



Appeal Decision

Site visit made on 21 August 2023

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2023

Appeal Ref: APP/D0840/W/22/3309211

Trenisson Farm, Portloe, Cornwall TR2 5PL

- 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 R Rimmington against the decision of Cornwall Council.
 - The application Ref PA22/01544, dated 15 February 2022, was refused by notice dated 16 June 2022.
 - The development proposed is described on the application form as 'The replacement of an approved conversion of a former snooker hall with a new single dwelling'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr R Rimmington against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matters and Main Issue

3. On 5 September 2023 the Government published a revised National Planning Policy Framework (the Framework). The revised Framework is a material consideration which should be taken into account for decision-making from the date of publication. The only substantive revisions to it relate to national policy for onshore wind development, and there have been no fundamental changes relevant to the main issue in this appeal. Therefore, I will not prejudice any party by taking the Framework into account in reaching my decision.
4. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes" (NLs). I have therefore made reference to NLs in my Decision and specifically referred to the Cornwall AONB as the Cornwall National Landscape (CNL). However, for the avoidance of doubt, the legal designation and policy status of these areas are unchanged and I have proceeded on this basis, continuing to refer to the AONB where relevant.
5. At the site visit I saw that the works approved under application PA18/09415¹ to convert the snooker hall to a dwelling were not substantially complete. Indeed, the evidence before me indicates that only minor demolition work and the installation of a drainage channel to a soakaway have been carried out. I have also not been provided with any evidence that the building is currently occupied as a dwelling. Therefore, I am not persuaded that the appeal proposal can be accurately described as a replacement dwelling. It would appear to be

¹ Proposal for the change of use of Snooker Hall into residential dwelling including raising of roof structure
Approved 10 December 2018

the erection of a new dwelling. However, I have sought the views of the main parties on the matter, and it is clear that in light of the planning history of the site, the Council have no objection in principle to a dwelling on the appeal site.

6. I have therefore confined my consideration of the appeal to the main issue in dispute which is the impact of the appeal proposal on the character and appearance of the area including the Cornwall National Landscape (CNL) and Heritage Coast.

Reasons

7. The 'Cornwall Area of Outstanding Natural Beauty Management Plan 2022-2027' adopted May 2022 (AONBMP) sets out the defining characteristics of the South Coast Central section of the CNL. Insofar as relevant to this appeal, it describes the area as being an extremely tranquil and well-managed farmed landscape with medieval origins. Its sparse settlements consist mainly of small hamlets and farmsteads linked by narrow winding roads.
8. The appeal site lies within the Landscape Character Area LCA40 Gerrans, Veryan and Mevagissey Bays² (LCA) comprising of a high farmland plateau bounded to the south by the sea. It describes the landscape character as being a medieval landscape of largely anciently enclosed land dotted with small farmsteads and medieval farm hamlets, many with a prefix of 'Tre' giving away their medieval origins. It goes on to describe that the buildings are generally of a vernacular style and local materials. It also describes its relatively unspoilt character and that there are few obvious build structures in the countryside. The open and gentle rolling land form with long views to the sea containing isolated farmhouses and ancillary farm buildings is also referenced in the Local Landscape Character Assessment for the Roseland dated December 2014.
9. All of these are consistent with my own observations during my visit to the appeal site. I also observed that the appeal site is located within the traditional farmstead of Trenisson consisting of a stone built farmhouse and associated vernacular buildings grouped together. The single storey snooker hall and a bungalow are contained within this grouping. Although these are more modern buildings, they are both modest in size with a simple form and appearance such that they do not detract from the traditional farmstead character. Trenisson is located within a sloping landscape. There are far reaching views of the sea from the appeal site across the rural landscape to the south but the presence of Cornish hedges means that the appeal site is not readily seen from public vantage points.
10. Some of the land and buildings around the appeal site has been used for commercial purposes. However, I saw that these were clearly set away from and visually distinct from the grouping of buildings at Trenisson.
11. The land and buildings at Trenisson are no longer in operation as an agricultural holding, and it has evolved over time such that the main barn has been converted to residential use. However, this does not diminish the character it has of a traditional farmstead particularly as set out in the LCA and AONBMP, with the grouping of vernacular buildings and the traditional farmhouse at its heart.

² Taken from the Cornwall and Isles of Scilly Landscape Character Study

12. The proposed dwelling would be constructed using local stone, timber cladding and a standing seam zinc roof. I do not share the Council's view that the use of such materials would be at odds with the local vernacular style from what I observed in the local area. The proposed dwelling would comprise two rectangular elements located roughly parallel to each other. One would be a two storey stone built section and the other would be a single storey timber clad section joined together by a flat roof single storey glazed link. The result would be a single building made up of a number of components. Substantial amounts of glazing are proposed to the southern elevations together with a first floor balcony.
13. The result is a built form which would appear rather complex when seen in the context of the simple form and detailing of the existing buildings. The expansive use of glass gives the building a somewhat lightweight appearance which would be at odds with the solidity of the other buildings in the farmstead. Its footprint would be roughly double that of the existing snooker hall and being two storey in part, it would also be significantly higher. Given its location in the heart of the farmstead, I find that the resulting scale, form and design would dominate the farmstead.
14. The appellant says that the appeal proposal should be interpreted as the conversion of two small rural buildings linked together and that it follows the informal nature of the cluster of buildings found in the locality. I have been provided with details of similar schemes approved elsewhere by the Council³ but have not been provided with any specific examples of this form of development occurring locally.
15. From all that I have seen and read and in the absence of evidence to the contrary, I do not find that the proposed dwelling represents a form of development which is characteristic of the local area or the wider CNL. It would dominate and detract from the traditional farmstead character which is an important component of the landscape character.
16. The appeal site also comprises the enclosed land to the south west of the snooker hall which would form the curtilage for the proposed dwelling. The appellant refers to this land not being agricultural, having a 'nil' use and appearing unkempt. I saw at my site visit that it was a grass field devoid of development and elevated above the level of the adjacent road and access track. Whilst the grass did not appear to have been cut recently, I do not share the appellant's view that it appears unkempt or would benefit from regular maintenance. Notwithstanding what its lawful use is, from what I have read and observed on site, I find that this land reinforces the rural character and landscape setting of Trenisson.
17. Whilst I accept that permitted development rights could be removed for certain forms of development including buildings, extensions, fencing and walls on the land, such control could not extend to future planting or domestic paraphernalia such as washing lines and garden furniture. Having regard to the size of the proposed curtilage and the likely domestic paraphernalia that could be placed upon it, there would be a high probability that the appeal proposal would result in domestication of the appeal site. This would erode the rural character of the site and the landscape setting of Trenisson to a harmful extent.

³ Appendix FC2 of appellants final comments – The Sheds, Carnon Downs.

18. The appeal proposal also includes the erection of a stone wall with a timber fence above, along the boundary of the appeal site with the access. The fence would be overtly domestic in appearance and would result a physical and visual separation of the appeal site from the rest of the farmstead. This would have a harmful effect on the character of Trenisson as a traditional farmstead where existing buildings have a functional and visual relationship with each other.
19. The appellant refers to appeal decisions where new dwellings were considered to lead to an enhancement of the landscape setting of the CNL. However, for the reasons set out above, the appeal proposal would not enhance the CNL and therefore, the circumstances surrounding those proposals are not comparable to the appeal before me.
20. I conclude that the appeal proposal would be harmful to the rural character of the area and would not conserve or enhance the landscape and scenic beauty of the CNL and Heritage Coast. As such, the proposal would be contrary to Policies 12 and 23 of the Cornwall Local Plan Strategic Policies 2010- 2030 (the LP) and Policies LA1 and LA2 of the Roseland Neighbourhood Development Plan 2015-2030 made May 2015 (NDP) which seek to maintain and enhance its distinctive natural landscape character and conserve and enhance the landscape character and natural beauty of the AONB and Heritage Coast.

Other Considerations

21. I have found that the proposal would conflict with the development plan. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the planning history of the appeal site, the Framework and the benefits of the proposal have been referred to by the appellant as other considerations.
22. There is an extant planning permission⁴ which would result in the provision of a dwelling on the appeal site. The approved plans indicate that the resultant dwelling would have a ridge height of just under a metre higher than the existing snooker hall.
23. In granting that permission the Council did not remove permitted development rights for extensions or alterations and, as such, the appellant has provided plans indicating that a single storey glazed conservatory could be added to the the dwelling. Furthermore, given that work has commenced on site, there is a real possibility that it would be implemented should planning permission for the appeal scheme not be forthcoming. Consequently, there is a greater than theoretical possibility that the existing permission would be implemented. The existing permission therefore constitutes a realistic fallback position which weighs in favour of the appeal proposal.
24. However, for significant weight to be afforded to the fallback position, there needs to be not only a real possibility of it being carried out, but it would need to be equally or more harmful than the appeal scheme.
25. The appeal scheme would be larger in terms of height, bulk and footprint than the extant consent, even taking account of the proposed raising of the ridge and the extension which could be added under permitted development. I have also found that the scale, form and design, the increased size of the curtilage

⁴ LPA Ref: PA18/09415 Proposal for the change of use of Snooker Hall into residential dwelling including raising of roof structure

and the erection of the boundary wall and fence would have a harmful effect on the character of the CNL. For these reasons, I afford the fallback position limited weight in support of the proposal.

26. The appellants submissions refer to the inclusion of passive house standards in the design and construction of the proposed dwelling by way of glazing to the south elevation, recyclable material use and enhanced insulation. Energy they say would be produced by photovoltaics (PV's) and an air source heat pump. However, given that the submitted drawings do not indicate either the PV's or an air source heat pump, I am not persuaded that these benefits would materialise and on this basis, I attach only limited weight to this as a benefit.
27. The approved site area, indicated on drawing number JT/18/01 of the extant planning permission, is confined to the area immediately surrounding the existing building. The appellant argues that as a residential curtilage, it is too small to provide an adequate recreational and storage area for future occupiers. Similarly, the appellant argues that the positioning of the appeal dwelling would improve the outlook for the occupiers of the adjacent property. However, in granting planning permission for the conversion of the snooker hall to a dwelling, I must assume that the Council found both the size of the curtilage and the positioning of the proposed dwelling to be acceptable and therefore, I attach only limited weight to these as benefits.
28. The appellant refers to a 'Development Management Guidance Note: Replacement dwellings in the countryside in the context of Cornwall Local Plan Policy 7(1)' dated December 2018. It states that the replacement of poor quality dwellings in countryside should be encouraged. However, I have no evidence before me that the extant permission would result in a poor quality dwelling and therefore I give this limited weight.
29. The Framework seeks to significantly boost the supply of homes, encourages the development of small and medium sized sites which can be built out quickly and acknowledges that development in rural areas can support the services in nearby villages. It also encourages the efficient use of land and the use of suitable brownfield land. There would be benefits arising from the delivery of housing, the addition to the local housing stock and economic benefits arising from the construction and occupation of the dwelling. The appellant also points out that the appeal proposal would provide a two bedroom dwelling with a study to allow working from home. However, there is already a permission in place for a dwelling on the site and these are benefits which would arise in any event from the extant permission. The approved plans for the conversion also indicate a third bedroom or study which would allow homeworking. As a result, the weight that I give to these benefits in relation to the appeal proposal is limited.
30. The appellant refers to the appeal proposal resulting in a more desirable dwelling providing an improved lifestyle for future occupiers. They also refer to it being subject to greater investment and having an improved asset value. Whilst this may have some wider social and economic benefits, it seems to me that these benefits would be largely private so for this reason I give them limited weight.
31. The appellant states that the appeal proposal will result in improved biodiversity and enhanced landscaping although the biodiversity net gain has not been quantified. Given that Policy G2 of the Climate Emergency

Development Plan Document adopted 21 February 2023 requires all development proposals to achieve a minimum 10% biodiversity net gain, I give this benefit limited weight.

32. There are no objections from the Council in terms of highway safety and flood risk. Rather than being benefits of the proposal, these are neutral factors in my consideration of this appeal.
33. I note that the proposal has the support of some local residents including those occupying nearby properties. They refer to the proposed dwelling being occupied by a local family but the appeal is not accompanied by a legal agreement which would secure this. Accordingly, I attach only moderate weight to this.
34. My attention has been drawn to a number of decisions made by the Council and Inspectors at appeal. However, the full facts are not before me and I am not satisfied that reasonable comparisons can be drawn between those cases and the appeal before me. For example, a number of the cases highlighted were not located within the CNL, or the sites were not considered to contribute strongly to the character and appearance of the area. I have therefore attributed limited weight to these.

Planning Balance

35. I have a statutory duty⁵ to have regard to the purpose of conserving and enhancing the natural beauty of the AONB and Paragraph 176 of the Framework requires that I give great weight to conserving and enhancing landscape and scenic beauty in the AONB. I accept that giving 'great weight' does not amount to an embargo on development. However, for the reasons set out above I find that the moderate benefits of the proposal do not outweigh the great weight I have given to the harm to the CNL.

Other Matters

36. How the Council originally administered the application, and any correspondence between the applicant and the Council therein are not matters for this appeal, which has been determined in accordance with the evidence presented, the development plan and any other material considerations.
37. Given my overall conclusion that the appeal should fail, there would be no increase in recreational disturbance at the Fal and Helford Special Area of Conservation. Accordingly, it is unnecessary to consider this matter further.

Conclusion

38. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Alison Fish

INSPECTOR

⁵ Section 85 of the Countryside and Rights of Way Act 2000