



Appeal Decision

Site visit made on 27 July 2023

by Hollie Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2023

Appeal Ref: APP/D0840/W/22/3308549

Barn NW of Highertown, Chilsworthy PL18 9PB

- 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 N Ponting and T Timothy against the decision of Cornwall Council.
 - The application Ref PA22/01622, dated 16 February 2022, was refused by notice dated 13 April 2022.
 - The development proposed is conversion of barn to form dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The third reason for refusal in the Council's decision notice refers to potential ecological effects owing to the outdatedness of the ecological appraisal that accompanied the appeal application. The appeal was submitted with an updated preliminary ecological appraisal (Western Ecology, June 2022) which the Council has confirmed adequately addresses this issue. I find no reason to reach an alternative view.
3. The Council's evidence highlights that the appeal site falls within the zone of influence for the 'Plymouth Sound and Estuaries SAC' (including Tamar Estuaries Complex Special Protection Area) (the Protected Sites) which are sites designated under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regulations). I address this matter below.

Main Issues

4. The main issues are (a) whether the building is appropriate to retain and capable of conversion, and (b), the effect of the proposal on the character and appearance of the area.

Reasons

Building suitability

5. The existing building is located in a rural position on the outskirts but close to the established settlement of Chilsworthy which lies within the Tamar Valley Area of Outstanding Natural Beauty (AONB) and Cornwall and West Devon Mining Landscape World Heritage Site (WHS). It is accessed via an unmade lane which also serves as a Public Right of Way. The building itself is positioned against the northern and western hedgerows and is in an area segregated from the neighbouring field by some post and wire fencing.

6. The proposal is to demolish parts of the building at both ends, retaining the majority of the central element and converting it to form a 2 bed dwelling, largely single storey but with a mezzanine level at the western end. The existing enclosed area would be planted to provide parking and a garden.
7. Policy 7 of the Cornwall Local Plan (adopted 2016) (CLP) states that development of new homes in the open countryside will only be permitted where there are special circumstances, such as where it would involve 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. It provides further clarification that the building to be converted should have an existing lawful residential or non-residential use and be ten years old or greater. Policy HP1 of the Calstock Neighbourhood Development Plan (2021) (NDP) echoes the requirements of CLP Policy 7 by setting out that new development outside of the NDP's defined settlement boundaries will not be supported unless it is in accordance with CLP Policy 7, i.e. replacement dwellings, sub-division of existing dwellings or re-use of redundant, disused or historic buildings.
8. The existing building is clearly over ten years old and is rudimentary in form and appearance, having evolved over many years from one structure and function to another. Some elements are formed from a timber frame which supports corrugated sheet wall and roof material, but much of the structure is formed from concrete blockworks with substantial concrete piers, suspected to be built on traditional concrete strip foundations. A 'Limited Structural Report' (HB Surveying Limited, October 2021) details the condition of the components of the building and explains, in general terms, that the central section of the building is suitable for conversion to a residential use, with comments about the aspects that would need strengthening and/or replacement, including the roof structure and new floor.
9. The Council contrast the submitted 'Limited Structural Report' with one submitted in support of a previously refused application in 2019, the full detail of which I have not seen. From the extracts provided, I note the differences and consider that there has been a shift from the previous scheme to the current which justify largely setting that report aside.
10. However, having reviewed the submitted reports, including that submitted with the appeal (HB Surveying, 26 July 2022), and having seen the building myself I am of the view that what is theoretically available to reuse is relatively modest. That is not to say that it is not at all suitable for retention and conversion, but the reports offer too little detail about how precisely the new building will utilise those elements to form a building compliant with modern Building Regulations. The Limited Structural Report uses generalised terms with little precision as to how such works would be undertaken and the plans do not clarify how the various retained and newbuild elements would interact.
11. The Council have also commented on the previous Structural Report's reference to the scheme economics weighing in favour of replacement of many of the building components. Whilst I understand the Council's scrutiny, that information is not a prerequisite of such schemes and is not addressed in the submitted documentation. Irrespective of the costs involved, the evidence must be clear and robust on the retention and conversion of the existing structure.

12. Therefore, in the absence of sufficiently robust evidence to the contrary, I can only conclude that the proposal is not appropriate to retain or capable of conversion. The proposal therefore conflicts with, in particular, Policy 7 of the CLP and Policy HP1 of the NDP. In terms of whether the proposal would lead to an enhancement of the building's immediate setting as per CLP Policy 7, I address this below.

Character and appearance

13. The appeal site and surrounding area within both the AONB and WHS have a rural character with interspersed clusters and individual traditional dwellings dotted around. The site and existing building do not contribute positively to the surroundings or the AONB landscape but are at least of neutral effect; a type of building typically found in such a landscape and nestled into a discreet position within the site. On a similar vein, the site is not considered to contribute positively to the Outstanding Universal Value (OUV) of the WHS which is defined largely by the features remnant of the mining industry, including engine houses, settlement patterns, miner's smallholdings, railways, canals, docks and ports.
14. The scheme would retain the existing elongated form and the varied heights of the existing building. It would appear to be two distinct but conjoined building elements, one higher (to the western side) and the other slightly lower, both with monopitch roofs, one covered with solar panels and the other 'green'. The materials would also differ between the two, with one section painted rendered and the other clad with horizontal timber cladding. There would also be full height glazed sections in the approximate position of the existing openings.
15. Whilst there would be some minor improvement in the appearance of the building from the demolition of the most dilapidated elements, the resultant building would have a disjointed appearance in and of itself and would appear too stark and contemporary to assimilate well with its rural surroundings, as would be expected of a barn conversion. Whilst the monopitch roof forms would be difficult to adapt into something more traditional, the other aspects of its design would not detract from its overall horizontality or lack of finesse. Aspects such as the abrupt transition between the external materials, the large 'blocky' extents of glazing divided by substantial metal framing, and lack of any variation in depth in the main façade would exacerbate these issues.
16. Whilst some design cues may have been taken from the Tamar Valley AONB Centre, that is a public building with a very different scale and function. The precedent for rural building conversion should be to retain the positive aspects of the existing building's character and make subtle adaptations that enable it to function as a dwelling. The Policy requirements are also to ensure that the proposal would lead to an overall enhancement to the immediate setting, which for the reasons outlined about the incongruous nature of this proposal, I do not consider would be achieved.
17. I have given consideration to the landscaping scheme around the site which would be positive. Both this and the topography and features around the building would help to further limit public views of the building. However, I do not consider that this would overcome the unsuitability of the overall design and appearance of the building, which should not need to be hidden from view. I have also taken account of the desire for the building to provide a high quality

dwelling for the intended occupants, but there is little evidence to suggest that the appeal scheme before me is the only way of achieving such.

18. Therefore, in my view, the building would be harmful to the character and appearance of the area, contrary to, in particular, Policies 7, 12, 23 and 24 of the CLP and Policy HP6 of the NDP. These Policies collectively seek to ensure that the landscape character and scenic beauty of the AONB is conserved and enhanced and ensure new dwellings are designed to contribute to the characteristic sense of place. For similar reasons, the proposal would fail to accord with the Tamar Valley AONB Management Plan 2019-2024 and Cornwall and West Devon Mining World Heritage Site Management Plan 2020-2025.

Other Matters

19. In terms of the potential effects on the Protected Sites, given the nature of the scheme, the proposal could result in additional recreational pressures and thus harm their integrity. No evidence has been submitted with the appeal about these potential effects and any associated means of mitigation. However, as the circumstances that could have led to the granting of planning permission are not present, it is not necessary for me to ascertain the appropriateness of such within an Appropriate Assessment under the Habitats Regulations. Consequently, I have not taken this matter further.
20. I have considered the support offered by a number of local residents for the scheme on the basis that it would provide much needed accommodation for a family whilst making use of an existing building. Whilst it is encouraging that some members of the community wish to see the scheme implemented, these views do not override my findings on the main issues.

Planning balance and conclusion

21. For the reasons outlined, the scheme would fail to accord with the development plan when taken as a whole.
22. Whilst planning conditions could avoid effects on the site's ecological interests, the mitigation measures proposed would be of limited net benefit overall and attract similarly limited weight in favour of the scheme.
23. The public benefits of the scheme would result from the creation of an additional dwelling to add to the local housing stock, in a position well related to the existing settlement. The future occupiers would help to support local facilities and services, which would be an enduring economic benefit. The proposal would also result in short-term economic benefits throughout the construction phase. The sum of these benefits attracts modest weight in the overall planning balance.
24. However, in my view, the other considerations and public benefits of the scheme are not of such materiality that they outweigh the identified harms or indicate that a decision should be taken other than in accordance with the development plan.
25. For the above reasons, the appeal is dismissed.

Hollie Nicholls
INSPECTOR