



Appeal Decision

Site visit made on 10 May 2023

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 June 2023

Appeal Ref: APP/D0840/W/22/3303378

The Hollies, Silverwell, Blackwater TR4 8JE

- 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 & Mrs Karen & Will Berdinner against the decision of Cornwall Council.
 - The application Ref PA21/10969 dated 27 October 2021, was refused by notice dated 24 March 2022.
 - The development proposed is conversion and extension of redundant buildings to form two dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for the proposed development, having particular regard to development plan policies which seek to control housing growth.

Reasons

3. The appeal concerns a group of modestly sized, single storey buildings which were formerly used for equestrian purposes. They are most closely associated with The Hollies, a residential property which lies immediately to the north. Although the site and surroundings are distinctly rural in character, there are a number of other dwellings in the area which, together, form a loose cluster of development in this location. This includes New Bungalow, directly opposite the buildings on the other side of the access track.
4. Policy 3 of the Local Plan¹ allows for the *rounding off of settlements and development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role*. The policy does not define what is meant by 'settlement' in this context, though paragraph 1.68 of the supporting text says that rounding off applies to development on land that is substantially enclosed. Elsewhere in the Local Plan, paragraph 2.33 defines 'open countryside' as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape).

¹ Cornwall Local Plan Strategic Policies 2010-2030.

5. On the basis of this definition, it seems to me that the site is within the open countryside even though it is not isolated. Although there is a cluster of dwellings in the area, they are very low density. The pattern of built development in the vicinity of the site does not have a clear form and shape typical of a small village or hamlet. There is more open space, fields and undeveloped land nearby than there are buildings. As such, this is not an edge of settlement location where Policy 3 applies.
6. Policy 7 is of more relevance as this concerns housing in the open countryside. In particular, it permits 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*. From my observations, the buildings are essentially disused, even if they do provide some storage space for the appellants. As such, the proposal complies with this aspect of the policy.
7. What is meant by 'suitably constructed' and 'appropriate to retain' in the context of Policy 7 is covered in paragraph 2.33 of the Local Plan supporting text. This advises 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. In this case, the structural survey indicates that the buildings are physically sound and are capable of being converted in the manner proposed. On the strength of technical evidence presented, I accept its conclusions. While the Council questions some aspects of the structural survey, it was carried out by a structural engineer which affords it some weight.
9. Nonetheless, the buildings being proposed for conversion are small, basic structures consisting mainly of concrete blocks and sheet roofing. The plans indicate that both would need to be extended. The barn furthest to the north would have a much larger footprint than it does at present and the new roof would increase the ridge height. Similarly, the barn to the south would be extended into the area which is currently occupied by a timber building and would also require a new roof. While the overall size of the buildings would remain very modest, the proposal would nevertheless represent a sizeable extension relative to the original buildings.
10. It therefore seems to me that the rebuilding operations would be quite substantial and so (based on the advice set out in paragraph 2.33) would not accord with Policy 7. Although I have been informed of a case² where sizeable extensions were permitted to a converted building, this is an individual example and so does not establish a particularly convincing precedent for the application of Policy 7.
11. In terms of appearance, the new dwellings would be relatively small and would not be easily seen from many public vantage points due to the surrounding vegetation and their low height. While the dwellings be very simply designed, architectural styles in the area are mixed and they would mainly be viewed from within the private confines of the site. Domestic activity would also be in keeping with the character of other nearby properties.

² Council Ref: PA18/01090

12. However, the test in Policy 7 is whether there would be an *enhancement to the immediate setting* and not whether the proposal would maintain the character and appearance of the area. It seems to me that in their current form, the buildings are small and very unobtrusive structures which, although somewhat neglected, are compatible with their mainly rural surroundings. The introduction of further built development on the site does not, in my view, represent an enhancement of this setting.
13. My attention has been drawn to an Appeal Decision³ for another site where an Inspector made the point that that simply because something does not positively contribute to visual amenity does not mean that it would be inappropriate for it to be retained. While I agree, the main consideration in the current appeal is whether the proposal would positively enhance the immediate setting as required by Policy 7. I have found that it would not.
14. Policy 21 of the Local Plan says that encouragement will be given to sustainably located proposals that use previously developed land and buildings. While the site is previously developed, it is relatively remote from the range of shops and services that would be necessary to meet the everyday needs of future occupiers. Walking or cycling to local centres from here would involve making lengthy journeys on roads and unlit footpaths and so would not represent a practical option for many people. Although I am informed of buses in the area, I understand that the nearest stop is at least 1 kilometre away, which would not be convenient for all. The evidence therefore indicates that future occupiers of the proposed dwellings would be mainly reliant on private vehicles to access even basic services. Consequently, I do not consider the site to be sustainably located in the context of Policy 21.
15. I conclude on this issue that the site would not provide a suitable location for the proposed development having regard to Local Plan policies which seek to control housing growth. For the reasons above, the proposal would conflict with the objectives of Local Plan Policies 3, 7 and 21. The proposal would also conflict with Policy 2, which sets out the Local plan spatial strategy. However, there would be no conflict with Policy 12 which encourages appropriate standards of design or Policy 23 which seeks to protect landscapes.

Other matters

16. The overall purpose of planning is to achieve sustainable development, which has environmental, economic, and social objectives. In this case, the proposal would make use of a previously developed site. However, it would also contribute to a pattern of development that would not make the best use of walking, cycling and public transport opportunities. It would therefore not support the environmental objective of moving to a low carbon economy which is a goal of the National Planning Policy Framework.
17. On the other hand, the proposal would generate local economic activity during the construction process and would help to boost local housing supply. However, as the proposal is only for two dwellings, the contribution would be modest. Hence, in my view, these benefits alone are not sufficient to outweigh the harm of deviating from the Local Plan housing policies.

³ Appeal Decision: APP/D0840/W/21/3279222

18. The appellant indicates that the proposed dwellings would be used to offer respite breaks for young families affected by cancer. This is a benefit of potentially significant weight in the overall assessment of the proposal. However, relatively little information has been provided about this aspect of the proposal, such as how the facility would operate and the suitability of this particular location. While the appellant states that it is not the intention to use the site as dwellinghouses, the proposal is nonetheless for two dwellings. Similarly, there is also little information before me about the proposed holiday uses beyond the fact that it would be used to fund the respite facility.
19. In the absence of such information, I am unable to give much weight to the benefits that such a respite facility may provide in my overall assessment of the scheme, even though I recognise its potentially important contribution to social wellbeing. Hence, on the strength of evidence provided, I conclude that the proposal is not the sustainable development for which Policy 1 of the Local Plan says that there is a presumption in favour of.

Conclusion

20. The appeal should be dismissed.

C Cresswell

INSPECTOR