



Appeal Decision

Site visit made on 28 May 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/D0840/W/23/333342

Higher Chygwins, Main Road, Ashton, Cornwall TR13 9ST

- 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 Simon Stone against the decision of Cornwall Council.
 - The application Ref is PA23/00028.
 - The development proposed is Conversion and extension of existing rural building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development as set out above from the application form as neither party has provided written confirmation that a revised description has been agreed.
3. The Appellant has drawn my attention to the Breage Neighbourhood Plan but from the information before me, the appeal site lies outside of the neighbourhood plan area. As a result, it is not determinative in the consideration of this appeal.
4. The site falls within close proximity to the Fal and Helford Special Area of Conservation (SAC). The Council has adopted the Cornwall European Sites Mitigation Supplementary Planning Document July 2021 that seeks contributions from development towards mitigation measures to address impacts from development upon the SAC. I will return to this below.

Main Issue

5. The main issue is whether the appeal site is a suitable location for the proposed development having regard to development plan policies and the character and appearance of the area.

Reasons

6. The appeal site comprises a single-storey garage/workshop/store to the rear of Higher Chygwins. It lies outside of any settlement and therefore for the purposes of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP), is located in the open countryside.
7. In the open countryside, CLP Policy 7 only permits new homes where there are special circumstances. One of the specified circumstances is for 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" under criterion 3. It is not disputed by the Council that the building meets the qualifying requirements of the Policy relating to its lawfulness and age. Furthermore, by reason of the grant of planning permission¹ for the conversion of the building to a dwelling in September 2020, the Council consider that the building is suitably constructed and appropriate to retain. I have no reason to disagree.

8. In addition to the wording in Policy 7 of the CLP, the supporting text at paragraph 2.33 states that "the appropriateness of buildings for conversion will depend on their scale and method of construction, structural soundness and the ability to convert the building without the necessity of substantial demolition or substantial rebuilding operations". Despite the proposal resulting in an approximate doubling of the footprint of the building with associated increase in height and bulk resulting in a significant extension, given the extent of existing internal and external walls being retained, I have little evidence before me demonstrating that the proposal would result in substantial demolition or substantial rebuilding of the existing structure. Furthermore, criterion 3 to Policy 7, unlike criterion 1, does not state that the reuse should be broadly comparable in size, scale and bulk.
9. It follows from the above that the acceptability of the proposal therefore falls on whether it would lead to an enhancement to the immediate setting as required by Policy 7 of the CLP and paragraph 84c) of the National Planning Policy Framework (the Framework). In this regard, while the existing building is not a historic building nor is it of architectural merit, it is a modest structure of simple appearance that does not draw attention to itself in the landscape. It is clearly subservient to the main house with such buildings not uncommon in association with large dwellings in the countryside.
10. While retaining the majority of the existing building, the proposal would result in a significant and substantial increase in the footprint and bulk of building compared to both the existing and the conversion granted under the previous consent. As a result of a combination of the increased scale and bulk of building, it would be more noticeable when viewed within the rural landscape setting competing with the prominence of the main house. Furthermore, the proposal comprises the creation of a flat roofed building with modern fenestration and materials that would be at odds with the pitched roof traditional vernacular appearance of the outbuildings and Higher Chygwins itself that are more typical of the immediate area. This would draw further attention to the proposed building.
11. I acknowledge the design and use of timber boarding, stone and climbing plants to reduce the prominence of the building and to give it the appearance of a modern agricultural barn common within a farmstead and the local rural agricultural landscape character area. However, the associated large openings and balcony to the West Elevation and resultant light spill would draw attention to the building and it is inevitable that it would be perceived as a residential dwelling rather than an agricultural related building. As a result of the combination of the greater scale and modern contemporary appearance alongside Higher Chygwins the proposal would draw more attention than the existing building and related consented conversion.

¹ PA20/04967

12. I acknowledge that the existing building benefits from some screening due to surrounding hedges, mature tree planting and the dwelling forming Higher Chygwins. As a result, the building and the land around it cannot be said to be highly prominent from any public viewpoints and does not currently attract attention and is appropriate to its rural setting. The lack of prominent views would go some way to minimising any visual impacts from the proposal but does not in itself lead to an enhancement to the immediate setting of the building. Furthermore, the Design Statement Addendum² (DSA) demonstrates that views would be available of the proposed building from surrounding public viewpoints, particularly when viewed from the A394 and the Public Right of Way roughly to the north of the site. Although from these views the building would be partly screened by planting, such screening decreases in the winter months due to leaf fall with little guarantee of its retention in perpetuity.
13. While the provision of new planting and associated wind screening is mentioned in the Appellant's evidence, and I note the new Cornish hedge to the front of the dwelling, I do not have any other detailed tree or planting scheme before me. Furthermore, any new landscaping would take time to establish and would not screen the whole of the building from all views as demonstrated in the DSA viewpoints and would be visible from Higher Chygwins itself.
14. I have been advised that the proposal would be more energy efficient than the already consented conversion and would include solar gain, ground source heat pumps and E.V. charging points. However, and whilst these would meet the aims and objectives of the Climate Change Emergency Development Plan Document (February 2023), they would not enhance the immediate setting.
15. Although the proposal has not been put forward under paragraph 84e) of the Framework, it would improve the appearance of the building when viewed in isolation. Nonetheless, due to its modern contemporary design, scale and resultant increased prominence in the wider landscape, and despite the potential for biodiversity enhancements, overall, the proposal would lead to a degree of harm to the wider rural character of the area and Area of Great Landscape Value. The imposition of conditions would not overcome this harm. As a result, as a whole the proposal would not amount to an overall enhancement to the immediate setting as required by LP Policy 7 of the CLP.
16. CLP Policy 21 encourages the best use of land and existing buildings and encourages proposals to increase building density where appropriate, taking into account the character of the surrounding area'. However, as I have found above that the development would not enhance the area, the appeal proposal does not find support from Policy 21.
17. As a result, I conclude that the appeal site is not in a suitable location for the proposed development having regard to development plan policies and the character and appearance of the area. It therefore conflicts with CLP Policies 1, 2, 7, 12, 21 and 23 and Policy C1 of the Climate Emergency Development Plan Document (2023). Amongst other things, these state that planning applications that accord with policies in the Local Plan will be regarded as sustainable, should respect and enhance quality of place, that the conversion of existing buildings to residential use should lead to an enhancement to the immediate setting, achieve high quality design and protect and where possible enhance

² Rev A May 2023

the natural environment. It also conflicts with the relevant aspects of paragraph 84 of the Framework.

Other Considerations

18. The site falls within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). However, there are no Clay Workings or mines on the site nor is it considered to be part of a former miner's smallholding. The WHS office states that the proposal does not directly affect any of the key characteristics of inscription. I have no reason to disagree and as a result the proposal would not harm the Outstanding Universal Value of the WHS.
19. The appellant has referred to a similar development³ having been granted permission by the Council. Whilst photographs have been provided, I have limited details as to the circumstances or considerations of that application including copies of delegated or Committee reports and it is located a considerable distance from the appeal site. I am therefore unable to draw accurate comparisons and moreover, I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
20. I have had regard to the provision of a suitable access, car parking and lack of harm to living conditions but these matters are neutral in my consideration as they are requirements of local planning policy and national guidance.
21. The proposal would result in the provision of an additional dwelling at the time that the Council have declared a 'Housing Crisis' and would provide some related economic benefit to the local economy from construction and boost the supply of housing. However, given the small scale of the proposal and the appellant advising that they could implement the previous consent for the conversion of the building, such benefits would be limited. These matters therefore neither individually nor in combination outweigh the identified harm and the associated development plan conflict described above.
22. I have been advised that a financial contribution has been provided by the appellant to mitigate the impact from development on the SAC. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Conclusion

23. For the reasons given above, I find that the proposal would conflict with the development plan when read as a whole. No material considerations, individually or cumulatively and including the provisions of the Framework, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

C Rose

INSPECTOR

³ PA19/06582