



Appeal Decision

Site visit made on 8 August 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2023

Appeal Ref: APP/D0840/W/22/3309650

Potters Farm, Halvasso, Penryn, Cornwall TR10 9BX

- 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 Mrs Suzane Nicholls against the decision of Cornwall Council.
 - The application Ref PA22/05361, dated 9 June 2022, was refused by notice dated 27 September 2022.
 - The development proposed is described as 'construction of replacement dwelling in place of previously consented conversion of former Piggery/Agricultural storage building to dwelling (PA20/00506) following catastrophic collapse of existing building during winter storms'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's determination of the appeal application, the Climate Emergency Development Plan Document (DPD) was adopted in February 2023. As it now forms part of the Development Plan, and the appellant has had the opportunity to comment on it, I shall take the DPD into account in my decision.

Main Issue

3. The main issue is whether the proposal would provide a suitable location for housing, having regard to the spatial strategy of the Development Plan, the accessibility of the site to services and facilities and its effect on the character and appearance of the area.

Reasons

4. The appeal site is a plot of land within a larger complex of farm buildings including a tourist caravan site, the main farmhouse, and a number of other residential units, some of which are used for housing vulnerable people. The complex is in the open countryside. The appeal site formerly had a piggery building and part of a pole barn on it. Full planning permission¹ (the previous permission) was granted in May 2020, for conversion of the piggery building to a dwelling and demolition of part of the pole barn.
5. Work on the approved conversion was subsequently undertaken, including demolition of the pole barn bay, in readiness for creation of the curtilage. Removal of the existing roof covering and internal walls of the piggery building, and the digging of footings, was also carried out. Unfortunately, in January 2022, severe storms meant that significant damage was caused to the piggery

¹ LPA reference PA20/00506

- building. For reasons of safety, the site had to be cleared and the building was removed.
6. The proposal seeks to erect a dwelling that would have a similar external appearance to that of the piggery building, had it been converted. The principal difference would be use of rendered blockwork walls, rather than stone cladding, to reflect insulation requirements for new-build structures. The proposed windows would also be different, to resemble stable doors.
 7. The site is within the Carnmenellis Landscape Character Area, which has an upland granite plateau landscape, as identified in the former County Council's Landscape Character Study (LCS), June 2008. Amongst other things, the LCS identifies that isolated dwellings have eroded its character. In this case, however, the proposal would be seen against a backdrop and context of the existing group of farm buildings. Therefore, despite the proposed physical changes compared to the previous permission, the proposal would not appear particularly out of place or harmful to the natural beauty of the countryside.
 8. I have little reason to doubt that the works undertaken before the building was removed were sufficient to constitute the implementation of the previous permission for the purposes of s56(1)(c) of the Town and Country Planning Act 1990 (as amended). Even so, this only means that implementation of the previous permission could have been continued, had the building not been removed. It does not mean that residential occupation of the site had yet taken place.
 9. As such, I have no evidence to suggest that the appeal site has a lawful residential use. The previous permission only granted consent for the conversion of the existing building. The removal of the building, albeit for understandable reasons, means that conversion can no longer take place, and so the previous permission falls away. The proposal must therefore be considered as a new-build dwelling.
 10. Policy 2 of the Cornwall Local Plan (CLP), adopted November 2016, sets out the Council's spatial strategy. It seeks to maintain the dispersed pattern of development in Cornwall, with the provision of homes based on the role and function of each place. The site is some distance from the nearest settlement of Longdowns, which only has a limited range of services and facilities. Moreover, the settlement can only be accessed from the site using a narrow, undulating road without pavements or streetlights. I have no details of a bus service or other forms of sustainable transport nearby.
 11. As such, future occupiers of the proposal would be heavily reliant on private vehicles for many day-to-day facilities and services, as would visitors and deliveries. Such reliance would ultimately cause environmental harm, because the proposal would not be located where it would contribute to a cumulative reduction in harmful greenhouse gas emissions, or to an improvement in air quality and public health.
 12. The location would therefore not normally be suitable for new housing, other than in the specific circumstances permitted by CLP Policy 7. Relevant to this appeal, these include replacement dwellings that are broadly comparable to that being replaced, and the re-use of suitably constructed buildings. However, the previous building no longer exists and had not become a dwelling. As such,

the proposal is not for a replacement dwelling and nor is it the re-use of a building. Therefore, it does not accord with CLP Policy 7.

13. For these reasons, the proposal would not provide a suitable location for housing, having regard to the spatial strategy of the Development Plan and the accessibility of the site to services and facilities. It would therefore conflict with CLP policies 2 and 7, and with DPD policies C1 and T1, which seek to minimise greenhouse gas emissions and the need to travel. The proposal would similarly conflict with the aims of the National Planning Policy Framework, including to promote sustainable travel modes that limit future car use.
14. Due to the conflict with the Development Plan policies that I have identified, it follows that the presumption in favour of sustainable development contained in CLP Policy 1 does not apply and so is neutral in the planning balance. I have found that the proposal would not harm the character and appearance of the area. As such, it would not conflict with CLP Policies 12 and 23, which require that development has an appropriate scale and density and sustains local distinctiveness. I have no evidence that the proposal is for low impact residential development, and so I find no conflict with DPD Policy AL1. However, these findings do not change my overall conclusions.

Other Matters

15. The proposal would contribute to the supply of housing. Its occupiers would make a positive social and economic contribution, as would its construction economically. However, being for only a single dwelling, these benefits would be small and so attract only limited weight. I sympathise with the position that the appellant finds herself in, from an unforeseen natural event, but this of itself is not a sufficient reason to overcome the conflict that I have identified with the Development Plan.
16. The Council's second reason for refusal refers to the location of the site within the catchment area of the Fal and Helford Special Area of Conservation (SAC). This is protected pursuant to the Conservation of Habitats Regulations 2017 (as amended). Had I found no harm in respect of the main issue, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects of the proposal on the SAC. However, as I have found against the appellant on other substantive grounds, this matter need not be considered any further in this case.

Planning Balance and Conclusion

17. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR