



Appeal Decision

Site visit made on 20 February 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2024

Appeal Ref: APP/D0840/W/23/3329777

Stable Barn, Trenoweth, Mabe Burnthouse, Penryn, Cornwall TR10 9JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Patrick Bray against the decision of Cornwall Council.
 - The application Ref is PA23/02341.
 - The development proposed is demolition of existing 'Field Barn' and proposed new dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing 'Field Barn' and proposed new dwelling at Stable Barn, Trenoweth, Mabe Burnthouse, Penryn, Cornwall TR10 9JH in accordance with the terms of the application, Ref PA23/02341, subject to the conditions set out in the Annex attached to this decision.

Preliminary Matters

2. The application form lacks a full accurate site address. As such I have used the address as it appears on the Appellant's appeal form and the Council's decision notice in the banner heading above.
3. During the course of the appeal the revised National Planning Policy Framework (Framework) was published. The main parties have had the opportunity to make comment on any implications of this change within the appeal timetable.
4. The Council have stated within their appeal statement that the adoption of the Climate Emergency Development Plan Document (CEDPD) postdates its determination of the application the subject of this appeal. However, the CEDPD was adopted in February 2023, and therefore predates the Council's decision. Furthermore, following the Council's determination, the Mabe Neighbourhood Development Plan 2022-2030 (NP) has now been 'made' following a successful referendum. As such, and notwithstanding the dates of adoption of the CEDPD and Council's determination of the application, these documents now form part of the development plan and I have had regard to them as such. Both parties have had opportunity to comment on their relevance to the appeal proposal.

Main Issues

5. The main issues in this appeal are:

- the suitability of the location of the appeal site for the proposal, having regard to the local development strategy and access to services and facilities; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Location of development

6. The appeal site is an area of land featuring a field barn located to the south of Trenoweth Lane and adjacent a small cluster of properties. Policies 1 and 2 of the Cornwall Local Plan Strategic Policies 2010- 2030 (LP) set out the Council's approach to sustainably accommodating growth based on the role and function of each place. LP Policy 3 aims to steer the majority of new housing towards the main towns, although it does enable a limited amount of new development to take place outside the main towns in particular circumstances. Amongst other aspects, this includes infill development and development of previously developed land (PDL) within or immediately adjoining settlements.
7. The Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (The CPOAN) does not form part of the statutory development plan and is to be regarded as informal guidance. However, it does provide some clarity on the locally adopted approach in relation to matters such as settlements, infill and PDL, and as such I have had regard to it in the determination of this appeal.
8. Trenoweth is not a 'named' settlement within LP Policy 3. Nevertheless, the CPOAN notes that a settlement is a place where people collectively live in permanent buildings and has a form and shape and clearly definable boundaries, not just a low-density straggle of development. It further states that there are no expectations of services and facilities. It also suggests that some linear settlements can meet the test of a clear form and shape suitable for infill and on occasion rounding off.
9. Historical mapping indicates how the area has grown from a nucleus centred on a crossroads, which is also the current location of a royal mail post box. The mapping also shows the location of a former school building further west of the crossroads. I observed that whilst within the wider area development is somewhat scattered, built form extending from the crossroads in a linear pattern which also includes the Trenoweth Business Park, does have a definable form and appears as more than a low-density straggle of development. Furthermore, the surrounding cluster of properties in the area is named, with directional road signposts indicating its location and people live collectively in permanent buildings. In addition, the NP refers to Trenoweth as a '*recognised settlement*' within its glossary, and as a '*hamlet*' within the introduction.
10. Consequently, I find that this grouping of buildings can be considered a settlement for development plan purposes. In such locations, LP Policy 3

supports infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside.

11. The appeal site is near the middle of a continuous line of dwellings. The setback of built form from the highway does vary, with some dwellings partially screened by vegetation. However, this does not disrupt the visual appearance of a continuous linear pattern of development. Furthermore, although there are some small gaps between built form, this is due to associated garden areas, and is read as such, as opposed to gaps which would break the continuous line of dwellings.
12. Despite replacing a former field barn within a wider rural landscape with a dwelling, the proposal is between residential dwellings and would not extend beyond the existing linear pattern of development. Therefore, the proposal would not be seen to extend the settlement into the open countryside.
13. Although not enshrined within LP Policy 3, LP para 1.68 suggests that smaller villages and hamlets in which infill is allowed should be part of a network of settlements and / or be in reasonable proximity to a larger village or town with more significant community facilities. Mabe Burnthouse is the nearest settlement with significant services and facilities to the appeal site. There is a differing view between the main parties as to the distance to this settlement, however at my site visit I observed this to be approximately 0.6km to the edge of the settlement. The highway to Mabe Burnthouse, lacks pedestrian pavements or highway lighting which may discourage some pedestrians, as well as lacking any nearby public transport links.
14. However, part of the route can be taken by an off-road public footpath thereby avoiding the junction of Trenoweth Lane. Furthermore, when utilising the public footpath, the route has relatively good forward visibility on the remaining highway that would be travelled along with the majority being within a 30 miles per hour speed limit. Moreover, the topography and distance would also allow relatively easy accessibility by bicycle. Therefore, I find there would be plausible alternative means of accessing services and facilities reducing the reliance on private transport.
15. In conclusion, the appeal development would be in a suitable location with regard local development strategy and access to services and facilities. The proposal therefore accords with LP policies 1, 2, 3, 7 and 21. Whilst not referred to within the Council's decision notice due to adoption date, the proposal would also accord with NP Policy 14 as well as CEDPD policies C1, AL1 and T1. These policies, amongst other things, take a hierarchical approach to direct development to appropriate locations based on the role and function of places and seek the promotion of sustainable means of transport. The proposal would also accord with the provisions of the Framework in relation to promoting sustainable development and safeguarding and improving the environment.

Character and appearance

16. The appeal site falls within character area CA10 Carmenellis of the Cornwall Landscape Character Assessment. The description of this area includes open elevated undulated granite plateau incised by stream valleys and dispersed farmsteads and small clusters of cottages. I observed that the area includes these elements and results in a rural character.

17. The existing field barn is a modest structure of utilitarian appearance and rural character. The proposal would introduce a building of noticeably larger scale than the existing field barn, however it would appear of a similar scale to neighbouring residential buildings. Moreover, due to the use of a mix of two storey and single storey elements, semi-hipped roof, and appropriate materials, the proposal, when viewed from the north would successfully reflect architectural details of surrounding built form and respect the overall rural character of the area.
18. The southern elevation incorporates significant areas of glazing within a gable, and a first-floor projecting overhang, resulting in a more modern contemporary appearance of this elevation. However, views of the appeal site from the south are limited to distant viewpoints, where the proposal would be seen as part of a row of buildings and would not appear incongruous in its setting.
19. Even if the proposal would result in additional domestic paraphernalia at the appeal site, given the existing surrounding residential uses and that the proposal does not extend any residential garden beyond that of its neighbours, the residential use of the site would not result in any harm to the rural character of the area.
20. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. The proposal would accord with LP Policies 12 and 23, which seek to ensure, amongst other things, that development respects surrounding areas and enhances the quality of place and conserves and enhances the landscape character and the natural environment. The proposal would also accord with the provisions of the Framework seeking to ensure development is visually attractive and sympathetic to local character, surrounding built environment and landscape setting.

Other Matters

21. I have noted the comments of Mabe Parish Council in relation to the settlement boundary of Mabe Burnthouse as detailed within the NP, and the circumstances relating to a planning permission granted for two dwellings ¹, also outside of the settlement boundary. Whilst I acknowledge the appeal site is outside of this settlement boundary, this appeal has been dealt with on its own merits and has been found to be acceptable for the reasons given above. There is no clear reason why this appeal decision would set a precedent for the area, as each proposal must be assessed on its own merits and the particular circumstances of the site.
22. The appeal site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). The submission has been accompanied by an undertaking under Section 111 of the Local Government Act 1972 (S111) with an accompanying financial contribution to seek to mitigate recreational impact of the proposal on the SAC.
23. Features of interest within the SAC include saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries, and reefs. The SAC is protected pursuant to the Conservation of Habitats and Species Regulations 2017 (the Regulations).

¹ PA19/07232

24. Recreational pressure, predominantly from those living or staying within the zone of influence causes harm to the habitats within the SAC. Additional residents from the proposal could result in adverse effects on the integrity of the SAC. As a result, alone and in combination with other development, the proposal would have a significant effect on the SAC.
25. Accordingly, as the competent authority in the context of this appeal, I am required to carry out an Appropriate Assessment under the Regulations. Mitigation has been developed in the form of strategic access management and monitoring, to avoid such adverse effects, funded through proportionate developer contributions. In this case, the appropriate contribution has been secured through the S111 undertaking. Natural England have been consulted during the application process and have not objected to the proposal subject to securing the contribution.
26. On this basis, in carrying out the Appropriate Assessment, the adverse effects of the proposal on the integrity of the SAC would be avoided. For these reasons, the proposal would not harm the integrity of the SAC and would accord with LP Policy 22 and guidance outlined in the Councils' European Sites Mitigation Supplementary Planning Document July 2021 which in combination, sets out a strategic approach to the provision of mitigation.

Conditions

27. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
28. In addition to the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. A condition is necessary to ensure the provision of suitable surface water drainage in the interests of preventing flooding and the living conditions of neighbouring occupiers.
29. Given the small scale of the proposal, available access and noting other legislation also exists outside the planning system to assist with construction matters, a condition requiring submission of a Construction Method Statement is not necessary to protect the living conditions of nearby occupants or to safeguard highway safety.
30. To ensure the materials used in the construction of the new dwelling respect the surrounding area, a condition is necessary to secure details of final materials and finishes. Finally, a condition is necessary in order to provide visibility splays and appropriate parking and turning areas in the interests of highway safety.

Conclusion

31. For the reasons given above, I conclude that the proposal would comply with the development plan, read as a whole. The appeal is therefore allowed.

S Harrington

INSPECTOR

Annex

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3181-3-001A; 3181-3-102A; 3181-3-103A; 3181-3-104.
- 3) The development hereby permitted shall not commence until the installation of a system for the disposal of surface water on the site has been completed in accordance with the details which shall first have been submitted to and approved in writing by the Local Planning Authority. The details shall include a programme for maintaining the system. The system shall be retained and maintained thereafter in accordance with the approved details.
- 4) No development above floor slab level shall commence until details of the materials to be used in the construction of the external surfaces (doors/windows/lintels/sills/stonework/roof slates and method of fixing) of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 5) Before any of the development hereby permitted is brought into use, parking and turning areas shall be laid out and constructed in accordance with approved drawing no. 3181-3-102A; and the said areas shall not thereafter be obstructed or used for any other purpose.

End of Conditions