



Appeal Decision

Site visit made on 20 December 2022

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2023

Appeal Ref: APP/D0840/W/22/3305380

Firste Park, Winsor Lane, Kelly Bray, CALLINGTON PL17 8HD

- 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 and Mrs B Monahan against the decision of Cornwall Council.
 - The application Ref PA21/11935, dated 18 November 2021, was refused by notice dated 18 February 2022.
 - The development proposed is conversion of the redundant former agricultural building into two dwellings, the demolition of a lean-to extension and the installation of a septic tank.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants submitted a further Structural Report, dated July 2022, with their appeal statement together with a copy of plans and elevations drawing, drawing no 2152-02/B. The detail provides additional information regarding the structural condition of the building and does not materially alter the nature of the proposal. Interested parties have had an opportunity to comment on the appeal and I am satisfied that there is no prejudice to interested parties in having regard to this information. Accordingly, I have taken these documents into consideration.

Main Issue

3. The main issue is whether the appeal site would be suitable for residential development, having regard to its location and whether or not it would constitute suitable conversion in accordance with the development plan.

Reasons

4. The rural surroundings of the appeal site are predominantly characterised by fields within a generally sloped topography interspersed with buildings and groups of trees. The appeal site lies outside but adjacent to the garden of Firste Park, within the corner of a field. The building has a utilitarian form, low height and weathered appearance. It has a timber frame with timber clad elevations above a low concrete block wall.
5. The Cornwall Local Plan Strategic Policies (the CLP) seek to ensure that development occurs in the most sustainable locations in order to protect the open countryside from inappropriate development. Policy 1 of the CLP reflects a presumption in favour of sustainable development and advises that when considering whether a development proposal is sustainable or not, account will

- be taken of its location, layout, design and use against the three pillars of economic development, social development and environmental protection and improvement.
6. Due to the location of the appeal site close to Firste Park, the site is not isolated in terms of paragraph 80 of the National Planning Policy Framework (the Framework). However, the meaning in the Framework is not that any site which is not isolated is necessarily suitable for residential development.
 7. The distance to Kelly Bray and the volume and speed of traffic along the B3257, lack of public footpath and lighting means that it would be unlikely that occupants would walk or cycle to access services and facilities on more than an occasional basis particularly during periods of darkness or inclement weather. There would therefore be a likely reliance on the private motor vehicle to access services and facilities to meet day to day needs, such as, shops, health provision and schools.
 8. As such, I find that the site is located away from Kelly Bray, which is the nearest settlement, and in the open countryside. Policy 7 of the CLP confirms that development of new homes in the open countryside will only be permitted where there are special circumstances, one of which, as set out under part 3, relates to *"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"*.
 9. The Structural Report prepared by a qualified engineer and submitted with the appellant's statement describes the building as being in very good condition considering its age and usage. Trial pit investigations have been carried out further to the previously dismissed appeal (ref APP/D0840/W/16/3154883) and these have confirmed that the building has suitable sized foundations in the areas investigated. It advises that the principal structural elements are adequate to support roof and ceiling loads providing that all ties, struts and rafter members remain in place. The report concludes that the building should be suitable for conversion.
 10. However, the building is a lightweight aged structure. The appellant advises the roof cladding over the existing building and the timber cladding to the walls would be replaced. New timber walling inside the existing structure to accommodate thermal insulation would be provided and a new concrete floor slab would be constructed. A large number of new windows of varying sizes and roof lights would be introduced to the building. Only the skeletal frame of the existing structure and the 800mm concrete plinth would remain and very little else of the original building would endure. While some of the works would be internal, considered in combination, the interventions required to facilitate the conversion would be substantial rebuilding operations, indicating that the building is not currently suitable for conversion or worthy of retention. It has not been adequately demonstrated, therefore, that the existing building, essentially a rudimentary timber framed poultry shed, is currently suitably constructed or appropriate to retain for the purposes of compliance with Policy 7.
 11. The existing building is relatively plain, functional and modest in scale and appearance. This relative modesty in scale and appearance, together with its established nature goes some way to help the building visually fit into its setting. I acknowledge that the appellants consider the proposal would lead to

an enhancement to the immediate setting, however, I consider that the extensive fenestration, additional areas of hardstanding and gardens would draw the eye and dilute the relative modesty of the appearance of the existing building. I am not therefore persuaded that the proposal would result in an enhancement to the immediate setting. In any case, I have found that the proposal fails to satisfy the first part of criterion 3 of Policy 7 and I am not persuaded that there would be any material benefit to the character and appearance of the surrounding area with the proposed conversion.

12. The appellants raise the potential for the site to be considered previously developed land. However, Policy 21 of the CLP gives encouragement to sustainably located proposals that use previously developed land and consideration should be had of, together with other things, the accessibility to services and facilities to ensure an efficient use of land. Even if I were to accept that the site comprises previously developed land, for the reasons given above, it is not sustainably located.
13. The appellants have drawn my attention to a previous High Court judgement and the Council has referred to previous appeal decisions, including a case relating to this site, which I have referred to above. However, these cases relate to Prior Approval matters under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. As such, these cases are matters to which I attach limited weight and I have considered this appeal proposal on its own merits.
14. To conclude, for the above reasons, the site is not suitable for residential development having regard to its location and given that it would not constitute suitable conversion in accordance with the development plan. Consequently, in those regards, the development would conflict with the sustainable development principles and development criteria set out in Policies 1 and 7 of the CLP.

Other Matters

15. Having regard to the Habitat Regulations, on the evidence before me I am unable to rule out, in the first instance, likely significant effects on the integrity of the Plymouth Sound and Estuaries Special Area of Conservation and the Tamar Estuaries Complex Special Protection Area Site. However, as I am dismissing the appeal for other reasons given above, I have not pursued these matters further.

Planning Balance and Conclusion

16. The proposed development would provide two dwellings to the local housing supply. Paragraph 60 of the Framework refers to boosting significantly the supply of housing. There would be a small social benefit in providing two extra housing units with occupiers likely to participate in the local community and use relevant services within the wider area. Some economic advantages would arise from the construction and occupation of two additional dwellings. However, the provision of two additional units within the site would make little meaningful difference to the supply of housing and, due to the small quantum of development, these benefits would be limited. I have taken account of the appellant's view that the design of the proposed scheme would be an improvement of the appearance of the existing development, but I have come to my own conclusions for the reasons stated. I have also noted the appellant's

view that the introduction of landscape mitigation would provide some benefit to visual amenity and the natural environment. However, the benefits are limited by the scale of the proposal and would not outweigh the totality of the identified harm. Accordingly, these are factors to which I attach limited weight.

17. The proposal would conflict with the development plan as a whole and there are no material considerations identified, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR