



Appeal Decision

Site visit made on 22 March 2023

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 03 April 2023

Appeal Ref: APP/D0840/W/22/3305943

Manare Barn, Manare Farm, Portloe, Truro, Cornwall, TR2 5RB

- 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 D Urch against the decision of Cornwall Council.
 - The application Ref PA21/11417, dated 1 November 2021, was refused by notice dated 28 February 2022.
 - The development proposed is the proposed conversion of the redundant former agricultural barn into a dwelling, the installation of a sewage treatment plant and the construction of a bat roost.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area, having particular regard to the location of the site within the Cornwall Area of Outstanding Natural Beauty (the AONB), the Heritage Coast and the Portloe Conservation Area (the Conservation Area).

Reasons

3. The development plan comprises the policies of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) and the policies of the Roseland Neighbourhood Development Plan (2015 -2030) (the RNDP).
4. The appeal site is situated outside of the village at Portloe and is located within the AONB and Heritage Coast. The evidence before me further confirms that the appeal site is within the Conservation Area. The site comprises land and a two storey barn structure constructed in stone with a slate roof. The barn structure is set into the hillside such that access to the upper floor is from the rising land to the rear of the building. Immediately adjacent to the barn is a public right of way which connects with the South West Coast Path. The site is predominately surrounded by sloping agricultural land with a separate agricultural building being located east of the site, on the opposite side of the public right of way and which is significantly set down from the public right of way and appeal site land level.
5. The proposal seeks to convert the appeal building to a residential dwelling, with external amenity space provision to the rear and with an area for vehicle parking to be provided located on the opposite side of the public right of way.

6. Policy 2 of the Local Plan contains the Council's spatial strategy which sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing jobs in a proportional manner based on the role and function of each place. The appeal site is located outside of the settlement and within the countryside for planning purposes. Policy 7 of the Local Plan supports development proposals within the countryside where it is shown that special circumstances apply, such as where there would be reuse of redundant or disused historic buildings.
7. In terms of reuse of a redundant historic building, criterion 3 of Policy 7 of the Local Plan provides that the building to be converted should be appropriate to retain, has an existing lawful residential or non-residential use and be ten years old or greater, with the relevant development leading to an enhancement to the immediate setting. The supporting text to Policy 7 of the Local Plan 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 demolition or substantial rebuilding operations.
8. A preliminary structural survey was submitted in support of the planning application, and which followed an inspection of the appeal building in June 2005 (the 2005 Survey). Further to that survey, a letter from the same appointed structural engineer was submitted following refusal of the planning application, and which confirms that the previous preliminary survey is now outdated and that consequently a further visit to the site was requested. The supporting letter provides a conclusion that, with the exception of normal deterioration of the building since 2005 to include a joist end which it is recommended be carefully examined for rot, the "observations from 2005 all still apply".
9. In terms of the 2005 Survey, which appears to have been based on a visual inspection, a number of matters were identified and considered. Amongst other things, the 2005 Survey identified that some new replacement lintels would be required and that whilst the southeast wall was out of alignment, that instability does not "appear to be ongoing". Furthermore, the 2005 Survey identifies that a rainwater down pipe which discharges into a trough contributes to the "dampness evident internally". There does not appear to have been any inspection of foundations and the 2005 Survey confirms that in order to achieve the required ground floor, the existing floor level will need to be reduced which would probably undercut the walls at one end of the building. In that respect the survey provides that underpinning of walls may be required.
10. Whilst I do not consider that new lintels would form part of a substantial rebuild, and even in the event that I accept that the water ingress identified within the 2005 survey could be addressed by draining surface water away from the building to a soakaway, without confirmation regarding whether the wall would need underpinning and without confirmation that walls 'are' stable rather than "appear" to be stable, I cannot be sure that the proposal would, with all certainty, not require substantial rebuilding operations in order to convert the building to residential.
11. Nonetheless, the relevant exception within Policy 7 of the Local Plan regarding reuse of redundant buildings also requires that the scheme leads to an enhancement to the setting. I shall now turn to consider that aspect.

12. The appeal site is located within the South Coast Central Section of the AONB. The Cornwall AONB Management Plan (the AONBMP) and the Cornwall and Isles of Scilly Landscape Character Study similarly describe the area as including sheltered bays with sandy beaches and small coves, coastal villages rooted in the pilchard fishing industry, highly articulated cliffs and headlands with bracken scrub behind cliffs and along the coastal strip. The site also lies within the 'steep sided valley' character type as defined in the Roseland Local Landscape Character Assessment which provides that there are few buildings on the steep slopes with Portloe being an exception in that dwellings are tightly clustered on the steep sided valley along the road and beside the harbour. From observations made on my visit, these characteristics reflect the surrounding landscape setting of the appeal site.
13. Paragraph 176 of the National Planning Policy Framework (the Framework) provides that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB. This is reflected in Policy 23 of the Local Plan and Policy MD9 of the AONBMP. Both confirm that development will only be permitted where it is of an appropriate scale and is compatible with its surroundings with Policy MD9 of the AONBMP also providing that development promotes the conservation of the historic environment and the heritage assets that it forms part of.
14. By reason of the location of the site separated and isolated from dwellings located within Portloe, the simple form, use of traditional materials in its construction and utilitarian appearance of the appeal building makes a positive contribution to the landscape qualities and cultural heritage of this part of the AONB. Notwithstanding the above findings in respect of works for the conversion of the building, whilst the appeal scheme would include an addition in the form of a lean-to structure that would have a slate roof, existing openings would be maintained with the proposal retaining the simple traditional character and appearance of the appeal building. Consequently, whilst the appearance of the barn would alter to some limited degree, its utilitarian agricultural appearance would be largely preserved.
15. As noted above, vehicle parking spaces are proposed to be located on the opposite side of the adjacent public right of way. The presence of parked vehicles or the sight of vehicles travelling along the adjacent public right of way in order to access the highway within Portloe, would be harmful to the tranquillity and largely undeveloped nature of the AONB in this location. Furthermore, external amenity space to include a walled off area, would be provided to the rear of the appeal building. That space is limited in terms of area, and would be used to serve occupants of the dwelling.
16. In these respects, it is noted that proposed planting and landscaping would provide some screening to these areas. With regards to the parking provision, whilst additional planting and the presence of an existing wall would largely screen the area from views within the wider surrounding area, it would be open ended such that the area would be prominent in views from the adjacent public right of way when travelling from the direction of Portloe past the site.
17. It is also noted that the submitted plans and details provide that the external amenity area to the rear would be seeded with grass and wildflower margins, with additional planting to provide screening, and that domestic paraphernalia would be restricted to the walled area of the external amenity space. In those

respects, it is likely that additional planting would require time to mature and provide effective screening, and by reason of its setting on higher ground than the appeal building, the external amenity area would be visible to those travelling in the direction of Portloe along the adjacent public right of way from the southeast.

18. Whilst it may be that the Appellants intend to make full use of that walled area so as to minimise the spread of domestic paraphernalia across the site, this may not reflect the intention of future owners and occupants of the appeal proposal. It would not be possible to adequately control the harmful impact of domestic paraphernalia spread at this location through the application of conditions, as such a condition is unlikely to satisfy the tests for planning conditions as set out in paragraph 56 of the Framework.
19. The Framework requires that great weight be given to conserving and enhancing the landscape and scenic beauty within the AONB. In my view, and for the reasons given above, the proposal would be at odds with, rather than enhance, the prevailing rural character of the AONB in a location which the Framework highlights as having the highest status of protection in relation to landscape and scenic beauty. However, the harm to the AONB would be somewhat limited given the site would not be highly visible from within the wider surrounding area on account of changes in land levels and by reason of the additional landscaping and planting the scheme proposes. Nonetheless, there would be some degree of harm and, in accordance with the provisions of the Framework, I attach great weight to that harm in the determination of this appeal.
20. Paragraph 178 of the Framework provides that, within areas defined as Heritage Coast, planning decisions should be consistent with the special character of the area and the importance of its conservation. For the same reasons given above in respect of the harm to the AONB, and whilst acknowledging that the level of harm would be limited, the proposal would not maintain the character and distinctive landscape qualities of the Heritage Coast.
21. The appeal site is also located within the Conservation Area. Whilst there does not appear to be any Conservation Area appraisal, I was able to explore the Conservation Area at my site visit and, from the observations made, I consider that the significance of the Conservation Area is predominately derived from the narrow streets leading to and around its harbour area, housing and historic buildings which are positioned on a hillside overlooking a historic fishing harbour, the surrounding steep valley sides and its setting within the AONB.
22. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas, which is reflected in the wording of Policy 24 of the Local Plan and Policy CV3 of the RNDP.
23. The appeal scheme would be positioned set apart from the clusters of dwellings that are located alongside the road which passes through Portloe. For the same reasons given above, the scheme would result in the domestication of the site which, in my view, would erode the undeveloped nature of the steep sided valley which is a key characteristic of the Conservation Area which makes a significant positive contribution to its character and appearance.

24. The site is not highly visible from within the core of the settlement at Portloe, but would again be prominent and visible from that part of the adjacent public right of way which is located within the Conservation Area. As such, in terms of the advice contained within the Framework, the harm to the significance of the Conservation Area would be 'less than substantial', affecting only its immediate surroundings.
25. However, a finding of 'less than substantial harm' does not equate to less than a substantial objection. The Framework makes clear that any harm to the significance of a designated heritage asset should require clear and convincing justification. Accordingly, and in line with the provisions of paragraph 202 of the Framework, this harm should be weighed against the public benefits of the scheme including, where appropriate, securing its optimum viable use.
26. In this respect, the public benefits of the appeal scheme would arise from the provision of an additional dwelling towards housing supply and in relation to the very limited economic benefits in terms of employment opportunities during the conversion phase and through the future spend of residents within businesses located within Portloe. The scheme would also make use of a traditional agricultural building which, on account of its location, age and materials used in its construction, is worthy of retention. Cumulatively, I attach moderate weight to those benefits in the determination of this appeal.
27. In that regard I find that the benefits of the scheme would not outweigh the identified harm that would be caused to the Conservation Area to which I attach great weight in accordance with paragraph 199 of the Framework.
28. In summary of the above, whilst I have found that the harm to the Heritage Coast and the AONB would be limited, the appeal scheme would have a harmful effect on the landscape and scenic beauty of the area including the AONB, the conservation of which must be afforded great weight. It would also fail to preserve the character and appearance of the Conservation Area. The identified harm to the Conservation Area would not be outweighed by the benefits of the proposal.
29. For the above reasons, the appeal proposal would conflict with Policies 2, 7, 12, 23 and 24 of the Local Plan and would fail to accord with Policies LA1, LA2, CV3 and GP2 of the RNDP. These policies amongst other things seek to ensure that development: is of a high standard; protects historic assets; ensures local distinctiveness and protects the natural and historic environment. The scheme would also conflict with those sections of the Framework which concern conserving and enhancing the natural and historic environment.
30. The development would also conflict with Policy MD9 of the Cornwall AONB Management Plan (the AONBMP) which, amongst other things, seeks to ensure that development is appropriately located which addresses landscape sensitivity. While the AONBMP does not form part of the development plan, the identified conflict also weighs against the appeal scheme.
31. Within the reasons for refusal given on the Decision Notice, the Council cites conflict with Policies H03 and CD2 of the RNDP. Policy H03 concerns reuse of redundant buildings for affordable housing provision. The scheme is not proposed as affordable housing and so gains no support from that policy. However, Policy CD2 of the RNDP provides requirements in terms of reuse of farm buildings for an alternative commercial use. In this instance the proposal

concerns a residential dwelling and as such the requirements of Policy CD2 of the RNDP do not apply to the scheme.

Other Matters

32. The submissions in this appeal confirm that the appeal site lies within the zone of influence of the Fal and Helford Special Area of Conservation. If the scheme was to be considered acceptable it would be necessary for appropriate mitigation to be secured to ensure that the proposal would not, either alone or in combination with other projects, likely to have a significant and adverse effect on the integrity of that protected habitat site. It is noted that a completed planning obligation was submitted during the appeal and that I have been provided with a copy receipt for payment of financial contribution towards mitigation. However, given my overall conclusion in respect of the above main issue, I have not had to consider this matter further or have needed to undertake an appropriate assessment.

Conclusion

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

Mr A Spencer-Peet

INSPECTOR