



Appeal Decision

Site visit made on 12 June 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/D0840/W/22/3309503

Land West of Lakewell Touring & Camping Park, Perranwell, Goonhavern, Truro TR4 9NX

- 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 B Gadsby against the decision of Cornwall Council.
 - The application Ref PA21/11253, dated 11 November 2021, was refused by notice dated 7 June 2022.
 - The development proposed is conversion of existing barns to form dwelling house and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would constitute an acceptable conversion of a rural building taking into consideration development plan policies regarding the character and appearance of the area and the accessibility of services and facilities; and
 - the proposal's effect on the integrity of the Fal and Helford Special Area of Conservation (SAC) and the Penhale Dunes SAC.

Reasons

Whether an acceptable conversion of a rural building

3. The site is situated in an isolated, countryside location, some 1.4km to the south west of the nearest settlement. It consists of two linked buildings that have a simple form and timber construction. I observed that the structures were generally in good condition, displaying few signs of defect or deterioration.
4. The buildings' immediate setting comprises an adjoining grassed paddock, enclosed by timber fencing. Beyond this to the north, west and south is an expansive and undulating arable field. A thick mature hedge runs alongside the buildings' east elevation. This also forms the appeal site's boundary with the adjacent highway, from where there are partial views of the buildings. The wider area, around the site, is largely defined by field enclosures, interconnecting hedgerows and small woodland clusters. There are a small number of farmsteads and buildings nearby, but in general the area is distinctly

rural and sparsely populated. The immediate setting is, therefore, largely open, verdant and undeveloped in character.

5. Policy 7 of the Cornwall Local Plan – Strategic Policies 2010-2030, adopted November 2016 (the Local Plan) only permits new homes in the open countryside where there are special circumstances. Of the specified circumstances, the only one that is relevant to the appeal proposal is the reuse of suitably constructed redundant, disused, or historic buildings that are appropriate for retention, and would lead to an enhancement to the immediate setting. Similarly, Paragraph 80 of the National Planning Policy Framework (the Framework) supports isolated development in the countryside providing proposals would re-use redundant or disused buildings and enhance the immediate setting.
6. There are varying accounts in the evidence regarding the use of the appeal building. However, during my site visit, I observed that it was empty, while the yard and adjoining paddock did not contain any signs of agricultural activity or equine use. I am therefore satisfied, that for the purposes of this assessment that the buildings are redundant.
7. The Council argues that the utilitarian design and simple construction of the building makes it unworthy of retention. However, 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. There is no requirement for the building to exhibit any inherent architectural quality.
8. In determining the application, the Council did not raise any concerns about the structural capability of the building for the conversion as proposed.
9. The evidence suggests that until recently, the appeal building, has been used for the keeping of horses. I observed that the building could accommodate a small number of horses, or be used to support agricultural activities, e.g. storage. Visits to the site would have likely related to cleaning and maintaining the horses and stable units, as well as exercising the animals on the adjoining paddock. Given the modest scale of the building and the apparent lack of welfare facilities it is unlikely that it was in use for long periods of the day, other than for storage or the keeping of horses.
10. The conversion of the barn to a three-bedroom dwelling would lead to a more intensive use of the building and surrounding land, with the attendant parking of vehicles and the placing of domestic paraphernalia such as tables and chairs, clothes drying apparatus and play equipment on the driveway, patio and garden land. Those objects and similar items required for domestic living would significantly erode the open areas and soft green spaces around the building. On this basis the proposal would impair, rather than enhance the building's setting.
11. This change to the building's setting would be clearly observed from the adjacent arable field, which is in part elevated above the appeal site. It is acknowledged that this is private land and views of the proposal would be limited to those working the fields, nevertheless, the change in the site's character, from a typical agrarian setting to a more intensive domestic situation, would be appreciable to those receptors.

12. The proposal would be constructed from a mix of new and pre-existing materials. The scheme also includes a small addition that would partially infill and unify the corner of the building close to the roadside hedge. This would assimilate well with the building, yet the large, glazed areas serving the proposed bedroom and open plan living area would likely emit high levels of artificial light when those rooms are lit. Given that the upper portions of the appeal building can be partially viewed from the public highway to the immediate east, rising above the roadside hedge, the internally illuminated rooms would draw attention to the building and give the perception, to passers-by, of a domestic or more intensive use, in contrast to the existing building's agrarian use and utilitarian appearance which exhibits an altogether more simple and discrete presence. The consequential effects of the light emissions from the proposal would result in the building's largely rural setting being harmed, particularly in the context of the area's dark skies character, which the draft Local Landscape Character Assessment¹ identifies as an aesthetic and sensory quality of the locality.
13. Although the proposal would be visible from the farmland to the north, south and west, while the upper portions of the structure would, in part, be perceptible from the adjacent highway, I am mindful that the proposed dwelling and its curtilage would be mostly screened from public vantage points by the retained boundary hedge. On this basis I have judged the level of harm to the rural setting of the building as moderate.
14. There is the suggestion that if the building is not converted into a dwelling it would begin to deteriorate or fall into a state of disrepair. However, this is insufficient reason to justify the proposal, and in any case the upkeep of the building is the responsibility of the landowner, who could alternatively seek to use the building for other purposes that would safeguard its immediate setting.
15. Policy 1 of the Local Plan relates to the presumption in favour of sustainable development and amongst other things, will seek to secure development that improves economic, environmental and social conditions in the area. Inherent to achieving sustainable development is the need to mitigate climate change, for example, by limiting the use of more polluting forms of transport such as private motor vehicles.
16. There are some basic services and facilities in Goonhavern located around 1.4km from the appeal site. I noted that the appeal site fronts onto a narrow unlit road with no pedestrian footway, that would make walking to the nearest services and facilities unsafe. Cycling to Goonhavern could be an option, however, due to the alignment of the road and the steep inclines in places, this mode of transport would not be appealing to all future residents. As such I have not been persuaded that future occupants of the development could access services without being largely reliant on the private motor car. Taking particular account of this impact it has not been demonstrated that the proposal would limit the use of more polluting forms of transport such as the private motor vehicle and contribute towards environmental improvements to the area.
17. In conclusion, the proposal would not constitute an acceptable conversion of a rural building taking into consideration development plan policies regarding the

¹ Local Landscape Character Assessment – Final Draft Consultation, Perranzabuloe Neighbourhood Development Plan

character and appearance of the area and the accessibility of services and facilities. It would fail to accord with Policies 1, 3, 7 and 12 of the Local Plan and Paragraphs 11, 80 and 174 of the Framework which together, amongst other things, require proposals to enhance the immediate setting of buildings, maintain local character and distinctiveness, promote a sustainable pattern of development and be in locations accessible to local services and facilities.

SAC

18. The site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC) and the Penhale Dunes SAC (the Habitats sites). The Penhale Dunes SAC is designated for its shifting dunes, salicornia arenariae, humid dune stacks, fixed dunes, shore dock, early gentian and petalwort. The Fal and Helford SAC is designated for its saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs.
19. The Cornwall European Sites Mitigation Supplementary Planning Document (the SPD) 2021 sets out that increases in population are placing greater pressure from recreational activity on the features of interest for which the Habitats sites are designated. It sets out mitigation strategies through strategic access management and monitoring (SAMM). SAMM is to be funded by contributions from new residential development and as such is said to allow adverse impacts on the integrity of the sites to be avoided.
20. Despite the appellant indicating that an undertaking and payment towards mitigation will be provided with the final comments, those details have not been forthcoming. In the absence of that information, I have considered imposing a condition. In this regard, the Planning Practice Guidance advises that positively worded conditions cannot be used to secure payment of money and that negatively worded conditions to require a planning obligation should only be used in exceptional circumstances. This may be where there is clear evidence that the delivery of the development would otherwise be at serious risk, such as in particularly complex development schemes. There is no such clear evidence before me, nor does the proposal appear to be particularly complex.
21. Therefore, without any proposals to mitigate the effects arising from the occupation of a further dwelling through increased recreation activity, the development is likely to have an in-combination adverse effect on the integrity of the Habitat Sites. In doing so, the development would conflict with Policy 22 of the Local Plan, as well as the terms of the Conservation and Habitats and Species Regulations 2017 (as amended), where they require adverse effects on protected sites to be appropriately managed, mitigated and monitored on site and include, where necessary, contributions towards off site mitigation.

Other Matters

22. The appellant has referred to appeal decisions at Greenbank² and Nanfan³ Farms. However, those schemes relate to sites where there is a greater concentration of buildings nearby, while the immediate setting has a residential character. In contrast the appeal site has a more pastoral and undeveloped setting that would be visually harmed by domesticating the building and

² 3265193, allowed on 13 May 2021.

³ 3237330, allowed on 27 December 2019.

adjoining land. Accordingly, I have not found similarities between the case before me and those allowed elsewhere.

23. Information has been submitted regarding a scheme for a conversion of a building to studio space in the neighbouring county. However, it is not clear what policies and other material considerations were considered in relation to that scheme, nor do I have details of when, or if, it was approved by the relevant planning authority. Moreover, that development, it would seem, does not relate to a residential use. Therefore, that other scheme attracts limited weight.

Conclusion

24. I have found that the proposed development would fail to enhance the setting of the appeal building, would be inaccessible to local services and facilities, other than by the private motor vehicle, as well as harming the integrity of the Fal and Helford SAC and the Penhale Dunes SAC. As such there would be conflict with the relevant development plan policies. Moreover, I have judged the totality of this harm to be significant.
25. Whilst the proposal would reuse an existing building, provide an additional small dwelling which would benefit those wishing to reside locally, help meet Cornwall's housing needs and result in some social and economic benefits for the Goonhavern area, those modest benefits are outweighed by the significant harm that has been identified and the resulting conflict with the development plan.
26. For the reasons given above, the proposal would be contrary to the development plan as a whole. There are no material considerations, including the Framework, which indicate that I should take a decision otherwise than in accordance with the development plan in this case. Therefore, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR