



Appeal Decision

Site visit made on 9 May 2024

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal Ref: APP/D0840/W/23/3330976

Land Adjacent The Cherry Orchard, Harcourt Lane, Feock, Truro, Cornwall, TR3 6RW

- 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 Brian Pope against the decision of Cornwall Council.
 - The application Ref is PA23/01671.
 - The development proposed is the conversion of workshop into three bedroom dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of workshop into three bedroom dwellinghouse at Land Adjacent The Cherry Orchard, Truro, TR3 6RW in accordance with the terms of the application, Ref PA23/01671, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the interests of accuracy and consistency, I have amended the original address of the development site to reflect that provided within the Council's decision notice.
3. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes. There has been no change to the legal designation and policy status of these areas, but I have replaced reference to the Cornwall AONB with the Cornwall National Landscape in my decision to reflect this change.

Main Issue

4. The main issue in this appeal is whether or not the proposed development would be in a suitable location having regard to Local and National Planning Policy, and to its effect on the character and appearance of the surrounding area with particular regard to the landscape and scenic beauty of the Cornwall National Landscape.

Reasons

5. The appeal scheme is for the conversion of a single storey, metal portal framed and timber clad outbuilding, into a three bedroom dwelling. The appeal site is situated at the periphery of Feock, and outside of the settlement boundary and thus is located within the countryside for planning purposes. The appeal site is also located within the Cornwall National Landscape (the CNL).

6. Adjacent and to the east of the site is a substantial dwelling set within a generous sized plot. To the north of the site is a large barn building. The appeal site is accessed from a trackway which passes both the neighbouring substantial dwelling, and the large building positioned to the north of the site. Consequently, the proposal would not be located far away from other places, people or buildings and, therefore, cannot be considered to be isolated in terms of paragraph 84 of the National Planning Policy Framework (December 2023) (the Framework).
7. Policy 7 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) concerns housing in the countryside. That Policy restricts new housing to certain categories, one of which is the reuse of suitably constructed redundant, disused or historic buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting. My attention has also been drawn to the Chief Planning Officer's Advice Note: Barn Conversions/ Replacement Dwelling in the countryside (February 2023) (The BCCPOAN) which, whilst being informal guidance, provides clarity on the approach to be adopted in relation to, amongst other things, reuse of buildings within the countryside.
8. With regards to the requirements of Policy 7 of the Local Plan, the evidence before me confirms that the appeal building was constructed, lawfully, in 2009. A structural engineer's report submitted in support of the application confirms that the building is of suitable standard to allow for conversion. As such and given that it has a simple utilitarian form and appearance typically expected of an agricultural building in the countryside and has an unimposing agricultural character which does not appear as an incongruous feature in the locality, in my view it is a building worthy of retention. Whilst it is noted that the BCCPOAN advises that large portal framed buildings will rarely be appropriate to retain, in this instance the appeal building is of a modest, rather than large, scale.
9. Furthermore, whilst I acknowledge the Council's submissions, it is apparent that the appeal building is no longer used as a workshop, does not appear to have any link to agricultural activities, and therefore can be considered to be redundant for the purposes of the development plan.
10. In terms of whether the proposal would lead to an enhancement to the immediate setting, I have again had regard to the guidance provided within the BCCPOAN. The proposed conversion would not result in any enlargement to the appeal building, with the scheme retaining the simple agricultural character of the building. Additionally, the appeal scheme would result in the removal of an area of hardstanding to the front of the appeal building, to be replaced with a landscaped garden area.
11. For these reasons, the appeal scheme would reuse a redundant lawful building worthy of retention and would result in an, albeit limited, enhancement to the immediate setting. Consequently, the appeal proposal would accord with the requirements of Policy 7 of the Local Plan.
12. Turning now to the effect of the proposal on the character and appearance of the area, as noted above, the appeal site is located within the CNL. Paragraph 182 of the Framework requires that great weight is given to conserving and enhancing the landscape and scenic beauty within the CNL. Policy 23 of the Local Plan sets out that development proposals will need to sustain local

distinctiveness and character, with a particular emphasis on the great weight to be given to conserving the landscape and scenic beauty of the CNL and that proposals should be appropriately located to address the CNL's sensitivity and capacity as informed by the Cornwall AONB Management Plan.

13. Furthermore, Policy D1 of the Feock Neighbourhood Development Plan (the FNDP) requires that development respects and reflects local character and identity, provides garden amenity spaces that reflect the character of the local context, and minimises impact of development on the landscape.
14. The appeal site is located within Cornwall Character Area CCA16 Falmouth to St Maws. The Cornwall Character Area Description sets out the key characteristics of the area, and provides that within this area most of the land cover is farmland and estate lands with dense woodland interspersed, that Cornish hedges are characteristic of the area and that prominent tree lined boundaries add to the sense of a wooded area. Amongst other aspects, the Cornwall Character Area Description further identifies current and future issues to include sprawling development on settlement edges together with small scale development in rural areas.
15. As noted above, the appeal building would not be extended beyond its current footprint. In terms of windows and doors, the appeal scheme would largely replicate the position of existing openings at the appeal building. As such, the appeal proposal would retain the scale, character and appearance of the existing building. Whilst the amount of external amenity space to be provided would be modest, from the details before me it appears that that amount of external amenity space would be commensurate with the scale of development.
16. The appeal proposal would retain or replicate the existing external finishes and materials. Mature trees and hedgerow that would be retained, provide a good level of screening of the site. The appeal proposal would read as being within the existing cluster of buildings at this location, having a stronger affinity with the developed character of this area at the edge of the settlement, and would not extend built form into the surrounding countryside landscape. The site and external area would be well screened by existing mature hedgerow and given the close association of the site with the existing neighbouring substantially scaled dwelling and barn building, the proposal would not cause harm to the character and appearance of the landscape. The presence of a dwelling and the associated domestic paraphernalia would not be unexpected or incongruous within the site or its immediate surroundings.
17. In summary of the above, the appeal proposal would reuse a redundant building worthy of retention and would result in limited enhancement to the immediate setting. The scheme would provide external amenity space that reflects the character of the local context. The proposal would not represent sprawling development on the settlement edge and would not visually extend the built form of the settlement into the open countryside.
18. For the above reasons, I conclude that the appeal scheme would be in an appropriate location, having particular regard to the development plan policies and the character and appearance of the surrounding area. The proposal would not result in harm to the character and appearance of the area, and would further the purpose of conserving the landscape and scenic beauty of the CNL. I therefore find that the proposal accords with Policies 7 and 23 of the Local Plan and would not conflict with the provisions of Policy D1 of the FNDP. The

appeal proposal would also accord with Policy PD-P18 of the Cornwall AONB Management Plan which, amongst other matters, requires that the conversion of buildings to form dwellings does not give rise to the introduction of uncharacteristic fenestration or domestication of the setting or the introduction of conspicuous domestic paraphernalia into the setting of the building.

Other Matters

19. Although not included as a reason for refusal, the Council's appeal statement identifies that the site lies within the zone of influence for the Fal and Helford Special Area of Conservation (the SAC). The Council has adopted a strategic approach to the mitigation and monitoring of the effects of development on the SAC within its European Sites Mitigation Supplementary Planning Document (July 2021) (the SPD). The SPD sets out that financial contributions on a per dwelling basis, to fund mitigation measures, will ensure that residential development in the zone of influence will not have significant effects upon the protected habitats.
20. The Council has confirmed that Appellant has submitted a planning obligation and has made the necessary financial contribution to fund mitigation measures. Consequently, I am satisfied that it is not necessary for me to consider the proposal any further in respect of the Conservation of Habitats and Species Regulations 2017.
21. Interested parties have raised concerns in relation to the potential precedent set by the proposed development. However, any future proposals would have to be considered and determined on their individual merits. Whilst it is also noted that concerns have been raised regarding ownership of land within the appeal site, that would be a civil matter that would also fall outside the scope of this appeal.

Conditions

22. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord.
23. A pre-commencement condition that requires details of the proposed landscaping and planting be provided to and agreed by the Council, is reasonable to ensure that the scheme does not have a detrimental impact on the natural environment. A planning condition requiring that bat boxes are installed prior to first occupation is also reasonable and necessary in the interests of biodiversity and ecology. Furthermore, I agree that the suggested exceptional condition which restricts permitted development rights is proportionate in this case, given the sensitivity of the landscape within the CNL.
24. It is acknowledged that within their statement of case the Council suggests that an additional planning condition should be applied in the event that the appeal is allowed. That additional suggested condition appears to require that the proposal solely be for the conversion of the building with reference to a plan that accompanied the application. The wording of the suggested condition also

appears to set out that the planning permission does not provide permission for the construction of any new building or other alterations to the site.

25. No reasons have been given by the Council for the application of that additional condition. In my view such an additional condition is unnecessary given that the above mentioned planning condition which restricts permitted development rights includes restrictions on alterations to the building, and the plan referred to within the suggested additional planning condition is also referred to within the plans and drawings condition described above.
26. Where necessary, and in the interests of clarity and precision, I have altered the wording of the conditions suggested by the Council in order to better reflect the relevant guidance. The Appellant has been provided with the opportunity to comment on the wording of the Council's suggested pre-commencement condition and this has been agreed by the Appellant.

Conclusion

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

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby approved shall in all respects accord strictly with drawing numbers: Retained Fabric Diagrams (drawing number: 2023-07-3002), Existing and Proposed Site Plan (drawing number: 2023-01002A), Existing and Proposed Site Plan (drawing number: 2023-01002B), Revised Elevations and Floor Plan (drawing number: 2023-07-3001B), Location Plan and Proposed Block Plan (drawing number: 2023-01001), Proposed Amenity Plan (drawing number: 2023-07-1003), Existing Workshop Elevations and Floor Plans (drawing number: 2023-02001), and Existing Floor Plans and Elevations (drawing number: 2023-02001B).
3. 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. 2023-07-1003 and the said areas shall not thereafter be obstructed or used for any other purpose.
4. Prior to commencement of the development hereby approved (including demolition and all preparatory works); details of treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
 - i) a scaled plan showing all vegetation and Cornish hedges to be retained as well as all new trees, hedges and shrub planting.
 - ii) proposed hardstanding and boundary treatment.
 - iii) schedule detailing size, number and density of all proposed trees/plants, to include a replacement for the existing Monterrey Cypress tree that will be removed.
 - iv) specifications for operations associated with plant establishment and maintenance that are compliant with best practice.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new trees or plants (other than trees) that die, are removed, become severely damaged or diseased within a period of five years from planting will be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

5. Prior to the first occupation of the dwelling hereby approved the bat boxes shall be installed in accordance with the details indicated on drawing no 2023-07-3001 Revision B and shall thereafter be retained maintained as such.

6. 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:
- i) The enlargement, improvement or other alteration of the dwellinghouse;
 - ii) The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
 - iii) Any other alterations to the roof of the dwellinghouse;
 - iv) The erection or construction of a porch outside any external door of a dwellinghouse;
 - v) 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.