



Appeal Decision

Site visit made on 17 January 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2023

Appeal Ref: APP/D0840/W/22/3303025

Fairfields Road, Probus, Truro, Cornwall TR2 4HQ

- 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 Simon Grigg against the decision of Cornwall Council.
 - The application Ref PA22/02320, dated 7 March 2022, was refused by notice dated 27 June 2022.
 - The development proposed is conversion of existing water storage building to a residential dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's second reason for refusal was based on harm to the integrity of the Fal and Helford Special Area of Conservation (the SAC). During the appeal, the appellant submitted a completed legal agreement and paid a financial contribution to the Council towards measures to mitigate harm to the SAC. The Council has confirmed that the second reason for refusal has been overcome.
3. On 10 January 2023, the Council received the Inspector's Report on the Examination of its Climate Emergency Development Plan Document (the CEDPD). The Report concludes that, with the recommended modifications that it contained, the CEDPD is sound. Subject to Cabinet approval, the Council anticipates that the plan will be adopted on 21 February 2023. The appellant has been given the opportunity to comment on the advanced stage of preparation of the relevant policies in the CEDPD.

Main Issue

4. The main issue is whether the building is suitable for conversion to a dwelling, having regard to the settlement policies of the development plan, the accessibility of the site, and the effect of the development on the character and appearance of the countryside.

Reasons

5. The appeal site comprises a roughly triangular copse of trees that lies to the northern side of the road leading into the village of Probus from the east. The trees are covered by a Woodland Tree Preservation Order (the TPO) that was confirmed in 2009. Towards the centre of the site is a domed concrete building, which was formerly used for the storage of water, but is now redundant and

covered in vegetation. It is proposed to convert this structure to a single dwelling.

6. The appellant disputes that the site lies in the open countryside. Furthermore, it is contended that, as the site is well-related to the settlement and comprises previously developed land (PDL), the proposal is supported by Policy 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan). However, paragraph 2.33 of the Local Plan defines open countryside as *“the area outside of the physical boundaries of existing settlements (where they have a clear form and shape)”*. The built-up area of Probus has a very clearly defined form which, in the vicinity of the appeal site, is contained to the south of the road known as Fairfields. The site lies to the north of the road, with undeveloped agricultural land to either side. It is, therefore, outside of the physical boundaries of the village, and in the open countryside as defined by the Local Plan.
7. Policy 3 only supports the development of PDL within or immediately adjoining settlements. In this case, the appeal site lies about 100 metres from the nearest houses in Rosparc, which form the eastern edge of the built form of the village. I acknowledge that there is an extant planning permission for a garden and nursery complex at the Probus Demonstration Garden directly opposite, but it currently has an undeveloped appearance, and does not visually, or functionally, appear as part of the village. Consequently, the appeal site does not immediately adjoin the settlement. The site is not identified for development by a Neighbourhood Plan, the proposal is not promoted as a rural exception site, and it is not argued that the development comprises rounding off or infill. Therefore, the provision of a dwelling in this location would not comprise any of the types of new housing that is supported by Policy 3 of the Local Plan.
8. Policy 7 of the Local Plan only permits new homes in the open countryside where there are special circumstances. Of the specified circumstances, the only one that is relevant to the appeal proposal is the reuse of suitably constructed redundant, disused, or historic buildings that are appropriate for retention, and would lead to an enhancement to the immediate setting. The Council argues that the utilitarian design and simple construction of the building makes it unworthy of retention. However, the supporting text to Policy 7 clarifies that the appropriateness of buildings for conversion will depend on their scale and method of construction, structural soundness, and the ability to convert the building without the necessity of substantial demolition or substantial rebuilding operations. There is no requirement for the building to exhibit any inherent architectural quality.
9. In determining the application, the Council did not raise any concerns about the structural capability of the building for the conversion as proposed. Nonetheless, in its appeal statement, it seeks to cast doubt on the suitability of the structure for conversion to residential use. However, the application was supported by a Building Survey Report, prepared by a suitably qualified expert, which concluded that the building is in suitable condition for conversion to residential accommodation. No comparable expert evidence has been provided to cast doubt on this finding. Consequently, I conclude that the building is appropriate for conversion. Compliance with Policy 7 therefore rests only on whether the proposal would provide an enhancement to its immediate setting.

10. The copse of trees is an attractive feature, close to the entrance to Probus, and it makes a positive contribution to the rural setting of the village. The appellant contends that the disused building is somewhat unsightly, so its conversion would result in an enhancement of its surroundings. I saw, however, that the structure is set well back from the road, surrounded by trees, and covered in vegetation. Together with its domed form and lack of doors and windows, this means that it is not readily discernible as a building when passing the site. My visit took place in winter, and even at this time, the building was not a prominent feature from outside the site. At most other times of the year, when the surrounding vegetation is in leaf, it is likely to be very well concealed. Consequently, the presence of the building does not diminish the contribution that the copse currently makes to the rural character and appearance of its surroundings.
11. The proposed conversion would involve the removal of ten trees and eight metres of hedgerow, together with clearance of undergrowth, to provide an access, parking and turning area, septic tank, and outdoor amenity space for occupants. The works to the building itself would include excavation of the surrounding embankment to reveal the full height of the building, insertion of numerous doors and windows, and the construction of a new roof over the existing domed structure, with a central lantern. The cumulative impact of these works would be to make the building a much more dominant feature within the copse, with an overtly residential character. It would be surrounded by a cleared area of land that would be largely hard surfaced for the access and carparking/turning area, and would be much more visible as a result of the opening of the access and the clearance of trees and vegetation. There would, therefore, be a harmful impact on the natural character of the surrounding copse.
12. The appellant contends that the proposed palette of materials is appropriate for a rural location, and that the conversion will give the building more interest. However, whilst cedar cladding and a slate roof would not be unsuitable, they would not disguise the much more strident form of the building resulting from its excavation, its residential appearance through the creation of domestic scale doors and windows, or its increased prominence due to the clearance of surrounding vegetation. Consequently, the choice of materials would do little to reduce the visual impact of the proposal on its rural surroundings.
13. The Arboricultural Impact Assessment (the AIA) submitted with the application concludes that the removal of the trees and eight metres of hedgerow would not have a significant detrimental impact on the group as a whole. However, that is not to say that there would be no harmful impact. Furthermore, from what I saw, the AIA rather underplays the impact of the loss of the Scots Pine numbered G1.1. At paragraph 8.3 it is described as making a valuable contribution to the local landscape as part of the group. Whereas at paragraph 8.4 it states that its removal would have a small negative impact. I saw that it was one of the larger trees on the site, with a good form and no signs of poor vigour. Being evergreen, and located near to the road frontage, its loss would be noticeable, notwithstanding the retention of the deciduous roadside sycamores. Its removal is only necessitated by the proposed development, and would be harmful to the natural landscape value of the copse.
14. The AIA identifies that the site does not appear to have been subject to management, and would benefit from a long-term vision that would include

thinning and supplementary planting. However, it also says that it currently has a high amenity value. Consequently, I see no evidence that urgent intervention is necessary. The entire site would become residential curtilage, and the AIA recognises that this brings risks if the expectations of future occupants are not sympathetic to the sensitivities of the woodland. The AIA makes little comment on the future compatibility of the trees with the use of the building as a dwelling, and the surrounding site as a garden. However, from my observations, the retained trees would result in shade being cast over most of the site at most times of the day in the summer. Whilst the trees are protected by the TPO, it would be difficult for the Council to resist future requests for works to provide a reasonable degree of amenity and safety for occupants. Future management of the copse would therefore be likely to be influenced more by these needs than to maximise the visual amenity and biodiversity interest of the woodland.

15. Overall, therefore, the proposals would result in the building having a much greater prominence, the removal of protected trees, and the domestication of the site. All of these factors would be harmful to the natural appearance of the copse and the positive contribution that it makes to the rural setting of the village. The development would not, therefore, lead to an enhancement to the immediate setting of the building. Consequently, the proposal would conflict with Policy 7 of the Local Plan. In coming to this conclusion, I am mindful that the building and its curtilage would be well-screened by the retained trees in views from the north. However, the impact of the proposals would be readily visible from the road passing the site to the south. I also recognise that the site does not lie in a protected landscape, but this does not alter the requirements of Policy 7.
16. Policy 21 of the Local Plan gives encouragement to sustainably located proposals that use PDL and buildings provided that they are not of high environmental or historic value. Although the site lies outside the settlement, the facilities and services in the village would be within easy walking or cycling distance for occupants. The proposal would, therefore, be sustainably located. However, the site has a high environmental value, as is evident from the TPO designation. I have found that there would be harm to the amenity value of the protected woodland as a result of the development. Consequently, I find that Policy 21 does not provide support for the proposal.
17. In conclusion, the proposal would not comply with the settlement policies of the development plan and would be harmful to the character and appearance of the countryside. The development would, therefore, be contrary to Policies 7 and 23 of the Local Plan, which seek to ensure that all development proposals protect and where possible enhance Cornwall's natural environment, and that proposals for the conversion of buildings in the countryside lead to an enhancement to the immediate setting. The proposal would also conflict with the guidance at paragraph 80c) of the National Planning Policy Framework (the Framework) which similarly requires proposals for the re-use of redundant rural buildings to enhance their immediate setting.
18. In arriving at this conclusion, I have had regard to the planning permission¹ that has been drawn to my attention relating to a similar building elsewhere in Cornwall. However, in that case, the building was described in the Officer's

¹ Local Planning Authority Reference: PA17/04963

report as being “*conspicuous through its fairly prominent siting*”, so the conversion of the utilitarian structure was considered to result in an enhancement of its immediate setting in accordance with Policy 7. It can, therefore, be readily distinguished from the case before me, where the building is screened by vegetation, and where the conversion would have a harmful impact on the character and appearance of the locality. Consequently, it carries little weight in my decision.

Planning Balance

19. Paragraph 60 of the Framework seeks to significantly boost the supply of homes. The development would provide a dwelling, which would assist with this aim, and would be a benefit of the proposal. There would also be benefits to the rural economy associated with the construction phase of the development, and the future spend by occupants in the local area. However, due to the small scale of the development, these benefits would be modest, so the weight I give them is limited.
20. The Framework makes it clear at paragraph 12, that the presumption in favour of sustainable development does not change the statutory status of the development plan, and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. I have found that the proposal would conflict with policies of the development plan that govern the settlement strategy and protect the natural environment. The relatively small scale of the benefits does not outweigh this conflict.

Conclusion

21. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR