



# Appeal Decision

Site visit made on 3 April 2024

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

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**Appeal Ref: APP/D0840/W/23/3326083**

**Land South of Trevithal Farm House, Trevithal, Paul, Penzance TR19 6QU**

- 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 & Mrs Rodda against the decision of Cornwall Council.
  - The application Ref is PA23/02105.
  - The development proposed is conversion and extension of redundant block building to form dwelling and associated works.
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## Decision

1. The appeal is allowed and planning permission is granted for conversion and extension of redundant block building to form dwelling and associated works at Land South of Trevithal Farm House, Trevithal, Paul, Penzance TR19 6QU in accordance with the terms of the application, Ref PA23/02105, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The address in the banner heading above has been taken from the appeal form and decision notice as this more clearly identifies the site than that given on the application form. I note comments from third parties regarding errors in property names but regardless of this the application site is clearly identifiable from the submitted plans.
3. During the course of the appeal, Areas of Outstanding Natural Beauty became National Landscapes. Therefore, in relation to this appeal, reference to the National Landscape refers to the Area of Outstanding Natural Beauty as referred to by the main parties.

## Main Issues

4. The main issues are whether the appeal site is an appropriate location for housing with particular regard to the local development strategy, and the effect on the character and appearance of the area including whether it would conserve and enhance the landscape and scenic beauty of the National Landscape.

## Reasons

*Whether appropriate location*

5. Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) set the spatial strategy for development. Policy 2 states that new development should provide a sustainable approach to accommodating growth with strategic scale growth in the main towns and city. Policy 3 states that development

- should be based on the role and function of places with the delivery of housing managed in the main towns identified in the policy. The site is not within an identified main town.
6. Outside of the towns, CLP Policy 3 states that housing growth will be supported through Neighbourhood Plans, the rounding off of settlements and development of previously developed land within or immediately adjoining a settlement, through infill schemes that fill a small gap in an otherwise continuous built frontage and through exception site proposals.
  7. There is no 'Made' neighbourhood plan for the area, the proposal is not for a rural exception site and as an agricultural building, it would not meet the definition of previously developed land in the National Planning Policy Framework (the Framework). With no built development to the south-east and north-west of the site, and the proposal being for the conversion of an existing building, it would not infill a gap in a continuous built frontage. As a result, to gain support from CLP Policy 3, the appeal site would need to be located within a settlement and meet other criteria for development within such settlements.
  8. CLP Policy 3 does not define what a settlement is. However, in relation to this a Chief Planning Officer's Advice Note: Infill Rounding Off (AN) has been referred to by both parties. The AN is not part of the adopted Development Plan, but it is used for development management purposes. The AN states that there is no absolute definition of a settlement but clarifies that they should have a 'form and shape and clearly definable boundaries, not just a low density straggle of development'. It goes on to state that well-defined groups of dwellings with a collective name will normally be settlements.
  9. The appeal site is located within the named settlement of Trevithal. The hamlet is characterised by the original farmstead and residential buildings that have clear boundaries with the surrounding countryside and create a clear extent of grouped built form off the same access. They do not comprise a small straggle of development. Even acknowledging that the hamlet has evolved from the original farmstead, it is clearly defined by the boundaries formed from the agricultural and residential buildings with the appeal site closely related to these buildings. The buildings are therefore viewed together creating a sense of arrival and place.
  10. The AN states that whilst there is no expectation of services and facilities to define a settlement, smaller villages and hamlets 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, such as a primary school'. Trevithal is located in reasonable proximity to Paul, Sheffield and the larger settlement of Mousehole. These settlements comprise a range of services and facilities providing opportunities to minimise the number of car trips.
  11. In light of the above, I find that Trevithal meets the definition of a settlement. In such circumstances, CLP Policy 3 supports proposals of an appropriate scale that round off the settlement. The proposal is for the conversion of an existing building to provide one small dwelling and is therefore of an appropriate scale for the size of the settlement. Due to the presence of the building adjoining farm buildings, the access road and with a clear boundary to the agricultural fields to the north-west, the proposal would not visually extend development into the countryside. Given the solid construction of the building and location with built form adjacent and opposite, it has the appearance of being within the

physical boundaries of the settlement. The proposal would therefore fall within the definition of 'Rounding Off'.

12. Even if I were to find that the proposal did not comprise 'Rounding Off', the AN states that 'The development of other land which does not entirely fit the definition of infilling (part of continual frontage) or rounding off, but would be within the form and shape of the settlement, will be acceptable where there is no significant harm arising to social, environmental or economic considerations'. The AN continues that 'Development in this respect would accord with Policy 21 c) which encourages proposals to increase building density where appropriate, taking into account the character of the surrounding area and access to services and facilities to ensure an efficient use of land'. I have found above that the appeal site is within and forms part of the settlement and is viewed in association with other buildings. I have also found above that the site is accessible to services and facilities in nearby settlements.
13. I further note that the Council have declared a 'Housing Crisis' with support for the increased supply in the delivery of new housing in its document 'Securing Homes for All: A Plan to address Cornwall's Housing Crisis' (December 2021). In addition, the proposal gains some support from paragraph 83 of the Framework from one additional dwelling supporting the vitality of the area.
14. In light of the support for the proposal under CLP Policy 3 for the location of development within a settlement, I do not need to consider the proposal against CLP Policy 7 related to housing in the countryside.
15. In conclusion in relation to this matter, the appeal site is in an appropriate location for housing with particular regard to the local development strategy. As such, in relation to the location of development, the proposal complies with Policies 1, 2 and 3 of the CLP. Amongst other things, these seek to direct new housing to settlements and sustainable locations. The proposal also complies with paragraph 83 of the Framework.

#### *Character and appearance*

16. The appeal site and surroundings are situated within the Cornwall National Landscape and St Buryan Area of Great Landscape Value. The landscape around the site mainly comprises open agricultural fields, trees, hedgerows and coastal scenery. Although the landscape surrounding Trevithal is primarily open and rural in character, the site itself forms part of a cluster of development. It is not highly visible from the wider surrounding area but is located adjacent to a Public Right of Way and the access road.
17. I acknowledge the simple appearance of the existing building compared to the more traditional two-storey dwellings within the settlement. However, such structures are not uncommon or discordant within the countryside or within groups of buildings in rural locations.
18. The existing building sits adjacent to other buildings of a more functional agricultural design and appearance. The appeal building is viewed and read, particularly from the footpath and road, in association with both the adjacent farm buildings and nearby residential dwellings. As a result, and given that it currently comprises windows and doors of a residential scale and appearance, the building provides a visual transition between the adjacent functional agricultural building and the nearby dwellings.

19. At present, the building has a tired appearance with the appellant advising that it is no longer required for agricultural use. This is reflected in the existing use for storage and as a workshop by a local resident unrelated to the farm. The appeal proposes a small extension in place of an unsightly ex-railway carriage, removal of a wood store and minimal additional openings. Existing openings would be altered with some timber boarding referencing their previous form as is often common with rural conversions. Alongside a painted rendered finish, slate cladding and provision of a natural slate roof, these changes would enhance the appearance of the building.
20. While the painted render finish would not replicate the granite materials to the nearby dwellings, the rendered building is already present. It is already different in both materials and form to the nearby two-storey dwellings. Although different, it nonetheless forms part of the character of the area. From the footpath and road, it would have the form and appearance of a converted building and would continue to provide an appropriate transition from the adjacent agricultural buildings and countryside to the more traditional dwellings and their associated gardens. Alongside the landscaping of the existing hardsurfaced site in the form of grass and hedging, the proposal would enhance the appearance of the immediate area. Given the limited external areas, any external paraphernalia associated with the dwelling would be limited in extent. Due to limited openings in the building, its location and existing use, any additional internal lighting would not be harmful to the wider area. Furthermore, the proposal would not harm any nearby Cornish hedges, or the re-wilding project referenced by third parties.
21. The proposal would not have any wider direct impact on the landscape outside the settlement. From close distance views from the footpath and road it would be seen in the context of the existing group of buildings. As a result, the proposal would be sympathetic to the character and appearance of the area.
22. Policy PD-P18 of the Cornwall Area of Outstanding Natural Beauty Management Plan (2022-2027) (MP) relates to the conversion of existing redundant agricultural buildings to dwellings. In relation to this policy, the appeal building is no longer required for agricultural use and is not a pole barn, simple concrete block barn or portal frame building. I have found above that the building forms part of the character of the area, is not uncommon in a rural landscape, can be easily converted with the proposal retaining its scale, character and appearance whilst providing an enhancement to the area. As a result, it is worthy of retention and would enhance the landscape and scenic beauty of the National Landscape, to which great weight should be afforded, and the Area of Great Landscape Value. In light of this, and while the building may not be particularly historic or an important part of the local built or natural landscape, I do not find any harmful conflict with this policy.
23. In conclusion in relation to this matter, the proposal would not harm the character and appearance of the area and would conserve the landscape and scenic beauty of the Cornwall National Landscape. As such, the proposal complies with Policies 12 and 23 of the CLP. Furthermore, the proposal would not conflict with the aims of Policy PD-P18 of the MP. Amongst other things, these seek to achieve a high quality design in all developments and to conserve and enhance the landscape character and natural beauty of the National Landscape and maintain the character and distinctive landscape qualities of Areas of Great Landscape Value. As a result, the proposal also complies with

the Framework where it seeks to achieve well-designed and beautiful places and the conservation and enhancement of the natural environment.

### **Other Considerations**

24. I have had regard to the previous applications on the site but note that one of these was for 'Prior Approval' with the other for two dwellings under an application for 'Permission in Principle'. As a result, they are subject to slightly different planning considerations and are not directly comparable to the current proposal. Moreover, I am required to consider the appeal on its merits.
25. I note that the plans were amended during the course of the planning application to address concerns regarding its relationship with the Public Right of Way. I have little evidence before me indicating that the proposal would directly harm the Public Right of Way. It is noteworthy that the Council raised no concerns in relation to this matter.
26. I have had regard to concerns relating to the future of the remainder of the farm buildings, potential for the proposal to set a precedent, to harm tourism and from increased noise levels. However, I have limited evidence before me of similar farm buildings in similar positions nearby, or of any particular harm to tourism. Furthermore, I do not find that one small dwelling would result in a detrimental increase in noise.
27. Although the vehicular access to the site and settlement is via a long and narrow lane, it serves a limited number of properties with only one additional dwelling proposed that would be served by two parking spaces. In light of this, the proposal would not give rise to any detrimental highway safety or vehicular noise concerns. It is noteworthy that the Council raised no concerns in these regards.
28. Whilst it is possible that the dwelling could be used as a second home or holiday let, I have little evidence before me demonstrating that this would be harmful in itself or be contrary to current local or national planning policies.

### **Conditions**

29. I have considered the conditions suggested by the Council against the advice in the Framework and the Planning Practice Guidance on the use of planning conditions. In addition to the standard time condition, a condition specifying the relevant plans is necessary for reasons of certainty.
30. A pre-commencement condition is necessary to ensure that details of the materials to be used are submitted and approved before development commences. Further conditions are required to ensure details of any external lighting are agreed and to prevent further extensions or alterations under permitted development rights. These are necessary in order to protect the character and appearance of the area and the National Landscape.

### **Conclusion**

31. For the reasons given above the appeal should be allowed.

*C Rose*

INSPECTOR

**\*\*\*SCHEDULE OF 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: Drawing Number 001 Location Plans and Drawing Number 003 Proposed Plans and Elevations.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces 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.
- 4) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
  - Any such external lighting as approved shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
  - The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, C, D and E of Part 1 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission, namely:
  - The enlargement, improvement or other alteration of the dwellinghouse.
  - The enlargement of the dwellinghouse consisting of an addition or alteration to its roof.
  - Any other alterations to the roof of the dwellinghouse.
  - The erection or construction of a porch outside any external door of the dwellinghouse.
  - The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.

**\*\*\*END OF SCHEDULE\*\*\***