



Appeal Decision

Site visit made on 5 November 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/D0840/W/24/3343017

Land North West of Helnoweth Farm, Gulval, Cornwall, TR20 8YP

- 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 Ms D Pellow against the decision of Cornwall Council.
 - The application Ref is PA23/06667.
 - The development proposed is conversion of redundant stables (with additional landscaping and biodiversity enhancements).
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Decision

1. The appeal is allowed and planning permission is granted for conversion of redundant stables (with additional landscaping and biodiversity enhancements) at Land North West of Helnoweth Farm, Gulval, Cornwall, TR20 8YP, in accordance with the terms of the application Ref PA23/06667 and the plans submitted with it, subject to the conditions listed in the Annex to this decision.

Main Issue

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

Reasons

3. The appeal site comprises a stables building which is now redundant, together with a courtyard, parking area and access. The proposal is a revised scheme in response to a previous application to convert the stables into a dwelling that was dismissed on appeal on 15 June 2023 (Ref APP/D0840/W/22/3310809) (2023 Appeal). In dismissing that appeal the Inspector found that the stables building was structurally sound, no rebuilding was required, it was accessible to local services and facilities, it was redundant and that its use was lawful with the building ten years old.
4. However, in paragraph 16 of the appeal decision the Inspector found that the proposed glazing and rooflights would result in a more domestic appearance to the building which would make the conversion more noticeable within the rural landscape. The Inspector also found that the significant domestication of the site, including the introduction of domestic paraphernalia within the garden area would erode the sites rural setting. As no proposals had been put forward to enhance the sites immediate setting to balance against the harm identified, the Inspector concluded that the appeal site was not a suitable location for the proposed development.

5. In response, the Appellant has revised the proposal through the removal of the rooflights and two projecting bays to the stables building and the introduction of additional landscaping and biodiversity enhancements. Even so, the Council contend that the revised proposal would result in a significant domestication of the appeal site that would be harmful to its rural setting and that this harm would not be outweighed by the proposed enhancements.
6. The spatial strategy for the area is set out in policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (November 2016) (CLP). In relation to housing the policy seeks to manage the location and scale of new development. This approach is expanded in policy 3 which confirms that housing development will be accommodated in accordance with a hierarchy, with part 1 delivered through a Site Allocations Development Plan Document or Neighbourhood Plan for the identified main towns; part 2 through specific eco-communities; and part 3, for areas outside the main towns, through Neighbourhood Plans, infill, rounding-off, previously developed land or rural exception sites.
7. These policies need to be read in conjunction with policy 1 (Presumption in favour of sustainable development) and policy 7 (Housing in the countryside) of the CLP. The latter states that the development of new homes within the open countryside will only be permitted where there are special circumstances, with part 3 stating that this will include the reuse of suitably constructed redundant, disused buildings that are considered appropriate to retain and would lead to an enhancement of the immediate setting. The building should also have an existing lawful use and be 10 years old.
8. The parties agree that the appeal site lies in the open countryside and that part 3 of policy 7 to the CLP is the most relevant policy when considering the reuse of buildings such as that on the appeal site. Within that context, there is no new evidence before me or any objections from the Council in relation to the matters that the 2023 Appeal Inspector found to be policy compliant. I concur with those findings and have therefore concentrated on whether the revised proposal would lead to the enhancement of the sites immediate setting.
9. The wording of part 3 to policy 7 is consistent with that in paragraph 84 c) of the National Planning Policy Framework (December 2023) (NPPF). This states that new isolated homes in the countryside will be permitted where *"the development would re-use redundant or disused buildings and enhance its immediate setting."* There is no definition of 'enhance' in either the NPPF or in the supporting text to policy 7. Paragraphs 2.33 and 2.36 to the latter simply refer to the appropriateness of buildings for conversion, structural soundness, age and lawfulness, issues that have already been shown through the 2023 Appeal to be acceptable. There is also no reference within either the NPPF or CLP to 'domestication', with the latter only found in the Chief Planning Officer's Advice Note: Barn Conversions/Replacement dwellings in the countryside (CPO Note).
10. The CPO Note I have been provided with is undated but I understand it was revised in February 2023. It is not a statutory document, but its purpose is to assist in interpreting part 3 of policy 7 of the CLP. It is, therefore, a material consideration and provides general guidance, which, as with all such guidance, should be applied flexibly and on a case by case basis. This is reflected at the beginning of the note where it states that it should not be used as a reason for refusal or as a substitute for CLP policies.

11. In comparison to the 2023 Appeal the current proposal has, as I confirmed earlier, removed the rooflights and two projecting bays. There remains a modest extension to provide an entrance to the new dwelling, but other than this the roof would simply be recovered in a new metal sheet finish and additional doors and windows inserted into the elevations. All of these works are, in my view, very modest and would improve the overall condition and appearance of the building. Its reuse as a dwelling would also prevent the building from falling into disrepair, which could have a harmful impact on its rural setting.
12. As I observed on my site visit, the existing building and the majority of the appeal site are largely hidden from public views, including the footpath further to the north, by a combination of boundary hedging, trees and distance. Whilst glimpsed views are possible, more so in the winter months, most of the appeal site and the existing building is well screened and not visually prominent.
13. There are glimpsed views from the lane leading to the existing site access but those will largely remain as existing other than where the new Cornish hedging would be introduced. The Council contend that the new Cornish hedge in this location would formalise the access and be wholly domestic in appearance. I do not agree. The replacement of the existing timber fence on the eastern boundary with a Cornish hedge would represent an enhancement of the sites immediate setting.
14. The new Cornish hedge forms part of the landscaping and biodiversity scheme that the Appellant has put forward in response to the Inspectors findings in the 2023 Appeal. The scheme would include: 80 metres of Cornish hedging to replace the timber fencing with a height of some 1.6 metres and a mixture of native shrubs and small trees on top, to a minimum height of some 900 mm; the planting of larger native trees on the slope of the existing 1.6 metre high bund; wildflower seed planting areas to the east and north of the existing parking area and along the whole extent of the western boundary (behind the existing roadside hedging/trees); and the installation of a wildlife pond in the wide verge along the entrance track.
15. Combined, the proposed landscaping and biodiversity improvements would result in a significant enhancement of the immediate setting to the appeal site. I can see no reason as to why a high quality landscaping scheme including a traditionally designed and constructed Cornish hedge cannot be secured by a condition that also provides for its future maintenance and retention. I am also satisfied that this scheme would secure a number of biodiversity as well as wildlife habitat benefits.
16. Turning to the domestication of the appeal site, as I confirmed earlier the works to the existing building are very modest and would enhance its condition and appearance. The Council contend that the level of domestication within the curtilage would be significant. However, the evidence before me does not support that statement and on the contrary, it indicates that any domestication of the curtilage would be minimal. Indeed, the latter would only be likely to occur through the introduction of domestic paraphernalia within the new garden and private amenity area. In this respect and notwithstanding the 2023 Appeal Inspectors comments, the extent of this area is small and it would now be enclosed to the east by the proposed Cornish hedge. The existing shed in the south eastern corner of the appeal site would also be removed, as is

apparent from the Proposed Plan, further enhancing the setting of this part of the site.

17. I accept that the introduction of items such as a washing line, garden furniture and plant pots, into the proposed garden/amenity area would involve a change to its appearance, but that change would be limited, in a location that would not be visually prominent and is currently made up bare ground. As such, these items would not have any harmful impact on the site's rural setting. Even so, the CPO Note does not preclude the provision of all domestic paraphernalia but as I interpret it, it seeks to reduce its impact and then balance any harm against proposed enhancements. As I have found, those enhancement would, in this case, be significant. Any further domestication of the site through permitted alterations, extensions, outbuildings and enclosures could be restricted and controlled by a condition. A condition can also be used for an external lighting scheme, with the approach, in both instances, consistent with the advice in the CPO Note.
18. The Council contend that the new Cornish hedge would be contrived. I do not agree. The ordinary meaning of contrived is artificial or difficult to believe. The proposed Cornish hedge is shown to be of a good quality and traditional construction, which can be controlled by a condition. Cornish hedges are a strong cultural and heritage feature of rural areas and provide important wildlife habitats and local distinctiveness. It is a feature that reflects and can improve the landscape and local character of an area. Indeed, these benefits are recognised in parts 3.4 and 3.5 of the Cornwall Design Guide (December 2021), a copy of which was included with the Council's Questionnaire.
19. In relation to the Council's concerns that the proposed landscaping would take time to establish and blend in, I agree with the Appellant that the new Cornish hedge would have an instant impact, with the more detailed landscaping being delivered within the first planting season. Even so, it is not realistic to expect new soft landscaping and trees to have an immediate impact as it normally takes them time to grow and mature. If required, this is a matter that can be addressed through the approval of the landscaping scheme with consideration given to species of trees and planting that are fast growing.
20. In relation to policies 12 and 23 of the CLP I am satisfied that the appeal proposal would be compliant with their relevant requirements, in that it would represent a high quality design and layout, it would sustain and enhance local character and distinctiveness, and protect and enhance the local landscape and natural environment including the special qualities of the Cornwall Character Area 03 Penwith Central Hill. In relation to policy C1 of the Climate Emergency Supplementary Planning Document (February 2023) (SPD), insofar as this seeks to conserve and enhance the natural and historic environment, I am again satisfied that the appeal proposal would comply with the general aims of this policy.
21. I find, therefore, that the appeal site would be represent a suitable location for the proposed development and that the proposed reuse of the stables building would not result in any harm to the character and appearance of the area or to the rural landscape. Also, that the proposed landscaping and Cornish hedge would lead to an enhancement of the appeal sites immediate setting. Accordingly, the appeal proposal would comply with policies 1, 2, 3, 7, 12 and 23 of the CLP, policy C1 of the SPD and the corresponding policies of the NPPF.

Other Matters

22. The Council's Questionnaire indicates that the site is adjacent to the Gulval Conservation Area (GCA). As such, paragraph 201 of the NPPF requires consideration to be given to the impact of the development on the setting of this heritage asset. I have only been provided with a plan of the area which clearly shows that the appeal site is located a fair distance away from the GCA. In view of this, the appeal proposal would not have any impact on the setting of the GCA.

Conditions

23. The Council has suggested various conditions which I have considered against the advice in the NPPF and the Planning Practice Guidance (PPG) chapter on the 'Use of planning conditions'. I have also had regard to the Appellants Final Comments, dated 12 August 2024, which did not raise any objections to the conditions listed in section 7 to the Statement of Cornwall Council.
24. There are, in my view, a number of essentially standard conditions, some of which require details to be submitted and approved by the Council, others which require approved details to be provided before the development is commenced or is first occupied, and others that simply seek to control the development. These conditions include those relating to the following matters: approved plans, materials, external lighting, landscaping and construction method statement. All of these conditions are reasonable and necessary in the interests of securing a high quality development, to reflect the details set out in the application, to protect local amenities and to ensure that the proposed landscaping and biodiversity enhancements are secured.
25. Whilst the PPG advises that permitted development rights should only be taken away in exceptional circumstances, I am satisfied that those circumstances exist here. A condition to prevent the alteration and enlargement of the converted building, any alterations to the roof, the construction of a new porch, the provision of outbuildings, structures or means of enclosure within the curtilage, is reasonable and necessary. This condition would retain control over future alterations to the building and its curtilage, protect the visual amenities of the area and the sites rural setting.

Conclusions

26. For the reasons given above and having taken all the other matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR

Annex - Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed Plans No. 0002.

- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development 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 commencement of the development hereby permitted details of the 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 permitted development, whichever is the sooner. Details shall include:
- A scaled plan showing all existing trees and vegetation, Cornish hedges and landscape features to be retained, as well as proposals for new trees, hedges and planting;
 - Full constructional details of the Cornish hedges to be provided.
 - Full constructional details of the pond to be provided.
 - Identification of the root protection areas of retained trees.
 - Location, type and materials to be used for hard landscaping including specifications where applicable for:
 - Car parking layout.
 - Other vehicle and pedestrian access and circulation.
 - Hard surfacing materials, to include permeable paving.
 - Sustainable urban drainage integration.
 - A schedule detailing the size, number and density of all proposed trees and plants.
 - Specifications for operations associated with plant establishment and maintenance that are compliant with best practice.
 - Means of enclosure, to include types and dimensions of all boundary treatments.

During the implementation of the landscaping hereby approved there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees. All soft landscaping shall have a written five-year maintenance programme following planting. Any new trees or plants that die, are removed, become severely damaged or diseased within a period of five years from planting will be replaced. Unless further specific permission has been given by the Local Planning Authority replacement trees and planting shall be in accordance with the approved details.

- 5) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors.
 - Loading and unloading of plant and materials.
 - Storage of plant and materials used in constructing the development.
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - Wheel washing facilities.
 - Measures to control the emission of dust and dirt during construction.

- A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - Hours of working.
- 6) (a) Prior to first occupation of the development hereby permitted 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.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) 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.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 Annex.