



Appeal Decision

Site visit made on 16 July 2024 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2024

Appeal Ref: APP/D0840/W/24/3341089

Lands End Camping and Glamping, Trevescan Farm, Sennen TR19 7AQ

- 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 Mark Bridges against the decision of Cornwall Council.
 - The application Ref is PA23/07662.
 - The development proposed is conversion of buildings to form two dwellings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for Costs

3. An application for an award of costs has been made by Mr Mark Bridges against Cornwall Council. This is subject of a separate decision.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of existing and future occupiers.

Reasons for the Recommendation

5. Parts of the east elevation of dwelling 2 (D2) would form the common boundary to Bospidnick House. What would be D2's kitchen window on the east elevation would have direct and close-range views over the rear amenity area and a habitable room of Bospidnick House. Furthermore, windows of the bathroom and bedroom 2 of D2 would also have direct views of the rear amenity area and habitable rooms. Whilst they would be limited by their position and potential use of obscure glazing, for the bedroom this could cause further problems in unacceptably affecting the outlook therefrom.
6. Windows already exist at these locations but, the use of the building would change to residential. Therefore, the way the served spaces would be used would greatly increase the opportunities for overlooking. This has the potential to be mutual given the position and proximity of Bospidnick House's garden space and windows associated with its closest rooms. This could be addressed through the use of boundary treatment, but I am unsure based on what I have seen whether this would be in the appellant's control.

7. Due to the height of the windowsills and the small size of the windows on both the east and the west elevations, dwelling 1 (D1) bedrooms 1 and 2 and D2 bedrooms 1 and 2 and the bathroom would suffer from an unacceptably poor standard of outlook and a consequential strong sense of enclosure. The Council raise the Cornwall Design Guide 2021 (DG) where it refers to the ability for views out when seated from within the building. On review at appeal stage, the Council considered that this section was not relevant, and did not put forward any representations. That being so, this does not overcome the outlook shortcomings for key habitable spaces in both D1 and D2. The use of roof lights would provide more than adequate light to these spaces but, the poor standard of outlook would remain for the reasons I have set out.
8. The outlook harms would be exacerbated by the relationship between the boundary with Bospidnick House, which has two outbuildings thereon, which would all but block views from the bathroom and bedroom of D2 and further limit the poor outlook from the windows and kitchen of bedroom 1 of D1.
9. Both garden spaces for D1 and D2 would be small but arguably adequate. The space for D2 however would be enclosed on most sides by buildings of a not insignificant size and a potential boundary treatment for the garden to D1. Not only would the space be in very regular shadow, but it would be almost devoid of any outlook other than the walls of other buildings at close quarters. This would garner an oppressive experience for future users. A similar, but slightly less severe, effect would be felt in the use of the garden space to D1, mostly where the large agricultural building would have a significant overbearing effect due to its scale and proximity. In addition, the orientation of that garden space would shield it from all but the midday sunlight in most areas leading to unacceptable levels of overshadowing.
10. Accordingly, the proposed development would unacceptably harm the living conditions of both existing and future occupiers. It would thus conflict with Policies 1 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP), Policy G1 of the Climate Emergency Development Plan Document 2023, paragraphs 8 and 130 of the National Planning Policy Framework 2023 and the DG, insofar as they seek a high standard of amenity for existing and future users, applications that accord with the LP and high-quality design that ensures adequate private amenity spaces.

Other Matters

11. The Council provided pre application advice to the appellant in 2018. This suggested, amongst other things, that the principle of one dwelling created by conversion of the appeal building may be acceptable. This was also in the context of proposals for the wider site. Whilst the appeal scheme would incorporate specific advice regarding openings and materials, it would be for an entirely different, and more residentially intensive, scheme. Also, pre application advice is not binding on the Council and given without prejudice. That is because it cannot pre-empt the democratic decision making process or the outcome of public consultations.
12. PA23/6510 was materially different to the appeal scheme in that it was a single one-bedroom unit with no similar overlooking or outlook issues. In regard to other developments in the area, I cannot be certain against which development plan they were assessed or of their individual merits/specific circumstances. I cannot see any evidence to verify the claim that the Council have applied

policies not referred to in their reasons for refusal. I have referred to the development plan policies in my findings above as far as they relate to the main issue.

13. The appeal site is within the Cornwall Area of Outstanding Natural Beauty. Whilst these have since been renamed as National Landscapes, great weight should be given to conserving and enhancing their landscape and scenic beauty. I am aware that the Council do not allege any harm in character or appearance terms arising out of the proposed development and I have no reason to disagree. Specifically, and given the appeal scheme relates to the conversion of an existing building in amongst others in a built up area, the special qualities of the Cornwall National Landscape would be conserved.

Conclusion and Recommendation

14. The appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight which would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR