



Appeal Decision

Site visit made on 3 May 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2023

Appeal Ref: APP/D0840/W/22/3301035

Longlands, Burrell Lodge, Road From Longlands To Castle Hill, St Stephens PL12 4QH

- 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 R Murrain against the decision of Cornwall Council.
 - The application Ref PA20/11505, dated 23 December 2020, was refused by notice dated 16 December 2021.
 - The development proposed is change of use and conversion for barns to dwelling and studio and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Saltash Neighbourhood Development Plan 2021 – 2030 (the SNP) was successful at referendum after the determination of the application by the Council. The SNP is therefore now part of the development plan for the area. Both parties have had the opportunity to comment on its change in status in their appeal submissions.

Main Issues

3. The main issues are:
 - (i) whether or not the proposed development would constitute a suitable conversion in accordance with the development plan, and
 - (ii) the effect of the proposed development on the character and appearance of the area, including the Tamar Valley Area of Outstanding Natural Beauty (AONB).

Reasons

Suitability

4. There is no dispute between the parties that the site lies in the open countryside. The Cornwall Local Plan Strategic Policies 2010-2030 (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.

5. The appeal site occupies an elevated position in the corner of a field set clearly away from, and to the west of, Burrell Lodge within the AONB. It is surrounded by fields against which the buildings are read. Despite the presence of the buildings, the site contributes to the open and generally undeveloped character of the landscape. For these reasons, the site feels separated from other buildings and it could not reasonably be considered to be within the physical boundaries of an existing settlement. As such, the site is located away from a settlement and in the open countryside.
6. 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 such circumstance, as set out under part 3, relates to the 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.
7. 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.
8. The appeal buildings are a stepped height building with predominately timber clad elevations and a stone-built barn. The stepped height building has a utilitarian form and weathered appearance. The stone-built barn is a much smaller building and appears in a relatively dilapidated state.
9. The stepped height building incorporates a portal frame with a corrugated sheet roof. Openings within the south and east elevation of the lower section provide access into the building. The application details confirm that a new roof cladding would be applied to the buildings. Whilst there would be a new opening within the stone-built barn, a large number of new windows and doors of varying sizes and roof lights would be introduced to the stepped height building.
10. Even if the buildings are redundant or disused, having regard to the lightweight nature of the portal frame stepped height building and the condition of the stone-built barn, there is little substantive evidence to demonstrate that the buildings are suitably constructed to bear the additional weight of insulated roofs and walls, that any other existing elements of the buildings could be incorporated in a scheme of conversion or that the buildings are suitable for conversion without substantial rebuilding.
11. While some works would be internal, considered in combination, without further evidence, I cannot be satisfied that the extent of the interventions required to facilitate the conversion would not be substantial rebuilding operations. It has not therefore been adequately demonstrated that the existing buildings, essentially a rudimentary portal framed building and small stone-built barn, are suitable for conversion or worthy of retention for the purposes of compliance with Policy 7 of the CLP.
12. Although I acknowledge the appellant's various references to the National Planning Policy Framework (Framework), paragraph 12 makes it clear that the presumption in favour of sustainable development does not change the statutory status of the development plan. Where a planning application

conflicts with an up-to-date development plan, permission should not usually be granted.

13. I acknowledge the appellant's references to chapter 9 of the Framework, which refers to promoting sustainable transport and I recognise that there is a range of services and facilities within Trematon and Saltash. However, access from the site would be via a long and rural stretch of narrow, unlit and unpaved road. This would be uninviting for pedestrians or cyclists to have to navigate particularly in the dark or during inclement weather conditions. Moreover, the appeal site remains in the open countryside, and as such this does not weigh in favour of the proposal.
14. Taking the above factors into consideration, the proposal would not constitute a suitable conversion in accordance with the development plan. Consequently, the proposal would be contrary to CLP Policies 1 and 7, which amongst other things, collectively seek to ensure that development is sustainable and avoids creating isolated homes in the countryside.
15. My attention has been drawn to CLP Policy 3 which sets out a hierarchy for new development. However, for the above reasons, including the location of the appeal site in open countryside, the proposal would not comply with this policy.
16. The proposal would also be contrary to Policy RUR2 of the SNP which, amongst other things, requires development outside village settlement boundaries to comply with Policy 7 of the CLP.

Character and appearance

17. Whilst the road boundary hedge to the north of the site provides some screening of the buildings from the road, the land falls away to the south providing extensive views from the site. Nonetheless, the existing buildings are relatively plain, functional and modest in scale and appearance. Moreover, these have an agricultural and weathered appearance, and the lack of doors, windows and hardstanding around the buildings means they have a relatively subdued appearance. Consequently, the presence of the buildings does not diminish the scenic beauty, agricultural character and verdant appearance of the surroundings.
18. I acknowledge that the appellant considers the proposal would lead to an enhancement of the immediate setting. However, the conversion of the buildings would involve the insertion of doors, windows and other features that would result in the buildings assuming a residential appearance. The parcel of land around the buildings would take on a different character with the likely associated domestic trappings, such as hard-surfacing, parked vehicles, and lawn. The cumulative impact of these works would be to make the buildings a much more dominant and incongruous feature in the landscape, with an overtly residential character, despite the proposed use of tinted glazing.
19. There is no substantive evidence to demonstrate that the existing agricultural use of the site would lead to noise and sound pollution or anti-social farming activity. Furthermore, during my site visit I observed that the land around the buildings is comprised of grass and appeared to be a scene that is common in the Cornish countryside. As such, I am not persuaded there is harmful agricultural clutter or activities at the site that would be reduced by the proposed scheme.

20. For the above reasons, I am not satisfied that the proposal would result in an enhancement of the immediate setting. Overall, the whole effect is a scheme that would cause harm to the landscape and scenic beauty of the area and the AONB. The landscaping and hedgerows proposed would help to mitigate the visual impact of the development somewhat, and I am cognisant that the proposal relates to existing buildings on the site. Having regard to these factors, the harm to the AONB identified above would be moderate. Applying the paragraph 176 of the Framework this harm is something to which great weight should be given.
21. Taking the above factors into consideration, the scheme would have a harmful effect on the character and appearance of the area, including the AONB which is afforded the highest status of protection in landscape and scenic terms. Consequently, the proposal would be contrary to CLP Policy 23, which amongst other things, seeks to ensure that development conserves and enhances the scenic beauty and character of AONBs.
22. My attention has been drawn to Policy 12 of the CLP which requires high quality development that enhances the distinctive natural and historic character of the area. However, for the above reasons, the proposal would not comply with this policy.

Other Considerations

23. 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 no need to pursue these matters further.
24. I have noted the appellant's view that the proposal would provide some environmental benefits in terms of biodiversity enhancement including from additional hedge planting. 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.
25. The appellant refers to the benefit of supporting identified housing need in the area. However, even if the dwelling were to be occupied by a person in housing need this would not be controlled because the proposal is for an unfettered open market dwelling. I therefore attach limited weight to this point.
26. Whilst the appellant has referred to similar development having been granted by the Council, little evidence to demonstrate the relevance of these cases to the current proposal and how it should, in the appellant's opinion, support a grant of planning permission in this appeal has been supplied. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
27. The proposal would contribute to the supply of housing. However, being for a single dwelling, the contribution would be small, and I give this factor limited weight. There would be benefits to the local economy associated with the construction phase of the development, and the future spend by occupants in the local area. Nevertheless, as construction benefits would be short term, and given the scale of the proposal, these factors attract limited weight.

Planning Balance

28. I have found the development to not constitute a suitable conversion and found harm to the landscape and scenic beauty of the AONB. These are harms which attract considerable weight respectively.
29. The proposal would conflict with the development plan as a whole and there are no other considerations identified, including the provisions of the Framework, which justify a decision otherwise than in accordance with the development plan.

Conclusion

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

J White

INSPECTOR