



Appeal Decision

Site visit made on 16 August 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/D0840/W/21/3279174

Southwest Water Treatment Works (Truscott Reservoir), Road from Egloskerry Road to Atway Farm, Egloskerry, Cornwall PL15 8RA.

- 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 Tennant against the decision of Cornwall Council.
 - The application Ref PA21/00965, dated 2 February 2021, was refused by notice dated 1 April 2021.
 - The development proposed is for the conversion and extension of existing water reservoir to a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There has been a previous appeal (ref: APP/D0840/W/18/3218887) which allowed the change of use of a storage building (former water tank/reservoir) to a dwelling house, under the provisions of Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 'GPDO'). Subsequent to this there have been two 'Certificates of Lawfulness for Proposed Use or Development' issued by the Council (ref: PA18/11895 and PA19/09476) for extensions and alterations to the existing building under Schedule 2 Part 7 Class H of the GPDO, which relates to extensions and alterations for industrial/warehouse buildings.

Main Issues

3. The main issues are (1) whether the location is appropriate for a new dwelling; and (2) the effect of the development on the character and appearance of the area.

Reasons

Location

4. The proposal would result in a new dwelling in the countryside. The main settlement policies of the development plan are Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan). The strategy set out in Policy 2 seeks to provide a sustainable approach to accommodating growth, providing a well-balanced mix of economic, social and environmental benefits. This should provide homes based on the role and function of each place.

5. Policy 3 defines how development will be accommodated, based on this hierarchy, with growth focussed on identified main towns. The site, being in the countryside, is not within any main town. Furthermore, it is not near a settlement so it cannot be considered as rounding off. It is not an infill development, as the site is within an open field.
6. Policy 7 of the Local Plan is particularly relevant as it considers housing proposals in the countryside. Of particular relevance is point 3, which allows for 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."* This is similar to paragraph 80 of the National Planning Policy Framework (the Framework) which states that there should be no isolated homes in the countryside unless certain circumstances apply. This includes at point c), being that the development would re-use redundant or disused buildings and enhance its immediate setting.
7. The site is isolated from settlements and other buildings. It would re-use an existing building which appears mainly disused. However, I would not regard this as a building which is appropriate to retain as it is not currently visually positive within the landscape, for example. Furthermore, the existing building is low profile in the countryside setting, whereas the proposed additional storey would have a greater and adverse visual impact than existing (as set out in more detail in the section below). As such, the proposal would not enhance the immediate setting of the building and therefore would not accord with either policy 7 of the Local Plan or paragraph 80 of the Framework.
8. Policy 21 of the Local Plan considers the best use of land and existing buildings. It does allow for the use of previously developed land and buildings, which this site is. However, this is on the basis that the site is sustainably located, which is not the case with this appeal site being that it is remote from settlements off a country road. It is likely that future occupants would be very dependant on private vehicles for their transport typically, even if there is a bus stop nearby. As such, the proposal does not accord with this policy.
9. The location of the proposed dwelling is in an isolated and generally inaccessible location, which conflicts with the Local Plan policies with regard to the location of new housing within the County. The proposal is also contrary to Policy 1 which requires development to be sustainable and that planning decisions accord with the policies in this Local Plan.
10. There is also the Neighbourhood Plan (NP) for St Stephen by Launceston Rural Parish. The proposal is not within a settlement so is contrary to policy 2 of this NP.
11. Overall, the proposed development does not comply with the above relevant Local Plan and NP policies, with regards to the requirement for the sustainable location of dwellings and the re-use of existing buildings, for example. The proposal would not follow the plan-led approach for new housing development as set out in the Development Plan.
12. The appellant has set out what it considers to be a fallback position, which I have taken into consideration and will be addressed later in this decision.

Visual/Character Impacts

13. Currently, the building that exists is low profile and has little visual impact within this rural landscape. This is a designated North Petherwin to St Clether Area of Great Landscape Value (AGLV). Policy No 8 of the NP requires that development preserve or enhance the landscape character and scenic beauty of the AGLV.
14. The proposal would include not just the conversion of the existing building but also an additional storey, which would be a flat roof cuboid structure that would add significantly to the height of the existing building. It could also be more visible over the adjacent hedgerow, along with being more of a prominent building from longer range views across this landscape.
15. In this isolated location, the introduction of a much more prominent building of a utilitarian appearance, along with the other domestic paraphernalia likely within its curtilage if used as a dwelling, would result in an incongruous development being that this is not a residential area but mostly open and undeveloped countryside. The urbanising effect of this more prominent building than existing would erode the pleasant and open rural landscape in this area of the site, which currently contributes positively to the scenic beauty of the AGLV. Further landscaping would not be sufficient to mitigate this.
16. As such, the proposed development would be harmful to the character and landscape beauty of the area and the AGLV, thereby being contrary to local plan policies 12 and 23, and NP policies 6 and 8. These policies require that development preserve or enhance the local landscape and the AGLV, amongst other things.

Fallback Position

17. As set out in the 'Preliminary Matters' there is a planning history for this site. Firstly, there was an allowed appeal to convert this former reservoir building to a dwelling. This does indicate the Government intention to allow for conversions of industrial type buildings to residential, even if not in accessible locations. However, this was via permitted development rights and did not include extensions to the building. It is the extensions as proposed which would primarily result in a harmful impact to the landscape.
18. There are also the issued certificates for extensions and alterations for the existing building, under permitted development, which would result in similar extensions to create an additional storey above the existing building to that proposed with this appeal. However, this was not for residential use but for extensions to an industrial/warehouse building for the same use. If the existing building was converted to residential as per the extant permission, then it may be that the extensions allowed under permitted development could not be implemented as it would not then be extensions to a storage building.
19. In any case, I have to consider the weight to give to the fallback position. From the evidence before me there does not appear to be any real possibility, other than theoretical, for these extensions to be built for industrial/warehouse purposes, if this appeal were dismissed. The proposal to convert this building to a dwelling, both previously and with this appeal, would suggest it is more than unlikely that the appellant would seek to extend the building to result in a larger storage unit instead. The evidence provided does not demonstrate that

the extensions and alterations under permitted development would be constructed as an alternative if this appeal were dismissed. Hence, I have concluded that the fallback position for the extensions would be only theoretical.

20. In my judgement, if this appeal is not allowed, I am not persuaded that there is a possibility (other than theoretical) of the extensions being built for industrial/warehousing purposes at this site. Therefore, the building as existing would not have a visual impact similar to that proposed with the dwelling in this appeal, which I consider to be harmful.
21. Due to the reasons given above, I give this planning history and the fallback positions only limited weight in my planning balance.

Planning Balance

22. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I am required to determine appeals in accordance with the policies of the Development Plan, unless material considerations indicate otherwise. The Council have confirmed that they have over the required five year housing land supply and I have no substantive evidence to the contrary.
23. Nonetheless, in this case the proposal would provide a dwelling towards housing land supply for the area, though this would be in an isolated location away from shops and services for example. There would be economic benefits from the construction of the dwelling, together with the financial boost from future occupiers using local businesses. The proposal could include biodiversity enhancement and the proposal could be considered an efficient use of previously developed land (though not in an accessible location), amongst other potential benefits.
24. As set out above I have considered the appellant's fallback position points, but for the reasons I have set out I would give them limited weight.
25. However, the harm I have identified above, with the conflict with development plan policies (with the dwelling in an isolated location in the countryside remote from sustainable settlements) and the adverse visual impact to the landscape, is such that it would significantly and demonstrably outweighs the benefits. There are no material considerations that indicate a decision should be made other than in accordance with the development plan.

Conclusion

26. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR