



Appeal Decision

Site visit made on 20 April 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/D0840/W/22/3305686

Trewoone Farm, 11 Strawberry Lane, Hayle, Cornwall TR27 5JS

- 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 D J Richards against the decision of Cornwall Council.
 - The application Ref PA22/00995, dated 3 February 2022, was refused by notice dated 4 April 2022.
 - The development proposed is described as 'Construction of Sustainable Farm House and Associated Works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken directly from the original planning application form.

Main Issues

3. The main issues are a) whether the appeal site is a suitable location for housing, with particular regard to the local development strategy; and b) the effect of the proposal upon the character and appearance of the area.

Reasons

Location

4. Policy 1 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan), promotes a presumption in favour of sustainable development in line with the approach set out in the National Planning Policy Framework (the Framework). Meanwhile, Local Plan Policies 2 and 3 set out the Council's spatial strategy for development. The policies provide for a sustainable approach to accommodating growth, whilst maintaining the dispersed pattern of Cornwall, and providing homes and jobs based on the role and function of each place. Under Policy 3, housing development is expected to be delivered within identified main towns, none of which the site falls within.
5. The appeal site relates to a portal framed, open fronted barn that is used for storage purposes. It lies adjacent to an existing farm lane, that provides access to the associated farm, as well buildings used as holiday lets. It is therefore not isolated in terms of Paragraph 80 of the Framework. However, these buildings, and the appeal site, lie well outside the nearest recognised settlement boundary. It therefore lies within the open countryside as defined by the Local Plan.

6. Policy 7 of the Local Plan establishes that the development of new dwellings in the countryside will only be permitted where there are special circumstances. Several such circumstances are identified by the policy, none of which the proposed development would meet.
7. The proposal would therefore lead to the creation of a new dwelling in an inappropriate location, in conflict with the settlement hierarchy for the location of housing established in the development plan. As such, it would conflict with policies 1, 2, and 7 of the Local Plan, as well as the provisions of the Framework, which amongst other matters, seek to direct new housing to settlements and sustainable locations.
8. Indeed, there is no dispute between the main parties that the proposal conflicts with the Council's strategic approach to housing delivery. However, the appellant has indicated that the site already benefits from a consent for a new dwelling via an extant prior approval (ref: PA21/02953) under Schedule 2, Part 3, Class Q of the General Permitted Development (England) Order 2015 (as amended) (the GPDO). This is a material consideration that I will return to later in this decision.

Character and Appearance

9. The appeal site is in a distinctively rural location, consisting of a gently undulating landscape of small fields interspersed by hedgerows.
10. The existing barn is rather sizeable and is set away from the cluster of other built form at Treewoone Farm to the east/south-east. It is prominent from close range views, most notably the adjacent Public Right of Way (PROW) that runs along the farm's access road to the northern boundary of the site. The barn is also visible, albeit not highly prominent, from longer range views due to the local topography. Nevertheless, the existing building has a simple form and agricultural function. Therefore, where views are available it reads as a typical component of the wider agricultural landscape and has a rather innocuous presence.
11. Despite a reduced footprint, the proposed dwelling would be notably taller than the barn it would replace. Furthermore, it would have a highly domesticated appearance, which alongside the introduction of related domestic paraphernalia, would result in a far more conspicuous form of development than the agricultural building it seeks to replace.
12. Whilst the development may incorporate a palette of materials that retain a rural vernacular, it remains that the introduction of a sizeable, largely standalone, dwelling at the site would urbanise and detract from the surrounding rural setting. I appreciate that the presence of vegetation would to some extent screen the proposal from many public viewpoints. However, the proposal would still be highly visible from the adjacent PROW. Additionally, whilst vegetation may limit or soften views of the proposal it should generally not be used to screen otherwise unacceptable proposals. Particularly since there can be no guarantees that such vegetation will be effective or remain in perpetuity.
13. Although the appeal site does not lie within a statutory designated landscape, it remains that the proposed development would unacceptably harm the character and appearance of the area. As such, the appeal scheme would

conflict with Policies 12 and 23 of the Local Plan, as well as Policy NE3 of the Hayle Neighbourhood Development Plan (NDP). Together amongst other matters, these policies aim to promote high quality of design and ensure that development sustain local character and distinctiveness and do not result in adverse impacts on the natural environment, including the landscape. It would also not comply with the principles set out in Chapter 12 of the National Planning Policy Framework (the Framework) which states that development should be sympathetic to local character.

Other Matters

14. As previously indicated, the appellant has an extant prior approval for the conversion of the existing barn at the site to a dwellinghouse. Should the appeal fail, I am satisfied that there is a reasonable prospect that the prior approval scheme would be complete within the necessary timescales. Consequently, this represents a viable fallback position and is a material consideration in the overall planning balance.
15. However, for significant weight to be afforded to the fallback position, there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme before me. On this basis the appellant contends that the proposal is for the overall same quantum of development (i.e. a single dwellinghouse), whilst also claiming it would result in a visual enhancement over the consented fallback position.
16. I do not have the full details of the extant prior approval scheme, but copies of the relevant approved plans/drawings have been provided to me. The extant scheme would largely utilise the existing barn structure on site, given the restrictions and limitations that exist under the prior approval process. Its scale would therefore align with the existing agricultural barn. Likewise, given that it would retain the mono-pitched roof design and existing timber frame its agricultural origins would be evident. Indeed, despite the extensive use of glazing, notably to its northern elevation, the extant scheme remains of a rather subtle design that would display a modern agricultural vernacular.
17. The appeal scheme would incorporate traditional building materials, whilst its level of glazing (including solid to glazed ratios) would be more aligned to dwellings in the surrounding locality. However, in contrast to the extant scheme, I find the proposed design to have a less subtle and more domesticated appearance. For example, through its clear two-storey form with pitched roof, the composition of external materials, and the incorporation of an exposed balcony.
18. Additionally, although of a slightly smaller footprint and utilising alternative glazing arrangements, the increased height and bulk of the proposed dwelling would result in it having greater prominence than the extant scheme. I recognise that this may only be slightly more prominent and would be most appreciable from the nearby PROW, which is seemingly not heavily utilised. Nevertheless, I find the proposal's increased prominence and domesticated form is of greater harm to the character and appearance of the area than the extant scheme.
19. The appellant also seeks to justify the proposal based on its improved energy performance compared to the consented scheme and in this regard highlights

advice contained within recent Council guidance¹. However, there is a lack of information before me to compare the energy performance of the consented scheme and the current proposal, such that I cannot give any meaningful weight to this line of argument.

20. Reference has also been made to other sites in the surrounding area whereby planning permission for new dwellings have been approved. However, I have been provided with very limited details of those permissions, whilst I have no detailed understanding of the planning history of those sites. In any case, the appeal has been determined on its own merits.

Planning Balance and Conclusion

21. The proposal would conflict with development plan policies relating to the location of new residential development and protection of the character and appearance of the area. Planning law dictates that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. Potential fallback positions can represent such material considerations.
22. The potential for conversion of the existing building to a dwellinghouse under permitted development rights conferred by Schedule 2, Part 3, Class Q of the GPDO is a real prospect and therefore a material consideration in the planning balance.
23. However, in this instance, I have found that the proposed development is likely to have a markedly greater impact on the character and appearance of the area than the fallback position. Consequently, the fallback position carries only modest weight in the planning balance and does not outweigh the conflict with the development plan policies. There are also no other material considerations, including the provisions of the Framework, that together are worthy of sufficient weight to justify the proposed development.
24. For the reasons given above, I conclude that the appeal should be dismissed.

Lewis Condé

INSPECTOR

¹ Chief Planning Officer's Advice Note: Barn Conversions/Replacement dwellings in the countryside February 2023