposal to be weighed against public benefits, it does require a balanced judgement to be applied to the scale of any harm to the asset.
17. In this respect, I accept that the appeal proposal would make a small contribution to future housing provision, ensure the reuse of the barn, generate short term employment during construction and introduce more spend into the area to support local facilities, benefits that are supported by other policies in the development plan and the Framework. However, all of these benefits could be secured through the extant 2009 Permission. As I also confirmed earlier, there is no evidence before me to indicate that the appeal proposal represents the only viable option (scheme) that would allow the barn to be reused for residential purposes or any reasoning as to why the extant consent could not, if needed, be adapted to bring forward a layout that remained policy compliant. In view of this and as the Council can demonstrate a 5-year supply of housing land, which has not been challenged, there are, in my judgement, no public benefits, delivering either economic or social or environmental objectives which would outweigh the harm I have identified to the significance of this non-designated heritage asset.
18. The Council have indicated that the appeal site lies within the zone of influence of the Plymouth Sound & Estuaries Special Area of Conservation (SAC), where contributions are required from new development to mitigate the impact on those areas from increased recreational pressures. There is substantial evidence and development plan policy support to justify the contributions sought. Based on this, I am satisfied that if I were minded to allow the appeal those contributions would have been required to mitigate the impact of the proposed development and could have been secured by condition.

Conclusions

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all proposals for development to be determined in accordance with the development plan unless material considerations indicate otherwise. As I have found above, the appeal proposal would be in conflict with various policies of the CLP and LNP, as well as the corresponding policies of the Framework and there are no material considerations that justify making a decision other than in accordance with the development plan.
20. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR