



Appeal Decision

Site visit made on 8 November 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/D0840/W/22/3299590

South of Bosanath Farm, Bosanath Valley, Mawnan Smith, Falmouth TR11 5LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr M Tomlinson against the decision of Cornwall Council.
 - The application Ref PA22/00941, is dated 2 February 2022
 - The development proposed is conversion of existing agricultural barn to form dwellinghouse.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matter

2. The Council failed to give notice of its decision within the prescribed period. However, in its appeal statement the Council has suggested that, had it done so, permission would have been refused for the same reason for refusal given in relation to a previous application at the site, Ref PA21/03214. This has formed the basis of my identification of the main issue.

Main Issue

3. It follows that the main issue is the suitability of the site for the proposal, having regard to local and national policy for the location of housing, with reference to the character and appearance of the area.

Reasons

4. The site is a barn and its associated yard set amongst the open countryside of the Bosanath Valley, within the Cornwall Area of Outstanding Natural Beauty (the AONB). Paragraph 176 of the National Planning Policy Framework (the Framework) states that AONBs have the highest status of protection in relation to conserving and enhancing their landscape and scenic beauty. The Countryside and Rights of Way Act 2000 places a duty on me to have regard to the purpose of AONBs to conserve and enhance the natural beauty of the area.
5. Within open countryside, Policy 7 of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 2016) (CLP) restricts development to special circumstances. This includes the reuse of appropriate buildings that are suitably constructed, redundant or disused, which would lead to an enhancement to the immediate setting. The supporting text to Policy 7 identifies 'appropriate' to relate to a building's scale, construction, structural soundness and capacity for conversion. It does not entirely rule out the potential for portal frame buildings to comply. The policy is broadly consistent with Paragraph 80 of the Framework.

6. The appellant's structural report finds the barn capable of conversion subject to repair/upgrade. However, its prose is sometimes couched in equivocal terms and suggests that structural elements would need replacement including floors, some of the repaired joists and the central post of the western elevation. I observed that in several places the metal cladding is corroded, has open gaps and is peppered with holes. It is not alone a sufficiently robust external wall material for a dwelling even if it is proposed to be retained. The dwelling would also contain several new openings, and an entirely new east elevation.
7. In the round, it appears to me that significant rebuilding and the construction of new elements would be necessary. This suggests that the barn has little capacity for 'conversion' and as such is not appropriate to retain under the terms of Policy 7. Moreover, in my view the extent of work would amount to a new or 'fresh' build beyond the scope of Paragraph 80 c) of the Framework.
8. Visually the barn is lightweight and functional and set within and open to its basic yard. From the adjacent highway, glimpsed views are afforded through the site across the treed valley. Whilst the main farmstead at Bosanath is close by, it is largely hidden from view, set down nearer the valley floor. These attributes lead the barn to read as an isolated farm building which seamlessly assimilates into its agricultural setting and the wider natural landscape.
9. With formalised amenity areas and inevitable paraphernalia such as bin storage and domestic vehicles, the scheme would exert a clear residential character upon the environs of the building. Yet there would be subtle domestication of the barn itself, lending the site a confused, gentrified agricultural aesthetic. Consequently, there would be harm to the immediate setting of the building, and to the landscape and scenic beauty of the wider AONB. Whilst the barn is only viewed from the adjacent highway in passing, it is prominent given its close proximity, and as the glimpsed valley views through the site draw one's eye. Due to the elevation of the highway to the east, it is also unlikely that boundary treatments would successfully screen the proposal from public view.
10. The appellant has referred to two appeals allowed elsewhere in Cornwall for similar type schemes. However, assessments of the issues at hand are highly site specific and fact sensitive. In any case, at those sites the subject barns had significantly different baseline contexts, intimately related to existing residential properties. These decisions have therefore had little influence on my own. I also note the 'Art Barn' located in Devon. I do not question that modern barns can and sometimes are converted in a manner sympathetic to their settings, but the evidence does not suggest that this would be achieved in this particular case.
11. I therefore conclude that the site would not be suitable for the proposal, having regard to local and national policy for the location of housing, with reference to the character and appearance of the area. The proposal would conflict with the relevant aims of Policies 1, 2, 3, 7, 21 and 23 of the CLP and the Framework.

Other Matters

12. The site is within influence of the Fal and Helford Special Area of Conservation (SAC). Given that the scheme would increase the level of human settlement in this area, likely significant effects on the integrity of the SAC through further recreational use cannot be screened out in the first instance. To that end, the appellant intends to make a financial contribution to mitigatory measures through a legal agreement submitted during the appeal. Had I been minded to

allow the appeal it would have been necessary to go on and consider this matter within an Appropriate Assessment, As I am not, I have not done so.

Planning Balance and Conclusion

13. The proposal would conflict with the development plan when read as a whole and there are no other considerations, including the Framework, that outweigh the conflict. For the reasons outlined above and taking all matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR