



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: 25TH NOVEMBER 2024

Appeal Ref: APP/D0840/W/24/3348034

Stables to the West of Fairview Farm, Pennance Road, Lanner, Redruth, TR16 5TF

- 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 and Mrs Kaczmarek against the decision of Cornwall Council.
 - The application Ref is PA24/02019.
 - The development proposed is conversion and extension of existing domestic stables into a residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion and extension of existing domestic stables into a residential dwelling at Stables to the West of Fairview Farm, Pennance Road, Lanner, Redruth, TR16 5TF, in accordance with the terms of the application Ref PA24/02019 and the plans submitted with it, subject to the conditions listed in the Annex to this decision.

Preliminary Matters

2. The appeal proposal is a revised scheme submitted in response to a previous application to convert and extend the stables to provide a dwelling that was dismissed on appeal on 20 July 2023 (Ref APP/D0840/W/22/3310311) (2023 Appeal). In dismissing that appeal the Inspector found that the site would provide a suitable location for the proposed development (new dwelling). That finding was based on the spatial strategy and housing policies of the Cornwall Local Plan Strategic Policies 2010-2030 (November 2016) (CLP) and the Lanner Neighbourhood Plan 2017-2030 (March 2019) (LNP).
3. Paragraph 13 of the Inspectors decision confirmed that the spatial strategy for the area is set out in policy 2 of the CLP and that in relation to housing the policy seeks to manage the location and scale of new development. Policy 3 of the CLP expanded that approach and confirmed that housing 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 (pdl) or rural exception sites.
4. Paragraph 16 of the Inspectors decision confirmed that the parties agreed that Lanner was not a main town for the purposes of the CLP and that the appeal site was located outside its defined settlement boundary. The Inspector went on to state that the policies of the LNP did not stipulate the approach to be

taken to housing outside the settlement boundary and also that it did not explicitly refer to pdl. As the LNP generally accorded with the strategic aims of the CLP and where the LNP was silent on any matter, the Inspector found that it was intended that the policies of the CLP should have full effect.

5. In paragraph 24 the Inspector concluded, therefore, having regard to the LNP, that the proposal would meet the requisite requirements of policy 3(3) of the CLP in that the site was pdl. The Inspector noted that further support for pdl was provided by policy 21 of the CLP (Best use of land and existing buildings) as there was no evidence to suggest that the stable building and its curtilage intrinsically possessed a high environmental or historic value (a requirement of policy 21).
6. In reaching those findings, the Inspector also found (paragraph 14 refers) that the spatial approach to new housing set out in policies 2 and 3 of the CLP generally aligned with the approach to rural housing in paragraph 79 of the National Planning Policy Framework (NPPF). The latter stated that planning policies should identify opportunities for villages to grow and thrive, especially where this would support local services.
7. Since the previous Inspector's decision, the NPPF has been revised. Even so, the approach to rural housing remains unchanged and paragraph 79 has simply been renumbered paragraph 83. The definition of pdl in Annex 2 of the NPPF remains unchanged. The spatial approach to new housing in the CLP and LNP also remains unchanged and the housing policies of the CLP continue to have full effect. 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. As such, I concur with those findings. The appeal site comprises pdl and the site would provide a suitable location for the proposed development.
8. I have addressed this issue in detail given the concerns that continue to be raised by interested parties on the matter. In this respect I would also draw attention to paragraph 5.2 of the Statement of Cornwall Council (SofCC) which states *"The Council does not have an issue with the principle of residential development on the site. This was comprehensively explored in the 20 July 2023 appeal decision. That decision is a material consideration of significant weight and there has been no change in policy to elicit a different conclusion."*

Main Issue

9. The main issue is the effect of the revised proposal on the character and appearance of the area with particular regard to the appeal site's location within the Carn Marth Area of Great Landscape Value (AGLV).

Reasons

10. Paragraph 12 of the Inspector 2023 Appeal decision concluded that the proposed development would detrimentally affect the rural character and appearance of the appeal site and thereby harmfully erode the valued character and distinctiveness of the AGLV, and the setting of Lanner. That finding was in relation to a development that sought to convert and extend the stables by effectively adding a new first floor with pitched roof, resulting in a two storey dwelling. The proposed layout also showed that the curtilage would include land to the west and north that was part of a paddock. The design of

the proposed first floor also included windows to all four elevations as well as patio doors to the north elevation to provide access to the paddock.

11. In response, the Appellant has submitted a revised scheme and the proposal before me now seeks to essentially retain the existing 'L' shape of the stable building and extend it through a single storey flat roofed extension to the north and a single storey extension with pitched roof to the south. The latter would effectively square off the 'L' shape, projecting marginally beyond the existing southern gable end. New windows and door openings are shown on three of the elevations to the ground floor building, as extended. No windows are shown on the north elevation and the eaves of the rear flat roofed extension would broadly align with existing. The new pitched roof to the front extension would be designed to replicate the existing gable end on the east elevation and there would be no increase in the height of the existing roof or ridge.
12. The extent of the proposed curtilage would also be reduced by omitting part of the paddock previously included. The proposed curtilage, denoted by the red line, would broadly align with the existing block walls to the north and west of the stable building. The existing field gate, on the western boundary, would be retained to provide access to the paddock. An area of stone chippings would demark the access to that gate from the lane and also for two parking spaces to the front of the extended building. The remainder of the area in front (south) of the new dwelling would be grassed, including a strip of land that tappers along the rear garden boundaries to the existing residential properties (accessed from Pennance Road).
13. The Council contend that the revised proposal would still result in an overly domestic building and site, that would detrimentally affect the rural character and appearance of the land and harmfully erode the valued character and distinctiveness of the AGLV, and setting of Lanner.
14. When compared with the 2023 Appeal proposal, the changes now put forward are, in my view, significant. The height, massing and design of the proposal now before me has been vastly reduced and changed. The revised proposal would now effectively retain the form, roof height and design of the original building with extensions to the north and south, with the latter squaring off the 'L' shape of the existing stables. The resulting footprint would not, in my view, be excessive, with the majority being contained within the building 'envelope'. The front extension would infill an area that is currently concreted and enclosed by a timber post and rail fence and metal five bar gate. The flat roofed extension, to the north, would be sited in an area that is enclosed by high block walls and where its overall eaves height would be broadly in line with the higher ground of the paddock to the rear.
15. The Proposed Elevations plan shows that a traditional pallet of materials would be used, with vertical timber cladding and smooth render to the walls, including cladding on the rear elevation of the flat roofed extension and on the existing west elevation. The cladding and render would replace areas of unsightly blockwork and rough render. The existing fibre cement profile sheets to the roof would be replaced by anthracite standing seam sheet metal, which would also be used on the new front extension. As I observed on my site visit, part of the existing fibre cement roof includes panels of clear sheeting that have a yellowish colour. Photographs provided in the Appellants Statement of Case (ASOC) show that these emit light from the building in the evening. These

- would be replaced by the proposed metal sheeting, which I understand would be similar to that used successfully on the barns to the east of the appeal site.
16. The proposed windows and doors would comprise anthracite PVCu, which would work well with the proposed timber cladding, soft render and sheet metal roof. Overall, the proposed design and pallet of materials would be of a high quality, and an improvement on existing. The end result would be a development that retains a large element of its current form but extends this in an appropriate and acceptable manner to secure a more traditional agricultural appearance.
 17. As I observed on my site visit, the existing building and the main part of the appeal site are largely hidden from public views. The lane that leads up to the site from Pennance Road, shared with Fairview Farm and an adjoining property, is I understand private. The appeal site is not visible from Pennance Road. I accept that it is visible from the rear gardens and windows to some of the properties to the south but these are private views and partly screened by a combination of walls, timber fencing and planting.
 18. The track (path) that runs up the hill to the east of the appeal site is enclosed by a combination of stone walls, planting and trees, that effectively screen view of the existing building. Even so, the evidence before me, including the extract from the Council's Interactive Map reproduced in the ASOC, show that this track is not a Public Right of Way (PROW). A PROW does exist much further up the hill and runs in an east-west direction, which affords long range views over Lanner and the valley and hills beyond.
 19. It is possible, as I observed in walking along this PROW, to catch views of the existing stable building. However, they are long distance views and largely restricted to glimpses of the existing stable roof. This is due to the fact that the existing building and part of its curtilage are built into the hill and sit at a lower level to the paddock to its north. Also, as the land to the north continues to rise with stone boundary walls, hedging and trees all providing screening in between. Moreover, within these views you can see, in the background, the roofs of the residential properties immediately to the south.
 20. Given the location and design of the proposed rear extension with its flat roof and as its eaves height is similar to that of the higher ground to the rear, I am satisfied that this element of the proposal would be hidden from public views. In relation to the front extension, most of this would be screened, from the north, by the existing building with only the new pitched roof to this extension potentially visible. However, this new roof would match and integrate well with the existing in terms of ridge height, form and design. The use of metal sheeting over the existing and proposed roof would represent an improvement giving it a more traditional agricultural feel and appearance. Even so, it would continue to be seen against the backdrop of the residential roofs to the south.
 21. Given the above, I am satisfied that the appeal proposal would not result in any harm to the visual amenities of the area or when viewed from any public vantage points, including the PROW to the north. From the latter viewpoint the extended building would be perceived largely as existing, with no windows on the north elevation or other domestic details visible. The proposal would not appear overly domestic and it would not erode or harm the rural character and setting of the area. The proposal would improve the appearance of the stable building, it would sit comfortably within its setting and provide an acceptable transition from the open fields to the north to the main built up area of Lanner

- immediately to the south. In doing so, it would address one of the concerns identified by the Inspector in the 2023 Appeal. It would not affect the setting of Lanner given that it abuts the settlement boundary and through reusing and extending the existing stables building it would allow the village to grow in an appropriate location on its edge.
22. Turning to the domestication of the appeal site, the proposed works to extend the existing building are, in my view, appropriate and acceptable and would enhance its overall appearance. In relation to the curtilage the evidence before me indicates that any domestication of this would be minimal. Indeed, the latter would only be likely to occur through the introduction of domestic items within the new grassed areas and/or stone chipping areas to the front (south) of the building, as extended. These areas are small and would largely be screened from public view, from the north, by the new dwelling.
23. I accept that the introduction of items such as a washing line, garden furniture and plant pots into these areas would involve a change to its appearance, but that change would, in my view, be limited and in a location that would not be visually prominent. Such items would also be seen against the background of the rear gardens to the south. Consequently, any such items would not have a harmful impact on the site's rural setting or character. I accept that the aim is to reduce and minimise the impact of such items, but I am satisfied that the revised scheme achieves this and that there would not be any harmful affect on the rural character and appearance of the area.
24. In the 2023 Appeal the Inspector raised concerns over such items being placed within the paddock to the west and north of the stables. That land has now been omitted with the proposed curtilage (red line) drawn as close as possible around the existing building. Any further domestication of the site through permitted extensions, outbuildings and other enclosures could be controlled by a condition. A condition can also be used to require the submission and approval of any external lighting. These are matters that I return to later.
25. It follows from my findings above that in relation to policies 1 (Presumption in favour of development), 12 (Design) and 23 (Natural Environment) of the CLP and policies 6 (Principles for Design and Character in Development) and 7 (Landscape, Environment and Biodiversity – General Principles), the revised proposal would also be compliant with their relevant requirements. Compliance would emanate from the high quality of the design and as it would sustain and enhance local character and distinctiveness. The revised proposal would also protect and enhance the local landscape and natural environment.
26. An important part of the local landscape and scenic beauty emanates from the appeal sites location within the AGLV. As I confirmed earlier, any change to the views of the appeal site from the PROW and Carn Marth, further to the north, would largely be indiscernible. That would also be the case for long range views from the south of Lanner. The views that exist would largely be of the roof of the new building cut into the topography of the hill and set against the backdrop of the roofs to the properties immediately to the south.
27. The key characteristics of the local landscape are set out in the Cornwall Character Area Description for CCA09, Silverwell to Cambourne (CCA). The main characteristics can be summarised as a complex undulating landscape, shallow narrow valleys, farmed landscape with improved grassland/pasture, mixed field patterns, dispersed rural settlements outside the main towns and

fields bordered by Cornish hedge often with high hedgerows and mature trees. The revised proposal would not impact on any of these key characteristics and the open and exposed slopes of the fields to the west and north of the appeal site, key qualities of the CCA and AGLV, would not be eroded and would remain unchanged.

28. Views of the revised proposal from the PROW would largely remain as existing and would, in my view, be improved through the use of the new roof sheeting. In that respect, I note that in paragraph 7 of the 2023 Appeal decision the Inspector stated that the existing building's inobtrusive presence allowed views over its roof towards Lanner and the land beyond. Also, that its rural attributes respected its natural setting and the scenic beauty of the AGLV. Due to the significant scaling back of the development, the revised scheme would retain the views over its new roof and beyond and it would also continue to respect the natural setting of Lanner, as well as the scenic beauty of the AGLV.
29. Whilst I have also had regard to the Local Landscape Character Assessment (LLCA) prepared as part of the evidence base to the LNP this does not affect my findings on this main issue. As the Appellant has pointed out the LLCA identifies a number of different landscape character areas with the appeal site included in the area of lower lying slopes on the settlement edge. This area includes the properties to the south and east, and refers to an abrupt change in building density abutting the settlement boundary, with mixed ribbon development and scattered farms/outbuildings. This area is shown as being separate from the character area that includes Carn Marth and its surrounds.
30. Paragraph 5.9 of the SOCC draws attention to the reference in the CCA that that the characteristics of the area are being eroded by "*isolated*" dwellings. That may be so, but the appeal site cannot be defined as "*isolated*" as it adjoins the settlement boundary for Lanner and the rear gardens of the properties accessed from Pennance Road. Whilst the Council do not expand on this reference I note that there is no suggestion that this is in the context of the reference to "*isolated homes*" in paragraph 84 of the NPPF. Also, as its accepted that the site comprises pdl and as the proposal converts and extends an existing building, it would not materially extend built development into the open countryside or have an affect on the open upland setting to the north.
31. In relation to policy C1 of the Climate Emergency Supplementary Planning Document (February 2023) (SPD), insofar as criterion 7 to this policy seeks to conserve and enhance the natural and historic environment, I am satisfied, for the reasons given above, that the proposal would comply with the general aims and objectives of this policy.
32. In view of the above, I have not felt it necessary to consider the examples of similar developments referred to by the Appellant or to have regard to the proposed changes to the housing policies of the NPPF that are currently out to consultation. I do, however, acknowledge that the proposal would secure benefits in the form of a new dwelling, economic benefits from construction and social benefits from increasing local spend and supporting village services. These benefits add further support to my findings.
33. I find, therefore, that the appeal site would be represent a suitable location for the proposed development and that the proposed conversion and extension of the existing stable building would not result in any harm to the character and appearance of the area or to its rural landscape or to the special landscape

qualities of the AGLV. Accordingly, the proposal would comply with policies 1, 2, 12, 21 and 23 of the CLP, policy C1 of the SPD, policies 6 and 7 of the LNP and the corresponding policies of the NPPF.

Other Matters

34. Concerns have been raised by interested parties regarding whether the appeal site is pdl, external lighting, access to the adjacent track (path), precedent, living conditions, highway safety and use as a holiday let. I have already dealt with a number of these concerns by reference to the findings of the Inspector in the 2023 Appeal decision. In relation to the other concerns there is no evidence before me to suggest that any of these would result in material harm. I note they are also not matters that the Council have raised in its reason for refusal and in terms of highway safety, no objection has been received from the Local Highway Authority.
35. External lighting is a matter that can be controlled by a condition and as the submitted evidence shows there is already light spillage from the use of the existing building and from neighbouring properties to the south. In relation to precedent, each application should be determined on its individual merits having regard to local circumstances and prevailing policies, and that is the approach that I have adopted in determining this appeal.
36. The proposal before me is for a residential dwelling and for 'market housing' as is confirmed on the application form. Even so, its potential use as a holiday let is not relevant to the determination of the appeal. As to the track, I have also addressed this and confirmed that the evidence before me indicates that this is privately owned and is not a PROW. Even if it were a PROW my findings on the main issue would remain unchanged.
37. Policy 22 of the CLP requires mitigation measures for the recreational impacts arising from new dwellings within the identified zones of influence of the European Protected Sites. The appeal site falls within the zone of influence for the Fal and Helford Special Area of Conservation (SAC). The increase in new housing results in an increase in the recreational pressures and impacts on the SAC. Consequently, a financial contribution is sought from all new dwellings to fund mitigation measures. This takes the form of the Fal and Helford SAC Habitat Mitigation Contribution which must be paid to avoid or mitigate against any adverse effect on the SAC in accord with the Habitats Directive, the Cornwall European Sites Supplementary Planning Document (SPD) and policy 22 of the CLP.
38. Paragraph 5.15 of the SofCC confirms that the Appellant has already signed an Undertaking, dated 4 April 2024, pursuant to section 111 of the Local Government Act 1972 and paid a contribution of £402.00 (including an admin and monitoring fee) and state that this "*would provide sufficient mitigation in accordance with policy 22 and the European Sites SPD.*" I have been provided with a copy of the Undertaking and I am satisfied that it provides for the mitigation required. As there is no other evidence to the contrary before me I have not considered this issue further.

Conditions

39. 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 which did not raise any objections to the conditions listed in section 7 to the SofCC.

40. The suggested conditions seek to control the development or require details to be submitted and approved by the Council either before the development is commenced or is first occupied and include: approved plans, materials and landscaping. 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 the visual amenities of the area and to protect the special landscape qualities of the AGLV.
41. 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 enlargement of the new dwelling, any alterations to the roof, the construction of a porch, new outbuildings, structures or means of enclosure within the curtilage, is reasonable and necessary. This would retain control over future alterations to the building and its curtilage and protect the visual amenities of the area as well as the special landscape qualities of the AGLV.
42. In view of the concerns raised in relation to lighting, I also consider that a condition which requires the submission and approval of a scheme for external lighting is also necessary and reasonable again to protect visual amenities of the area and the special landscape qualities of the AGLV.

Conclusions

43. 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 plans (drawing No's): Location Plan 01; Proposed Site Plan 04 Rev.A; Proposed Floor Plan 05; Proposed Elevations 06.
- 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 the first occupation of the dwelling hereby permitted, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The hard and soft landscaping scheme shall provide planting plans with written specifications including:
 - Full schedule of plants;

- Details of the mix, size, distribution and density of all trees/shrubs/hedges;
- Cultivation proposals for the maintenance and management of the soft landscaping;
- Means of enclosure and site boundary treatment;
- Hard surfacing materials and car parking provision.

Hard landscaping features and car parking provision shall be constructed and in place prior to the first occupation of the dwelling and all planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling or the completion of the development, whichever is the sooner. Notice shall be given to the Local Planning Authority when the approved scheme has been completed. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted.

- 5) (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.
- 6) 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.