



Appeal Decision

Site visit made on 27 July 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2023

Appeal Ref: APP/D0840/W/22/3312942

Hilton Farmhouse, Road from Hilton Road to Harlake, Marhamchurch, Bude, Cornwall EX23 0HE

- 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 Ms Emery & Mr Rodriguez against the decision of Cornwall Council.
 - The application Ref PA22/07553, dated 17 August 2022, was refused by notice dated 21 October 2022.
 - The development proposed is demolition of an agricultural building, erection of a dwelling and associated works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; 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

3. The rural surroundings of the appeal site are predominately characterised by an undulating landscape of enclosed fields interspersed with buildings. Dwellings are often set close to the road. The existing building has a utilitarian form and weathered appearance, set away from the cluster of other built form at Hilton Farmhouse to the north.
4. The building is visible in close range views from the road that passes to the east side, notably through the gateway and through filtered views over the roadside hedge. The building is also visible, albeit not prominent, from longer range views due to the local topography. Nevertheless, the existing building is relatively plain, functional and modest in scale and appearance. This relative modesty in scale and appearance, together with its established nature goes some way to help the building visually fit into its setting and it reads as a typical component of the wider agricultural landscape.

5. The design of the proposal has been subject of previous iterations. Whilst the proposed dwelling would have the same size footprint and its maximum height would only slightly exceed the existing building, it would have a noticeably shallower roof pitch and a taller eaves height giving it a much greater appearance of mass. Furthermore, it would have a highly domesticated appearance with extensive fenestration, including at first floor level, and a balcony on the southern elevation, which alongside the introduction of related domestic trappings, would result in a far more conspicuous form of development than the agricultural building it seeks to replace.
6. Notwithstanding the development would incorporate timber cladding that would retain a rural vernacular, it would introduce a much more noticeable development, which would largely be standalone with a highly domestic appearance that would urbanise and detract from the surrounding agricultural setting.
7. The presence of vegetation and 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 the adjacent road, particularly through the site entrance and there would be filtered views through vegetation and over the existing hedgerow.
8. During my site visit, I noted the nearby developments at Cyder Cottage, Laburnham and Homelea. However, these developments are set away from the appeal site and do not inform the sites immediate context. Furthermore, whilst these are of more modern design, I noticed that the cluster of development at Hilton Farmhouse was comprised of more traditional buildings and materials.
9. Consequently, the appeal scheme would conflict with Policies 2 and 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (the CLP) where they seek to ensure that the design of development is high quality, that development sustains local character and distinctiveness and does not result in adverse impacts on the natural environment, including the landscape.
10. However, the appellant and Council have advised that the site already benefits from a permission for a new dwelling via an extant prior approval (Ref PA21/12741) under Schedule 2, Part 3, Class Q of the General Permitted Development (England) Order 2015 (as amended) (the GPDO). This is a material consideration that I will return to later in this decision.

Location

11. The lies to the south east of Marhamchurch. Policy 1 of the CLP reflects a presumption in favour of sustainable development in line with the approach set out in the National Planning Policy Framework (the Framework).
12. 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.

13. The appeal site occupies a position within a field set clearly away from the nearest settlement of Marhamchurch. 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.
14. 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. None of these circumstances apply in this case.
15. 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, 7 and 21 of the CLP, which amongst other things seek to direct new housing to settlements and sustainable locations.
16. I will return to the matter of the extant prior approval for the conversion of the existing building to a dwellinghouse later in this decision.

Other Considerations

17. The appellant also seeks to justify the proposal based on its improved energy performance, solar gain and higher level of living conditions for future users compared to the extant scheme. 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.
18. The proposal would make suitable provision for management of surface and foul water. However, these represent a lack of harm and accordingly, would also be neutral in any balance. Whilst I note the appellant refers to ecological benefits, given the small scale of the proposal, this carries only limited weight.
19. Reference has been made to another site (Ref PA22/06198) in the surrounding area whereby permission for a new dwelling has been given. However, I have been provided with very limited details of that permission, whilst I have no detailed understanding of the planning history of that site. In any case, the appeal has been determined on its own merits.
20. I acknowledge the appellants view that the appeal scheme would make the best use of the land available. However, CLP Policy 21 advises that to ensure the best use of land, encouragement will be given to sustainably located proposals. Moreover, 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.
21. I note the appellants frustrations with the Council's handling of the applications. However, these matters do not impact on the planning merits of the proposal.

Fallback

22. As previously indicated, the appellant has an extant prior approval for the conversion of the existing building to a dwellinghouse. Should the appeal fail, there is a reasonable prospect that the prior approval scheme would be completed within the necessary timescales. Consequently, this represents a viable fallback position and is a material consideration in the overall planning balance.
23. However, for significant weight to be afforded to the fallback position, there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme before me.
24. I have not been provided with full details of the extant prior approval scheme, but a copy of the site plan and perspective drawing has been submitted with the appeal papers. The extant scheme would largely utilise the existing building, given the restrictions and limitations that exist under the prior approval process. The extant scheme would utilise the existing roof design, would not result in an increase in height of the building and the permitted residential use would occupy a smaller area of the existing field. As such, the extant scheme remains of a relatively subtle design.
25. The appeal scheme would comprise a timber clad structure. However, in contrast to the extant scheme, its design would have a less subtle more domestic appearance, with a greater sense of built mass. For example, through its increase in eaves height and balcony. Moreover, even if a condition could be imposed to restrict permitted development rights were the appeal to be allowed, it would result in a larger domestic garden which would encroach further into the open countryside and be visible from the road. I acknowledge that the appellant considers it usual for a subsequent application to be made for a larger garden space, however, there is no extant planning permission for such development that would represent a viable fallback position for similar development.
26. 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

27. 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

28. 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