



Appeal Decision

Site visit made on 15 March 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2024

Appeal Ref: APP/D0840/W/23/3327914

Stables, Rinsey Lane, Ashton, TR13 9SG

- 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 L Sherfield-Wong against the decision of Cornwall Council.
 - The application Ref PA23/01719, dated 1 March 2023, was refused by notice dated 7 July 2023.
 - The development proposed is described as change of use and conversion of building to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Since the appeal application was refused the National Planning Policy Framework 2021 has been replaced. Within the National Planning Policy Framework December 2023 (Framework), paragraphs 78, 79, 80, 110, 112, 130 and 174 of the Framework 2021 have been renumbered 82, 83, 84, 114, 116, 135 and 180, although their content is unchanged. For the avoidance of any doubt, I confirm that in this decision I have referred to the new numbering.

Main Issue

3. The main issue is whether the site is a suitable location for the proposed development, having regard to development plan policy and the character and appearance of the area.

Reasons

4. The appeal site is situated in an area of countryside which is characterised by gently undulating fields enclosed by hedges, including Cornish hedges. Narrow rural lanes serve small groups of dwellings and small settlements, where the dwellings are typically modest in scale and traditionally designed. They are primarily constructed from a combination of stone, painted stone, render and slate.
5. The appeal site is located adjacent to an established dispersed grouping of dwellings known as Rinsey Croft. Whilst Rinsey Croft does not have a defined settlement boundary in the Breage Neighbourhood Development Plan (BNP), it is a clearly defined grouping of dwellings with its own identity and I find that it reasonably falls within the definition of a small hamlet.

6. The appeal site is accessed via a private narrow track which also serves a number of dwellings within the hamlet. Rinsey Lane, which is a narrow single lane rural road, is flanked by hedges and walls and whilst it benefits from several informal vehicular passing places, it has no pavements, verges or streetlights. The A394 passes through Ashton, some 200 metres to the north, where there are bus stops on both sides of the road.
7. The appeal site is bordered on one side by a linear row of dwellings within the physical built up area of Rinsey Croft. It is separated from the defined settlement boundary of the village of Ashton by several fields. Two of these fields wrap around three sides of the appeal site and beyond them are views over the surrounding open countryside and towards the village of Ashton. The appeal site provides access to the immediately adjacent fields and a public footpath runs through three of the fields immediately beyond them.
8. The appeal site, which extends to some 0.36 hectares, comprises a simple stable building with a shallow pitched roof with an attached lean-to structure. It is surrounded by a fenced off area which includes a combination of grassland and hard surfacing.
9. Regarding the lawful planning use of the site two planning permissions granted in the 1970s. The first was for a stable and a condition was imposed restricting its use to that cited in the application description and for private use only. It is clear from the wording that this was designed to prevent its use for commercial equestrian purposes. The second application was for a lean-to hay barn and implement shed and again a condition was imposed restricting its use to the purposes stated for private use. These permissions and the conditions attached to them do not allow or indicate any domestic uses.
10. With both permissions it is not stated whether the stable and other storage areas were to be used by horses or other livestock, although it appears likely that the stable was to be used by horses. No planning permissions relating to the fenced off area around the structures have been brought to my attention. This area serves both of the above structures and the adjoining fields.
11. The planning statement submitted with the appeal application states that between the mid 1980's and 2019 the buildings were predominantly used for horses, with other uses including potato farming, pig farming, the keeping of chickens and cattle grazing. Little information has been provided regarding the use of the appeal site since 2019. Accordingly, on the basis of the information submitted, it has not been demonstrated that the lawful use of the whole of the appeal site is solely equestrian and amounts to previously developed land.
12. Together and amongst other things policies C1 and T1 of the Cornwall Climate Emergency Development Plan Document 2023 (DPD), Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) and paragraphs 114 and 116 of the Framework state that development should represent sustainable development. This includes managing the natural and historic assets wisely for future generations; mitigating and improving resilience to climate change; reusing land efficiently; maximising the use of sustainable forms of transport; minimising the need for travel; and maintaining Cornwall's dispersed settlement pattern.

13. CLP Policy 21 states that to secure the best use of land encouragement will be given to sustainably located proposals that use previously developed land, subject to compliance with other policies. The supporting text to this policy advises that consideration should be given to the suitability of the site in terms of location and accessibility.
14. CLP Policy 7 seeks to strictly control new housing in the countryside. It allows for the reuse of suitably constructed redundant and disused buildings that are considered appropriate to retain and would lead to an enhancement of their setting. The supporting text at CLP paragraph 2.33 explains that the appropriateness of buildings for conversion will depend, amongst other things, on their structural soundness and ability to convert without substantial demolition or rebuilding operations.
15. Although the council has referred to policy S3 of the Breage Neighbourhood Development Plan (BNP), having found that Rinsey Croft can reasonably be described as a small hamlet, BNP Policy S2 is more appropriate. It seeks to strictly control development in the countryside, whilst allowing for very small developments that round off the built form, constitute infill or utilise previously developed land or buildings. This is provided the proposal is in line with CLP Policy 3, which requires that such development to be a scale appropriate to the settlements size and role. BNP Policy S2 states that development that clearly extends the built form of a smaller hamlet into the countryside or erodes the open countryside in which it is situated will not normally be supported unless it conforms to other relevant policies in the BNP and CLP Policy 7.
16. The Council's Chief Planning Officer's Advice Note: "Barn conversions/ Replacement dwellings in the Countryside" (ANBC), advises that in assessing the appropriateness of a utilitarian building for conversion its current and proposed impact on the locality should be considered. Also, that accessibility is a factor, whilst taking account of the need for some housing in the countryside.
17. BNP Policy S4 allows for the residential conversion of buildings where the building is of historic value, considered worthy of retention and would add to the quality of the landscape. The building should not require substantial re-building and the proposal would not cause significant harm to the character or appearance of the existing building or the landscape character.
18. The Council's Advice Note: "Infill/rounding off" (ANIR), states that in assessing proposals for infilling or rounding off hamlets should be part of a network of settlements and/or be in reasonable proximity to a larger village with more significant community facilities, such as a primary school. Rounding off developments should be bordered on two sides by development and should provide a symmetry or completion of a settlement boundary. It should not visually extend the development onto the countryside and should predominantly be enclosed by edging features. Infill developments should comprise a gap in an otherwise continuous frontage. The development of previously developed land adjacent to settlements is acceptable unless the proposal is outweighed by other environmental, social and economic considerations.
19. Paragraphs 82 to 84 of the Framework similarly seek to restrict new housing to that which reflects local needs. To promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities. Isolated houses in the countryside should be

- avoided other than in certain circumstances. This includes the reuse of a redundant building where its immediate setting would be enhanced.
20. Collectively and amongst other things LP Policies 2, 12, and 23 and BNP Policy H6, seek to ensure that proposals achieve high quality and sustainable design. They should maintain and sustain local character and enhance Cornwall's distinctive natural and historic character. The design of new housing should reflect local architectural styles and the distinctive character of their location.
 21. Paragraphs 135 and 180 of the Framework similarly states that decisions should contribute to an enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Proposals should be visually attractive as a result of good architecture; be sympathetic to local character and history; maintain a strong sense of place; and add to the overall quality of a place.
 22. The appeal site is located within the countryside, although having regard to its siting next a row of dwellings within Rinsey Croft it is not isolated. However, the appeal site is not bordered on two sides by development and does not comprise a small gap in an otherwise built-up frontage. The proposal would not provide symmetry or completion of a settlement boundary; would not be predominantly enclosed by edging features; and would not comprise a small gap in an otherwise built-up frontage.
 23. Rinsey Croft appears to have no built or formal community facilities and Ashton offers few community facilities. Whilst it does include bus stops, access to the village is along a narrow and enclosed rural lane with no pavements, verges or streetlights. Cycling and walking are not an attractive option. In addition, the adjacent off-road footpath leading to the village of Ashton is unsurfaced, across three fields and accessed via a tall stone stile. For these reasons I find that the occupiers of the proposed dwelling would be reliant on private motor vehicles and would need to drive to larger settlements to access a wide range of services and potentially employment.
 24. The existing building on the appeal site is modest and utilitarian in character and appearance and is of no historic or architectural merit. It has the appearance of two attached small functional agricultural/equestrian structures. For these reasons they blend into the rural landscape but are not worthy of retention. The fenced off area of land around the building area is visually open, devoid of clutter, partially grassed over and it merges into the adjacent fields. It blends in with the adjacent fields and contributes to the rural setting of the appeal building. Both the building and the overall appeal site are clearly seen as part of the open countryside and outside the physical settlement boundary of Rinsey Croft.
 25. With the proposal I agree with the council that the front part of the structure would be capable of conversion, but the rear section would need to be rebuilt and would be materially increased in height. Having regard to the size of the lean-to structure and its replacement, the proposal would involve a significant level of rebuilding. The new attached wing, together with the size, proportions, design and materials of the proposed fenestration and external wall and roof materials would radically change the character and appearance of the host building. It would appear modern, suburban and totally out of keeping with the rural character and appearance of the host building, the surrounding

countryside and the traditionally designed dwellings in the immediate and wider area.

26. The proposed garden area and likely associated domestic paraphernalia would intensify the resultant domestic appearance of the site. Both the building and the garden area would be seen as encroaching into the open countryside beyond the strong physical settlement boundary of Rinsey Croft, which runs along the rear boundaries of the adjacent row of dwellings. Whilst the appeal site is relatively well screened this is not a good reason for encroachment into the countryside. At the same time the proposed dwelling would be glimpsed from the adjacent fields, public footpath and the dwellings to the southwest, where it would have a suburbanising impact.
27. Overall, the proposal would materially harm the strong rural character and appearance of the site and its setting and would weaken the settlement boundary line of Rinsey Croft. These concerns are not something that could be satisfactorily addressed through the imposition of conditions.
28. For these reasons, I conclude on the main issue that the site is not situated in an accessible location or within a village/settlement and the proposal would unacceptably harm the character and appearance of the hoist building, the appeal site and its setting. Accordingly, the proposal would conflict with CLP Policies 1, 2, 7, 12, 21 & 23, DPD Policies C1 & T1, BNP Policies S2, H4 & H6 and paragraphs 82, 83, 84, 114, 116, 135 & 180 of the Framework.

Other matters and Planning Balance

29. I note that the appeal sites falls within the Fal & Helford SAC Strategic Mitigation Plan for which the Council has a mitigation scheme in place. The Council's officer report and appeal statement advise that the appellant has completed a S111 Agreement and that mitigation has been paid. As such this is not a matter that needs to be addressed further.
30. A number of appeal decisions have been brought to my attention. Although limited details have been provided none of the decisions appear to be directly comparable to the appeal proposal. One of the appeals referred to by the appellant was a redevelopment scheme that was assessed against Green Belt Policy. The other related to a timber framed barn within a complex of farm buildings. The decisions referred to by the council relate to stables and barns and whilst there are some similarities between them and the appeal proposal, their locations and proximity to other development does not appear to be directly comparable. Rather than set a precedent these decisions highlight the need to assess each proposal in accordance with the prevailing development plan and having regard to their individual merits.
31. With regard to the pre-application advice relating to another site in Rinsey Croft, the proposed dwelling was to be sited on residential land within the clearly defined westerly boundary of that part of the hamlet. It would not encroach into the open countryside.
32. The Council has confirmed that it has an identified five year supply of deliverable housing sites and so paragraph 11d) of the Framework is not engaged. Cornwall Council's "Securing Homes for All: A Plan to address Cornwall's Housing Crisis," advises that the lack of affordable homes to buy in Cornwall is acute, with the position being most acute in popular coastal and

tourist areas. Whilst this document does not form part of the development plan it is a material consideration.

33. The proposal would make a very modest contribution to the supply of smaller and thus more affordable homes. The occupiers of the proposed dwelling would likely support some local services and facilities and the conversion works would result in some direct and indirect employment. Whilst these factors are a benefit of the scheme, due to the modest nature of the proposal they are factors to which I give little weight. They would not outweigh the considerable harm that would be caused to the character and appearance of the site and its setting and the conflict with the cited environmental objectives of sustainable development.

Conclusion

34. For the reasons set out above, and having regard to all other matters raised, the appeal is dismissed.

Elizabeth Lawrence

INSPECTOR