



Appeal Decision

Site visit made on 8 January 2025

by N Perrins MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th February 2025

Appeal Ref: APP/D0840/W/24/3347665

Carbis Bay Nursey, Longstone Hill, Carbis Bay, Cornwall TR26 2LJ

- 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 Percy Williams & Sons Ltd against the decision of Cornwall Council.
 - The application Ref is PA24/02806.
 - The development proposed is the construction of two new semi-detached dwellings in place of former Montessori Nursey building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2024. The updated Framework does not raise any new matters that are determinative to the outcome of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on (i) the provision of community facilities and business space in the area, (ii) the character and appearance of the area and (iii) the living conditions of neighbouring properties.

Reasons

Community facilities and business space

4. The appeal site is occupied by a building that was last used as a children's nursery located in the urban area of Carbis Bay.
5. The proposal would demolish the former nursery building and replace it with a pair of semi-detached dwellings. The Cornwall Local Plan Strategic Policies 2010-2030 (CLPSP) identifies a children's nursery as being a community facility. Policy 4 (4) of the CLPSP states that community facilities should, wherever possible, be retained and new ones supported. Policy 4 (4) further states that loss of provision will only be acceptable where the proposal shows (a) no need for the facility or service, (b) it is not viable, or (c) adequate facilities or services exist or the service can be re-provided in locations that are similarly accessible by walking, cycling or public transport.

6. Regarding Policy 4 (4) (a), I understand that there are currently four nursery schools operating in Carbis Bay. However, just providing the number of existing nurseries does not adequately demonstrate whether there is a need for further nursery facilities in the area.
7. Turning to Policy 4 (4) (b), I understand that the property has been vacant since the nursery closed over 2 years ago and it has not let since due to the work and cost required to upgrade the building to achieve the necessary EPC rating. I do acknowledge, and as observed on my site inspection, that the building appears in need of renovation and repair before it could be reasonably re-occupied. However, no evidence has been provided to demonstrate that it is not viable to undertake these repairs and attract a viable new nursery facility occupier.
8. Relatedly, no formal or active marketing has taken place to assess whether there is any market interest for the property to continue to be used as a nursery. When this is considered with the lack of evidence on the costs required to bring the building back into nursery use, and whether this would be a viable investment or not, Policy 4 (4) (b) has not been met.
9. Similarly, other than it being reported that there are four other facilities in Carbis Bay, there is no evidence before me in respect of (c) that confirms if this is sufficient to offset the loss of the community facility use of the site and they are similarly accessible in terms of walking, cycling and public transport.
10. I, therefore, agree with the Council that the information provided does not adequately address any of the requirements of Policy 4 to justify the loss of a community facility. I note that the appellant also questions the relevance of Policy 4 in view of permitted development rights. However, no detail is provided as to what permitted development rights exist, how likely they are to be used and their overall relevance to the proposal before me. Without this it is not possible to determine whether permitted development rights present a realistic fallback position that could have any bearing on this appeal. As such, I give this very limited weight in this decision.
11. I note that the Council also consider the proposal to be business space to which Policy 5 applies. Policy 5 requires at least 9 months marketing before the loss of business space can be considered for other uses. For the reasons discussed earlier in this decision, the informal marketing that has taken place equally does not adequately satisfy the requirements of Policy 5.
12. To conclude, the evidence before me does not adequately demonstrate that the loss of the community or business use of the site is justified and in accordance with the requirements of Policies 1, 4 and 5 of the CLPSP, which seek to deliver sustainable development and protect community facilities and business space where viable to do so. The proposal also conflicts with Paragraphs 8 and 98 of the Framework, which seeks to deliver sustainable development and guard against the unnecessary loss of valued facilities and services.

Character and appearance

13. The street scene character of the northern side of Longstone Hill, where the appeal site is located, comprises a linear run of buildings. These buildings include detached, semi-detached, terraced and flatted properties. There are a wide range of styles and sizes including those with brickwork facades and those with a more

contemporary appearance with render and cladding. The street scene character is, therefore, varied where no single or distinctive style predominates.

14. However, the appearance of dwellings and properties along Longstone Hill, whilst comprising a variety of styles, is consistent in terms of their understated appearance, simple palette of materials and roof designs that comprise mainly hipped and full-length roofs.
15. The appeal proposal would be in stark contrast to this with its modern frontage design, twin full gable end roofs and markedly different materials proposed across each of the proposed dwellings. Furthermore, the proposal would include balconies and recessed entrances, which are not common features of the other properties nearby. The proposal would, therefore, result in an unacceptably prominent and dominant addition that would be incongruous and out of character with the understated and simplistic appearing street scene. To this end, the proposal does not demonstrate a cultural, physical and aesthetic understanding of its location as required by Policy 2 of the CLPSP.
16. The Council claims the proposal would look cramped and contrived compared to nearby plots. Although some properties have large rear gardens, the gaps between buildings are generally small. In this context, the plot sizes and proposed width of building within would not be out of keeping with regards to gaps to boundaries. However, when the overall height, scale, gable end roof design and mass is considered together, the proposal would appear as overly large within its plot and appear as a cramped form of development within the street scene.
17. To conclude, the proposed development would be out of character with the prevailing pattern of development along the street scene contrary to Policies 1 and 2 of the CLPSP, Policy C1 of the Climate Emergency Development Plan Document 2023 (CEDPD) and Policy GD1 of the St Ives Neighbourhood Plan 2015-2030. These policies amongst other matters require to development to deliver sustainable development, demonstrate a cultural, physical and aesthetic understanding of its location, be of size and scale sensitive to its surroundings. The proposal would also not accord with Paragraph 135 of the Framework or the guidance within the Cornwall Design Guide 2021.

Living conditions

18. The Council contend that the proposal would be overbearing to the adjacent dwellings The Old Police House and Carpathia due to the proximity of its side elevations and increase of built form across the width of the site. The gap to the common boundary with The Old Police House would be around 1.4m and the gap to the common boundary with Carpathia would be around 1.2m.
19. However, the development would be of a significantly increased bulk, scale, depth and mass than the building it replace. The proposed gaps that would exist would not be sufficient to mitigate the impact of what would be a significantly larger and more prominent building close to both the adjoining boundaries. Whilst I note the examples of similar relationships nearby as highlighted by the appellant, they are not directly comparable due to the differences in orientation of buildings and overall scale than is the case in this appeal.
20. To conclude, the proposal would have an unacceptable overbearing and oppressive impact that would harm the amenity of neighbouring properties contrary

to Policy 12 of CLPSP, Policy C1 of the CEDPD and Paragraph 135 of the Framework.

Other matters

21. I note concerns were raised during the application that the proposal could be used for second homes. I agree with the Council's conclusion in its officer report that this could be controlled through a suitably worded condition had I found the proposal to be acceptable. As I have not, I do not need to consider this further in this decision.

Planning Balance and Conclusion

22. The proposal would provide two dwellings in a sustainable location. However, the requirements of Policies 4 and 5 of the CLPSP that seek to protect against the loss of community facilities and business space have not been met by the information provided. I have also found that the proposal would result in harm to the character and appearance of the area and amenity of neighbouring properties. Accordingly, and taking account of all material planning considerations, I conclude that the development does not accord with the development plan. I, therefore, dismiss the appeal.

N Perrins

INSPECTOR