



Appeal Decision

Site visit made on 18 July 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2023

Appeal Ref: APP/D0840/W/22/3312821

Land at SX 40384 71830, Glanvilles Barn, Coxpark, Cornwall PL18 9AZ

- 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 M Gooding and Ms E Mills against the decision of Cornwall Council.
 - The application Ref PA22/04290, dated 5 May 2022, was refused by notice dated 30 September 2022.
 - The development proposed is erection of replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission for the conversion of the existing barn on the site to residential use has already been granted, under application ref PA20/04062. Whilst it was clear on my site visit that the existing barn had not been converted to a dwellinghouse, there is no dispute between the main parties that the development has commenced. The appellants intend to complete this development if planning permission is not forthcoming for the proposal. The existing planning position represents a fallback position, which I will consider later in this decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including the setting of the Tamar Valley Area of Outstanding Natural Beauty (AONB); and,
 - whether or not the proposed development would provide a suitable location for housing, with particular regard to the local development strategy.

Reasons

Character and appearance

4. The Cornwall and Isles of Scilly Landscape Character Study identifies key characteristics of the surrounding area, which is within landscape character area CA30 Kit Hill. It lies within an area described as lower granite ridge extending to the east with improved grassland and arable farmland and

- scattered settlements. Around the hill on sloping but less steep land the pastoral farmland has a planned pattern edged with Cornish hedges.
5. The site is a small, unsophisticated building, which has an agricultural appearance. It is located in an area that consists primarily of open countryside, fields and farm buildings. Dwellings are often simple bungalows or farmhouses, many being set close to and either parallel or perpendicular to the road. These features, together with the undulating slopes of the landscape within the nearby AONB, give the site a deeply rural, agricultural character.
 6. The proposed dwelling would be in a position set back within the field, to the south west side of the existing building. The siting and U-shape footprint of the proposal means that its main element would be positioned well away from the road frontage and site access, with a long driveway.
 7. These elements give the proposal a highly domestic appearance and planned layout that does not reflect the local vernacular. Taken together, the design, footprint and siting of the proposal mean that it would have little clear relationship to its surroundings and would harmfully contrast with the rural and agricultural character of the area.
 8. A new landscaped enclosure, with hedge planting would help to ameliorate and screen the proposal, as would the current roadside hedging. Even so, such screening cannot be relied upon, particularly in winter months when foliage is reduced, and nor can its survival in the long term be guaranteed. In any case, the proposal's appearance would still be visible from adjacent roads, particularly through the site entrance and through gaps in the trees.
 9. The appellants point to other buildings, including those to the north, which form part of the character of the area, and which have provided the basis for the design of the proposed scheme. However, these buildings are set away from the site, separated by the road and do not inform the site's immediate context. Furthermore, whilst there are houses and buildings along the road, there is a very obvious absence of development in the landscape.
 10. Consequently, it would be contrary to Policies 1, 2, 3, 7 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (the CLP) where together they seek to ensure that the local distinctiveness and character of the area is protected, and that development responds appropriately to its landscape setting. The proposal would also conflict with the provisions of Policy LA1 of the Calstock Parish Neighbourhood Development Plan 2021 - 2030 (the NP), where it seeks to ensure development does not have an unacceptable detrimental impact on the characteristic landscape of Calstock Parish.
 11. For the reasons referred to above, the proposal would conflict with policies 3.5.1 and 3.5.6 of the Tamar Valley AONB Management Plan, where it seeks to ensure development maintains and enhances the distinctive characteristics of the AONB. There would also be conflict with the provisions of the National Planning Policy Framework (Framework) where it seeks to ensure that development within the setting of AONBs should be sensitively located and designed to avoid or minimise adverse impacts on the AONB.

Suitability of the location

12. Policies of 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.

13. The Council's strategy for managing housing growth is set out under Policies 2 and 3 of the CLP. Under Policy 3 it seeks to control the distribution of new housing, including through sites identified in Neighbourhood Plans, rounding off of settlements, infill schemes and rural exception sites, none of which the site falls within.
14. The appeal site occupies a position within a field set clearly away from the nearest settlement of St. Ann's Chapel. Whilst there are some residential developments, the site is predominantly surrounded by fields against which it is read. Despite the presence of an existing building, 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.
15. The Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Further, that planning decisions should avoid the development of isolated homes in the countryside unless one of five listed circumstances applies, including that the development would re-use redundant or disused buildings and enhance its immediate setting.
16. It is established that 'isolated' in this context connotes a dwelling that is physically separate or remote from a settlement. Consequently, given the sites location physically separate and remote from any settlement, the appeal scheme would constitute the development of an isolated home.
17. Policy 7 of the CLP confirms that development of new homes in the open countryside will only be permitted where there are special circumstances. This includes where there is re-use of a redundant building, the subdivision of an existing dwelling, where accommodation for rural workers apply or where the proposal is for a replacement dwelling of an appropriate scale and character to their location.
18. Whilst the appellants consider that the proposal would represent a replacement dwelling, there is little substantive evidence available, including my visit, that demonstrates the existing barn has been converted to a dwelling. Nevertheless, even if the appeal scheme were a replacement dwelling, the proposal is for a new open market residential development that causes harm to the character and appearance of the landscape, which fails to accord with any of the criteria under Policy 7 of the CLP.
19. 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, 3 and 7 of the CLP, which amongst other things seek to direct new housing to settlements and sustainable locations. For similar reasons, the proposal would also conflict with Policy HP1 of the NP where it requires development outside of development boundaries to accord with CLP Policy 7.

20. Notwithstanding this, the extant permission for the residential conversion of the existing barn represents a legitimate fallback position. Thus, if this permission were extinguished as part of any approval for the appeal scheme, there would be no additional residential use on the site. I note that the appellant has referred to the provision of a Unilateral Undertaking to ensure the earlier conversion permission cannot be completed, however, no such planning agreement has been submitted with the appeal. Nonetheless, I note that the demolition of the barn could be controlled by condition to ensure only one of the residential units could be built out.
21. Whilst the proposal would 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 CLP, the proposal would not result in a net increase in residential use on the site. I consider this matter further below.

Other Matters

22. The appeal site is within the zone of influence of the Tamar Estuary Special Area of Conservation and the Plymouth Sound Special Protection Area. There is no need to consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.
23. The appellant also seeks to justify the proposal based on its improved energy performance. However, there is a lack of information before me to compare the likely performance in these respects of the extant scheme and the appeal proposal, such that I cannot give any meaningful weight to this line of argument. There would be additional planting resulting in a biodiversity net gain. However, given the small scale of the proposal, this carries only limited weight in favour of the scheme. I have also taken account of the appellant's plans for the development set out in their appeal statement. However, this in itself does not mean that the current scheme is acceptable and does not in any event absolve me from making an assessment as to its effects in regard to the main issues of the case.
24. Whilst I note the references to various case law, these matters do not impact on the planning merits of the proposal. I have considered this appeal on its merits, and I do not consider these affect the harmful and permanent effect of the proposed development that I have identified.

Fallback

25. It is common ground between the main parties that the extant permission for residential conversion of the existing barn represents a legitimate fallback position. Both the appeal scheme and the extant permission would change the use of the site to residential and both schemes would have windows, with relatively large areas of glazing.
26. However, the extant permission would utilise the existing barn on site. The appeal scheme would have a larger floorspace and wider footprint. Moreover, the appeal scheme would have a deeper and varied roof design, with dormer windows and projecting gables. It would be set further into the field, encroaching into the countryside. This together with its more elaborate design would result in a more substantial building whose proportions and appearance would be much more noticeable and more impactful than the previously approved scheme. It would be more conspicuous when viewed from the

adjacent roads, resulting in greater harm in comparison, and a negative impact on the setting of the AONB and its natural beauty.

27. The appeal scheme would be very different in terms of its impact on the character and appearance of the area. As a new build development, set further into the field and with a highly domestic appearance, the proposal would be significantly more harmful to the character and appearance of the area, including the setting of the AONB.
28. Consequently, the appeal scheme would have a greater prominence than the extant scheme. The increased prominence and domesticated form would be of greater harm to the character and appearance of the area than the extant scheme. For these reasons, the fallback scheme would be fundamentally different to the appeal scheme, which would lead to the harm described in the main issues. I accept that both the proposal and the fallback would result in a single dwelling, and therefore, whilst the proposal would 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 CLP, the proposal would not result in a net increase in residential use on the site. Nonetheless, with all of the above factors in mind, the weight given to the fallback position is modest, such that it would not justify the appeal scheme as an acceptable alternative.

Planning Balance

29. For the above reasons, the proposal would be more harmful than the fallback in respect of the character and appearance of the area. It does not therefore justify the conflict with the development plan, read as a whole that I have identified above. No material considerations have been shown to have sufficient weight to warrant a decision otherwise than in accordance with the development plan.

Conclusion

30. There are no material considerations identified that indicate that the proposal should be determined other than in accordance with the development plan. Therefore, the proposal would not be an acceptable form of development. For the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR