



Appeal Decision

Site visit made on 21 March 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2023.

Appeal Ref: APP/D0840/W/22/3307583

Oldthorns, Road From Chapel Hill To Prentice House, Little Polgooth, St Austell PL26 7DD

- 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 P Stafford against the decision of Cornwall Council.
 - The application Ref PA21/09881, dated 30 September 2021, was refused by notice dated 24 March 2022.
 - The development proposed is: The conversion of an existing building within use class E to a single dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site is an appropriate location for housing, with particular regard to the local development strategy; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Appropriate location

3. Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) set the spatial strategy for development. Policy 2 states that new development should provide a sustainable approach to accommodating growth maintaining the dispersed development pattern of Cornwall with strategic scale growth in the main towns. Policy 3 states that development should be based on the role and function of places with the delivery of housing managed in the main towns identified in the policy. The site is not within an identified main town.
4. Outside of the identified towns, Policy 3 states that housing growth will be supported through Neighbourhood Plans, the rounding off of settlements and development of previously developed land within or immediately adjoining a settlement, through infill schemes and through exception site proposals.
5. There is no neighbourhood plan for the area and the proposal is not for a rural exception site or infill development. As a result, to gain support from Policy 3 of the LP, the appeal site would need to be located within a settlement.

6. Policy 3 of the LP does not define what a settlement is but a Chief Planning Officer's Advice Note: Infill Rounding Off (AN) has been referred to by both parties. The AN is not part of the adopted Development Plan, but it is used for development management purposes and aids the assessment of whether a site falls within a settlement. The AN states that there is no absolute definition of a settlement but clarifies that they should have a 'form and shape and clearly defined boundaries, not just a low density straggle of development'. It goes on to state that well-defined groups of dwellings with a collective name will normally be settlements.
7. The appellant has drawn attention to the area benefitting from the collective name of Little Polgooth with a place name sign and related change to a 30mph speed limit. However, the area is characterised by buildings interspersed with open fields that are not of a particular notable form or shape. On passing the site, one does not get the sense of being in a settlement but of passing an undefined spread of unrelated buildings. The area has no clearly defined boundaries, with buildings often visually separated with limited relationships with each other. The immediate area within which the appeal site is viewed, does not have a sense of place or appear to form part of a group of dwellings forming a settlement. Due to the separation between the dwellings, they appear as a very low-density sprawl of individual buildings.
8. In light of the above, the area does not meet the definition of a settlement as set out in the Council's advice note. As a result, the appeal proposal does not find support under Policy 3 of the LP. With regard to Paragraph 80 of the National Planning Policy Framework (the Framework), although the site is not within a settlement, the building is not isolated as it is read in association with the buildings opposite. As a result, the proposal does not gain support from Paragraph 80 of the Framework.
9. Policy 7 of the LP supports the development of new homes in the open countryside where they reuse suitably constructed, redundant, or disused buildings that are appropriate to retain and would lead to an enhancement to the immediate setting. Although the appellant has advised that the building is no longer being used and that permitted development rights could be used to make some changes to the building, paragraph 2.33 of the LP states that the conversion of large portal framed buildings will rarely be appropriate. In addition, given the need to construct an internal frame within the building to enable the conversion, and the Structural Survey stating that the building is appropriate for the proposal 'subject to a full structural analysis of the portal frame structure' and 'subject to detailed structural assessment', there is insufficient evidence to demonstrate that the building is suitably constructed in relation to LP Policy 7.
10. As it has not been adequately demonstrated that the building is suitably constructed, the proposal does not comply with Policy 7 of the LP and I do not need to consider here whether the building is appropriate to retain and would lead to an enhancement of the immediate setting.
11. Policy 21 of the LP encourages sustainably located proposals that use previously developed land and buildings. Even if the proposal falls within the definition of previously developed land, I have not been made aware of any public transport facilities serving the site. In addition, with the closest services and facilities being located at Polgooth, access to these is likely to be reliant

upon the use of the car given the distance, narrow nature of the roads which are unlit and without pavements. I note the presence of local footpaths, but again, these are unlit and unlikely to be attractive to users at all times of the year.

12. In conclusion, the proposal would lead to the creation of a new dwelling in an inappropriate location in conflict with the settlement hierarchy for the location of housing outlined in the development plan. It is therefore contrary to Policies 2, 3, 7 and 21 of the LP and the Framework which, amongst other things, seek to direct new housing to settlements and sustainable locations.

Character and appearance

13. The site is adjoined on three sides by open fields and planting. It has the appearance and form of an agricultural building in a countryside setting. As such, it sits comfortably within the wider rural character of the area. The building can be partially viewed on approach, although there are no wider long-distance views of the building due to existing planting and topography.
14. The proposal seeks to retain a cladded appearance to the building but with the introduction of several openings, small roof lights and balcony area. The majority of the openings and the covered terrace are at ground floor level and would not be readily visible on approach to the building given existing planting and topography. Given the position of the balcony and related glazing to the rear of the building, it would not be readily viewed. There are roof lights to the current building and as a result these features would not detract from the original appearance of the building or wider area.
15. The glazed entrance would be visible when directly facing the site, but in this context, the building would be viewed in association with the residential dwellings on the opposite side of the road. The design of the glazing adequately frames and retains the scale and form of the building that would clearly appear as a converted former agricultural barn. In light of this and the proposal providing an opportunity to tidy up the site frontage, it would enhance the immediate setting.
16. Considering that the views of the building are limited to close range, the footprint close to the site boundaries constraining any associated visual impact from paraphernalia, and the visual association with residential dwellings opposite, any light spill from the openings would be limited and would not be harmful to the wider area. The covered terrace and balcony provide suitable external space to prevent the loss of any boundary planting.
17. I conclude that the proposal would not harm the character and appearance of the area. Accordingly, the appeal scheme would therefore comply with Policies 12 and 23 of the LP and the Framework which, amongst other things, seek to achieve high quality design and ensure that development sustain local distinctiveness and character.

Other Matters

18. The parties do not agree whether the building benefits from a fallback position for conversion to residential use under Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). I acknowledge the other decisions put forward by the appellant in relation to this, but their circumstances are not directly comparable

to this appeal. I also acknowledge that a planning application may provide more opportunity to apply conditions and that recent changes to the GPDO allow for the provision of dwellings in the countryside. However, in light of the conflicting evidence justifying whether there is a real prospect of a fallback development being implemented, in the absence of any prior approval under Class MA, and given that Class MA does not permit operational development so not entirely comparable with the appeal proposal, I attribute this little weight.

19. Attention has been drawn to the Council having formally declared a 'Housing Emergency'. The appellant also outlines that the housing market in the area has changed, is in a different position to that detailed in the LP and that as a result the LP is outdated. The Council have provided evidence in the Cornwall Monitoring Report Cornwall Five Year Housing Land Supply Statement 14 July 2022 (CMR) that indicates that it can demonstrate a five-year supply. The appellant has referred to a planning permission in Langarth, questioning whether this is likely to come forward in the timescale indicated by the Council. However, limited detailed evidence has been provided rebutting the Council's position outlined in the CMR. As a result, I do not find the referenced LP Policies to be out of date and the declaration of a 'Housing Emergency' and any small benefit from the provision of an additional dwelling do not outweigh my findings above.
20. Although the proposal would help to maintain the vitality of the rural community and support local services in nearby settlements in accordance with Paragraph 79 of the Framework, the benefits from one dwelling would be insignificant and as a result do not alter my findings.
21. I have little evidence to demonstrate that other uses of the building would be less desirable or suitable and whilst similar structural surveys and rounding off development may have been accepted and approved by the Council, these matters do not outweigh my findings above.

Conclusion

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

C Rose

INSPECTOR