



Appeal Decision

Site visit made on 12 November 2024

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2024

Appeal Ref: APP/D0840/W/24/3345071

Land South West of Fairfields Farm, Penhallow, Cornwall TR4 9LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Messers Snell & Trenerry against the decision of Cornwall Council.
 - The application Ref PA23/09864, dated 4 December 2023, was refused by notice dated 5 February 2024.
 - The development proposed is proposed dwelling in lieu of approved reinstatement of former dwelling including provision of ground mounted solar PV array and associated works.
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Decision

1. The Appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the existing structure to be demolished comprises a non-designated heritage asset; and
 - The impact of the proposed development upon the rural character of the area.

Reasons

Non-designated heritage asset

3. There is disagreement between the parties as to whether the existing structure on the appeal site comprises a non-designated heritage asset. In the view of the appellant, the structure is of little heritage value given its ruinous state and therefore does not consider it to be special enough to justify its protection. On the other hand, the Council consider the existing structure to be a heritage asset principally due to its age.
4. The structure is clearly of an age to justify it being of historical importance, however it is in a dilapidated state. This, along with the overgrown nature of its surroundings, means that any obvious previous use has long ceased. Whilst the Council have submitted evidence in relation to the age of the structure, there is nothing before me to demonstrate what heritage significance the structure has.
5. I agree with the Council that from the evidence the structure is of an age that gives it some historic potential, however this does not in my view, give it any more than limited heritage importance. Furthermore, whilst the structure may

have been of historical residential use, this does not necessarily mean that it is worthy of historical designation. Whilst not determinative given the advice contained within the National Planning Practice Guidance (NPPG), I note that the building does not feature on the Council's Historic Environmental Record.

6. I acknowledge the Council's submissions that in a past application the appellant's sought to argue the historical importance of the structure. However, this does not provide any justification for designating the structure as a non-designated heritage asset. Furthermore, whilst the existing structure would not be lost with the extant permission, as Condition 5 of planning permission PA22/06217 requires it to be reused and retained within the re-instated dwelling, a substantial proportion of the re-instated dwelling would comprise new build development. Therefore, whilst this structure may be worthy of restoration, this does not give it sufficient historical importance to justify its designation.
7. For the reasons set out above, I conclude that the structure is of limited heritage significance and, as a result, on the evidence before me, I do not consider it to be a non-designated heritage asset. Therefore, in this respect, Paragraph 209 of the National Planning Policy Framework (The Framework), Policies 7, 12, and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 and Policy SEC1 of the Climate Emergency Development Plan Document 2023 are not relevant.

Rural character

8. The appeal site lies in an isolated location, set well away from any nearby development. It has no direct vehicular access, with the nearest track ending some distance away, with access then being across an open field. The appeal site comprises a currently overgrown parcel of land, within which is located a dilapidated stone structure. Due to the ruined nature of the structure, it is not readily visible within the landscape.
9. Planning permission (PA22/06217) has been granted which allows for the reinstatement of the dilapidated structure into a dwelling. As per condition 5 of the permission, the existing structure is to be reused and retained. No evidence has been put to me to suggest that this planning permission cannot be implemented. I therefore conclude that the existing permission can still be implemented and, as a consequence, the appeal proposal represents an alternative design for a dwelling that already has planning permission, rather than a proposal for the construction of a new dwelling in the countryside. I have therefore dealt with the appeal in this way.
10. In comparison to the approved re-instated dwelling, the proposed development would have a considerably larger footprint and have a taller ridge height. The proposed dwelling would therefore be of a substantially greater size and scale when compared with that of the approved re-instated dwelling. The proposed development would also introduce a longer access, enlarged parking area and a substantial hard landscaping area at the rear of the proposed dwelling. It would occupy a different position on the appeal site than the location of the re-instated dwelling and would not involve the re-use of any of the existing ruined structure.
11. As a result of its substantial size and scale when compared with the extant permission, the proposed development would appear as a substantial urban

feature within this isolated rural location. Furthermore, the substantial hard landscaped area and longer access would introduce greater residential paraphernalia and activity into the countryside, when compared with the approved development. Therefore, due to its size and scale, the proposed development would represent a substantial, incongruous form of development, in an isolated location, harmful to the existing rural character of the area.

12. I noted at my site visit that the nearby Public Right of Way (PRoW) appeared to show very little evidence of regular use. Nonetheless, it remains a PRoW, and from this vantage point, the proposed development due to its size and scale when compared with the approved re-instated dwelling, would appear as an incongruous feature, out of keeping with the rural character of the area. Furthermore, whilst the site may not be readily visible from public viewpoints, this does not provide any justification for the introduction of a substantially larger replacement dwelling.
13. I acknowledge the specific design approach which the Applicant has adopted and the use of local vernacular and materials. This however does not outweigh the considerable harm to the rural character of the area I have identified which would be caused by the position, size and scale of the proposed dwelling and its associated access.
14. I therefore conclude that the proposed development would harm the rural character of the area and, in this respect, is contrary to Policies 7, 12 and 23 of the Cornwall Local Plan - Strategic Policies 2010-2030, Policy SEC1 of the Climate Emergency Development Plan Document 2023 and paragraphs 8, 84, 135, and 180 of the Framework.

Other Matters

15. In relation to the Council's third reason for refusal concerning necessary water saving measures, I note the Council proposed a condition to address this. However, given my conclusions in relation to the main issues, I have not considered this matter any further.
16. I acknowledge the current living conditions of the appellant and their desire to have a larger dwelling to accommodate their family. Whilst I accept that the proposed development would achieve this, I do not consider these personal needs to be sufficient to outweigh the considerable harm I have found from the proposed development.
17. The inclusion of a solar array and battery storage, along with the more energy efficient nature of the appeal proposal in comparison to the extant scheme are benefits of the proposed development, although I note that no details of the height and appearance of the solar array were provided. However, these, either on their own or cumulatively, are not considered to be of such a benefit as to outweigh the identified harm.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR