



Appeal Decision

Site visit made on 18 July 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/D0840/W/22/3310311

Stables to the west of Fairview Farm, Pennance Road, Lanner, Redruth TR16 5TF

- 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 Kaczmarek against the decision of Cornwall Council.
 - The application Ref PA20/10812, dated 3 December 2020, was refused by notice dated 4 October 2022.
 - The development proposed is the conversion and extension of existing domestic stables into a residential dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Kaczmarek against Cornwall Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area, including having regard to the Carn Marth Area of Great Landscape Value (AGLV).
 - Whether the site would provide a suitable location for the proposal having regard to development plan policies for housing.

Reasons

Character and appearance

4. The appeal site is located within the AGLV. Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030, November 2016 (CLP) and policy seven of the Lanner Neighbourhood Plan 2017-2030, March 2019 (LNP) require development to maintain, conserve or enhance the scenic beauty of the AGLV. The Cornwall and Isles of Scilly Landscape Character Study¹ indicates that the site lies in the Carnmenellis Landscape Character Area. Amongst the key landscape characteristics identified is the gently undulating open and exposed elevated granite plateau. Carn Marth is a notable headland of the plateau.

¹ Appendix H, Appellants' Planning Appeal Statement of Case

Hence, the slopes of this headland form an important part of the special qualities of the AGLV.

5. The Lanner Parish Council Local Landscape Character Assessment² provides more specific analysis to the landscape surroundings of Lanner village. The appeal site, along with a linear northerly section of properties within the village settlement boundary, lies in the south facing steep slope landscape type identified. The topography of this area of land assists in enclosing the village settlement and is distinguished from the higher granite upland dome of Carn Marth which dominates the setting of the village to the north.
6. The appeal site comprises a stable building and adjacent open area of paddock land. My observations of the area were that the appeal site, nearby dwellings and Fairview Farm lie at a peripheral point of the settlement where there is a transition into the countryside and thereafter, the more exposed areas of Carn Marth. The limited height, modest scale and functional rural appearance of the stable building and spacious open area of paddock sit comfortably at this liminal position between nearby single storey dwellings and fields. As such, the appeal site presently eases the transition from domestic buildings to the south into the strong countryside character of the north.
7. This was something I was able to appreciate from the public right of way which lies on elevated land to the north. The factors described also mean it has an inobtrusive presence and allows for views over its roof towards Lanner and the rising landform beyond. As such, the appeal site possesses predominantly rural attributes that respect the natural setting of Lanner and the scenic beauty of the AGLV.
8. The proposal would result in a considerably greater volume of built form at the site by adding an upper storey, and increasing the footprint at ground floor level that would achieve a greater height and complexity of form. This together with the amount of fenestration introduced would result in a building with an overtly domestic character compared with the present stables. It would bring associated levels of activity, occupation and lighting that would be markedly different to the stable use. This would dilute the rural attributes of the site.
9. Furthermore, the rising ground to the west of the building that is presently part of a grassed paddock area would be likely to function as a garden to the dwelling. Hence, it is probable that it would include ornamental planting, boundary treatments, play equipment, washing lines or other domestic paraphernalia consistent with a domestic garden. Given the proximate presence of the gardens of Penwith and Ednell to the south it is very likely that in the interests of privacy, higher and more solid fencing and/or planting would be necessary along the southern boundary. Such treatment would be more obvious than the generally low key and informal character of these boundaries at present.
10. In combination, these factors would mean the transitional role of the appeal site would be lost and replaced with a more abrupt change from domestic to rural character. The increase in domestic built form and associated grounds would erode the rural qualities of the appeal site and harmfully undermine the special qualities of the AGLV. Some of these effects would be apparent from

² Appendix I, Appellants' Planning Appeal Statement of Case

the public right of way to the north, especially when the building was internally lit, which would exacerbate the degree of harm.

11. The appellants consider that the AGLV designation is dated and subject to review. Be that as it may, it does not follow that it no longer possesses attributes worthy of protection, and my observations lead me to find otherwise. Examples³ of development within the AGLV on the northern side of Pennance Road are also brought to my attention. Based on the limited details of the 6 examples cited, none concern the conversion and extension of existing stables, and they are all some distance from the appeal site. Therefore, none are shown to be directly comparable which limits their relevance. As general examples of development permitted within the AGLV they attract limited favourable weight for the appeal proposal but ultimately, would not lead me to a different view on this main issue.
12. Accordingly, I find that the proposal would detrimentally affect the rural character and appearance of the appeal site and thereby harmfully erode the valued character and distinctiveness of the AGLV and the setting of Lanner. Therefore, it would conflict with policy 23 of the CLP and policy seven of the LNP as they require development that conserves the landscape and scenic beauty of the AGLV. There would also be conflict with principles for design and character set out in policy six of the LNP and fundamental design principles contained in policy 12 of the CLP as the proposal has failed to demonstrate that it would successfully integrate into the existing surroundings nor that it has a clear understanding and appropriate response to its landscape.

Location

13. The spatial strategy in policy 2 of the CLP refers to the dispersed development pattern of Cornwall being maintained by new development, and policy 3 elaborates further on the role and function of places. The latter policy sets out a hierarchical approach to the delivery of development, including housing, whereby growth is centred on named larger settlements. It goes on to confirm that other than at the main towns, housing will be delivered through the identification of sites through Neighbourhood Plans, 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, infill schemes (as defined) and specified rural exception sites.
14. This generally aligns with the approach to rural housing in the National Planning Policy Framework (the Framework), whereby paragraph 79 states that planning policies should identify opportunities for villages to grow and thrive, especially where this would support local services.
15. The LNP also forms part of the development plan. It establishes a settlement boundary for Lanner. Policy Two states that within the settlement boundary new housing development will generally be supported and that such proposals will comprise infilling or rounding off of existing settlements and should not intrude into the open countryside or compromise the character of Lanner.
16. There is no dispute that Lanner is not a main town for the purposes of the CLP, nor that the appeal site lies outside of the settlement boundary in the LNP. It follows that the proposal would derive no support from the general

³ Appellants' Final Comments

presumption in favour of the development within the settlement boundary contained in policy two of the LNP.

17. However, the positive wording of policy two of the LNP does not stipulate the approach to housing outside of the settlement boundary, neither does it make any explicit reference to previously developed land (pdl). The supporting text at paragraph 8.2 refers to open countryside and exception sites and states that any land and buildings outside of the boundary line are usually considered to be countryside where development would be regulated with stricter planning policies. Accordingly, it is understandable that there is some ambiguity, inferring that the policy might have wider application. Nevertheless, this does not form part of the formal policy wording for policy two and as such, its remit relates to development within the settlement boundary. Therefore, a plain reading of policy two of the LNP does not prohibit residential development that complies with other development plan policies from taking place outside of the settlement boundary.
18. Moreover, the planning context section of the LNP confirms that it generally accords with the strategic aims of the CLP and where the LNP is silent on any matter, it is intended that the policies of the CLP have full effect.
19. The appellants assert that the development of the appeal site from a stable building to a single dwelling would fall within policy 3(3) of the CLP regarding the allowances for housing development other than at the main towns.
20. In this respect my attention is drawn to the Chief Planning Officer's Advice Note – Infill/Rounding Off, December 2017 (CPOAN). As informal guidance, it does not have policy status, but it does provide more detailed background to the approach to be adopted. Therefore, I have had regard to it as relevant advice.
21. Although the appellants contend that the development proposed would constitute both rounding off and pdl, the wording of policy 3(3) does not state that both are required simultaneously, rather they are presented within a list of alternative circumstances where growth might be delivered. This is reinforced by the separate headings and consideration pertaining to 'rounding off' and 'pdl' in both paragraph 1.68 of the CLP and the CPOAN.
22. The planning history⁴ for the appeal site reveals that it was developed to provide a stable building and hardstanding and denotes a broadly similar red line to the proposal before me. Pdl is defined in the glossary to the Framework and includes land which is occupied by a permanent structure as well as the curtilage of the developed land. My observations of the stable building were that it comprises such a permanent structure and I have not seen any substantive evidence to suggest it falls within any of the exclusions to the definition in the Framework. On the balance of the evidence provided, I find that the appeal site comprises pdl within the meaning of the Framework. Furthermore, the appeal site immediately adjoins the settlement boundary for Lanner identified in the LNP along its southern and part of its western boundaries.
23. Lanner is a good-sized village, described in paragraph 5.2 of the LNP as one of the largest villages in Cornwall. As such, it has notable areas of housing, public transport provision and a range of local facilities, including shops, public

⁴ Appendix A, Appellants' Planning Appeal Statement of Case

houses, a primary school, village hall, places of worship and sports facilities. In this context, one additional dwelling would be of an appropriate scale to the size and role of the village.

24. Therefore, overall, the proposal would meet the requisite components of policy 3(3) of the CLP in relation to the development of pdl. Further encouragement is given to the use of pdl in policy 21 of the CLP provided the land and buildings are not of high environmental or historic value. Notwithstanding my findings in relation to the first main issue, there is little evidence to suggest that the stable building and its curtilage intrinsically possess a high environmental or historic value.
25. It is unnecessary to further consider whether the proposal would also fulfil any of the other allowances for housing other than at the main towns provided by policy 3(3) of the CLP, including the matter of 'rounding off'. This is because, given my finding in relation to pdl, it would make little difference to my determination on this main issue. It further follows that there is no need to assess the proposal against the specific exemptions in policy 7 of the CLP that relate to housing in the countryside.
26. I have taken account of the concerns raised in representations from Lanner Parish Council. In relation to this main issue they assert, amongst other things, that the proposal would not constitute a conversion of the existing building and that the Grade 4 agricultural land serves a useful purpose. However, these are not factors that would prevent the development from meeting the requirements of policy 3(3) of the CLP. The Parish Council further point out that the planned requirement for homes both at county and parish level are being met. Be that as it may, it is not shown that in these circumstances there would be a moratorium for proposals that otherwise accord with development plan policies for the delivery of housing.
27. I am also directed to an appeal decision⁵ in which the Inspector dismissed a proposal for two dwellings at Glenmoor Farm, Lanner. Based on the decision (paragraph 14) the appeal site in that case was not occupied by a permanent structure. Hence, whilst the Inspector did consider policy 3 of the CLP, he concluded that the appeal site did not constitute previously developed land. Given this notable difference with the proposal before me, the decision attracts little weight and would not lead me to find otherwise on this matter.
28. Accordingly, I find the site would provide a suitable location for the proposal and would accord with policies 2, 3 and 21 of the CLP. For the reasons outlined, I find no conflict with policy 7 of the CLP or policy two of the LNP.

Other matters

29. The appeal site is located within the Zone of Influence for the Fal and Helford Special Area of Conservation (SAC), a habitat recognised under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) as being of importance for providing valuable sandbank, mudflat, saltmarsh and marine inlet and shallows habitat. In the absence of mitigation, it is reasonable to suppose that future residents of the development would potentially visit the SAC for recreational purposes. Intensification of such activities would be likely to cause disturbance to the sensitive habitat. As such,

⁵ Appeal reference APP/D0840/W/18/3205923, Appendix 6, Lanner Parish Council appeal representation

there is a risk of a significant effect on the important interest features of the SAC.

30. The European Sites Mitigation Supplementary Planning Document (2021) sets out the Council's approach to mitigating the adverse effects of new housing development on the SAC. It contains Strategic Access Management and Monitoring (SAMM) measures specific to the SAC intended to make it more resilient to visitor pressure. An undertaking under section 111 of the Local Government Act 1972 dated 9 June 2023 agreeing to pay £352 to the Council has been submitted with a receipt of the same date to show the amount has been paid. The funds are proposed to contribute to SAMM at the SAC. This matter nor the contents of the undertaking are disputed by the Council.
31. However, given my concerns in relation to the first main issue, I have not proceeded to undertake an appropriate assessment nor sought the views of Natural England under the Habitat Regulations, as this is not a matter likely to be determinative in this case. Therefore, I have treated it as a neutral factor in my overall planning balance.
32. Some benefits would be derived from the proposal, including the provision of an additional dwelling to the overall housing supply in a reasonably accessible location. Economic benefits would likely flow from the construction as well as the activity of future occupants. However, the extent of such benefits from a single dwelling would be small, and therefore they attract limited positive weight.

Planning balance and conclusion

33. Planning law requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise⁶. Although I found no conflict with the development plan in terms of the location of the proposal, I did find conflict in relation to the first main issue of character and appearance. As such, the proposal would conflict with the development plan taken as a whole. I have not found other considerations that would justify taking a decision other than in accordance with the development plan.
34. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁶ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990.