



Appeal Decision

Site visit made on 28 January 2025

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2025

Appeal Ref: APP/D0840/W/24/3352495

Tregoon Farm, Gweek Downs, Gweek, Cornwall TR12 7AF

- 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 David Oates and Jennifer Wilson against the decision of Cornwall Council.
 - The application Ref is PA24/02764.
 - The development proposed is described on the application form as 'Construction of two dwellings as an alternative to Class Q Development (PA21/02190), improvements to approved conversion of the blockwork barn and conversion of stone barn to dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 12 December 2024 a revised National Planning Policy Framework (the Framework) was published. The main parties have been given the opportunity to make comments on the implications of the updated Framework for this appeal and I have taken the comments into account in my considerations.

Background and Main Issue

3. The appeal site consists of former agricultural buildings located around a yard area. There are four main barns (A,B,C and D). The appeal proposes the demolition of Barns A and D and their replacement with Dwellings 1 and 2. Dwelling 3 would be created from the conversion and extension of a stone barn (Barn C) and Dwelling 4 would be created through the conversion and extension of Barn B, a blockwork barn.
4. The Council confirms in the officer report that there is no objection in principle to the conversion and extension of Barns B and C to form Dwellings 4 and 3 respectively although it has concerns about the character and appearance of the proposal in its entirety.
5. On 11 May 2021¹ the Council confirmed that Prior Approval was not required under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 ('Class Q approval') which would have resulted in three dwellings ('the May 2021 PA'). The Council also confirmed that Prior Approval was not required for a subsequent proposal on 10 January 2025² ('the January 2025 PA'). The appellants argue that these represent a legitimate fallback position.

¹ LPA Ref: PA21/02190

² LPA Ref: PA24/08591

6. Therefore, the main issues in this appeal are:

- Whether the appeal site is in a suitable location for the proposed erection of two dwellings with reference to the development plan and access to services and facilities;
- The effect of the proposed development on the character and appearance of the area; and
- If harm is found, whether material considerations, including any fallback position justifies a decision otherwise than in accordance with the development plan.

Reasons

Location

7. The appeal site is located outside of a settlement and within the countryside for planning purposes.
8. The construction of two dwellings would not comply with any of the special circumstances set out in Policy 7 of the Cornwall Local Plan Strategic Policies 2010-2030, adopted November 2016 (LP) which supports new homes within the countryside arising from replacement dwellings, the subdivision of an existing dwelling, the reuse of redundant buildings or accommodation for rural workers.
9. Policy 21 of the LP gives encouragement to proposals which increase building density, taking into account (amongst other things) access to services and facilities.
10. Occupiers of the appeal site would have access to facilities such as a public house and a shop in the nearby village of Gweek. At a distance of 0.7 kilometres those services would be within walking distance of the appeal site. However, the road from the appeal site to the village is a rural road with no footways. Part of the route is subject to the national speed limit and it is unlit for much of its length. Therefore, whilst it would be possible for some users to access services and facilities in the village on foot or by bicycle, it would not be an attractive or practical proposition for all users, including those with limited mobility, particularly in the dark or inclement weather.
11. A public footpath runs approximately south of the appeal site and links with the same road. The gradient, presence of stiles and lack of lighting and hard surface in places means that it would also not be a realistic alternative route for many people. The school and nearby towns of Helston and Falmouth are further afield and although I understand that Gweek is on a bus route, I have no evidence regarding the frequency of the service provided.
12. Future occupiers of the proposed dwellings would have opportunities available to them to access some limited services and facilities by means other than the car. However, for the reasons set out above, this would not be convenient or attractive for the majority of users or journeys. There would be a reliance on the private car and some minor harm would result.
13. The proposed development would not adhere to the distribution of development policies of the development plan and would not have good access to services and facilities. Accordingly, the proposal would conflict with Policies 1, 2, 7 and 21 of the

LP which seek a sustainable approach to accommodating growth by locating new housing development within or adjacent to settlements with access to services and facilities, minimising the need to travel.

Character and appearance

14. The appeal site is located within the Gweek to Constantine Area of Great Landscape Value (AGLV). It sits in a distinctive rural landscape with a strong sense of place, created by a series of wooded valleys combined with rolling pastoral farmland enclosed by hedges. A network of public footpaths and bridleways close to the appeal site mean that the appeal site can be seen from various public vantage points, although the topography means that wider views of the site are very limited.
15. The appeal site comprises a split-level former farmyard with its associated agricultural buildings. The buildings, although largely modern with a functional appearance, sit comfortably in the rural landscape. The appeal site and its buildings contribute positively to the rural character of the area and its connection with agriculture.
16. The proposed development would result in the formal subdivision of the hard surfaced yard area to provide driveways, parking and residential gardens. This would serve both the proposed new dwellings and the barns to be converted and extended. These works would be evident from the point where the entrance of the appeal site meets the public bridleway to the north. The development would also be visible from the public footpath to the south of the site. From here parked cars, domestic gardens and residential paraphernalia would be visible. Together, this would result in a development with a suburban character. It would appear out of place in this agricultural landscape and harmfully erode the strong rural character of the AGLV.
17. The existing group of trees to the south of the appeal site would not sufficiently screen the effects of the proposal and from the evidence before me, these do not appear to be within the control of the appellants in any event. A condition could secure the removal of permitted development rights for outbuildings and other structures but it would not prevent residential clutter from occurring in private garden spaces.
18. The proposed development would be harmful to the character and appearance of the area including the AGLV. The proposal would therefore conflict with Policies 12 and 23 of the LP which seek to maintain and enhance local distinctiveness and character and ensure that development responds to its landscape setting.

Other considerations

19. The plans before me in respect of the May 2021 PA indicate that this related to Barns B and D. This has now lapsed, can no longer be implemented and therefore is not a viable fall back.
20. I have only been provided with the Council's decision letter in respect of the January 2025 PA. It does not set out the quantum of development proposed, but the drawing numbers listed on the decision letter are the same as those listed on the May 2021 PA in relation to the conversion of Barn D to two dwellings. Barn D is currently redundant and it is clear from the planning history that the appellants have

sought to find alternative uses. For these reasons, should the appeal fail I am satisfied that there is a reasonable prospect that the January 2025 PA would be implemented to create two dwellings. Consequently, this would represent a viable fallback position.

21. However, the details before me indicate that the identified 'amenity space' associated with each of the two dwellings in the January 2025 PA would be approximately the same size as the footprint of the corresponding dwelling. One would largely be located on the north side of the building and one to the south of the building. These would be considerably smaller than the proposed garden, parking and garage area for Dwelling 2. In addition, the amenity space would be contained within the existing yard area rather than utilising land comprising the former silage clamp to the east of the building. The size and location of the garden and parking area for Dwelling 2 means that it would be particularly visible from the south and I have found that this would be harmful. The fallback position in relation to Barn D would be less visually intrusive and harmful to the character and appearance of the area. It therefore carries very limited weight in favour of the proposal.
22. There is no extant or lapsed planning permission and no Class Q approval in relation to the barn in the north east corner of the site (Barn A). The appellants point to examples of other similar barns elsewhere where the Council have granted Class Q approval³ and I have had regard to the guidance note issued by the Council⁴ and relevant case law⁵. However, there is no evidence before me to demonstrate that this particular building or any proposals for its conversion would satisfy all the requirements of Class Q and that a Class Q approval would be forthcoming. For this reason, it does not represent a viable fall back.
23. The Council can no longer demonstrate a five year housing land supply. I understand the current supply position to be 3.8 years which is well below Government expectations. I consider this further in the planning balance.

Other Matters

24. The appeal site lies within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). The interest features of the SAC are considered to be at risk from the effects of recreational disturbance arising from housing growth. As I am dismissing the appeal, an Appropriate Assessment under Regulation 63 of the Habitats Regulations 2017 in terms of the impact of the proposal on the SAC is not required.
25. I appreciate that the appellants engaged in pre-application discussions with the Council. However, such advice was given without prejudice to the outcome of any subsequent formal application, and I have dealt with the appeal on its planning merits.

Planning Balance

26. I have found that the proposal would not be in a suitable location for new housing having regard to the development strategy and there would be some limited harm

³ LPA Ref: PA17/02378 Land North West of Tredower Farm, St Merryn, Padstow; LPA Ref: PA21/05959 Barn north of Marne Barn, Gweek Downs, Helston

⁴ 'Change of use of agricultural buildings to dwellinghouses – Class Q Prior Notification Guidance Note' amended June 2024

⁵ R v Secretary of State for the Environment and Havering BC (1998) EnvLR189 and Mansell vs Tonbridge and Malling Borough Council and others [2017] EWCA Civ 1314

arising from the availability of transport options. I have also found that the appeal proposal would be harmful to the character and appearance of the area. The proposal would therefore conflict with the development plan as a whole. However, because of the housing land supply position, Paragraph 11d) of the Framework is relevant.

27. As a result, the development plan policies which are most important for determining this appeal are deemed out of date although due weight should be given to them according to their degree of consistency with the Framework. Paragraph 83 of the Framework encourages the development of housing where it will enhance or maintain the vitality of rural communities. Paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. I have found that there would be some opportunity for occupiers of the site to walk or cycle to the facilities in Gweek and there is a legitimate fall back position relating to the January 2025 PA which would result in the provision of two dwellings on the appeal site. For these reasons I give the conflict with the development plan policies in respect of the location of development, limited weight.
28. The proposal would not be harmful to highway safety and no objections have been received from either the parish council or the public. These matters weigh neither for or against the proposal and are therefore neutral in my assessment.
29. Paragraph 61 of the Framework seeks to boost the supply of housing and Paragraph 73 acknowledges that small sites can make an important contribution towards this. New housing would also lead to some economic benefits to the nearby village as set out in Paragraph 83 of the Framework. As there is a legitimate fall back position relating to the provision of two units, the benefits arising from the proposed development would be very modest.
30. However, Paragraph 187 of the Framework recognises the intrinsic character and beauty of the countryside and seeks to protect valued landscapes. The appeal site lies in the AGLV and contributes towards the distinctive rural character of the area. I have found that the proposed development would be particularly harmful in this respect and have therefore given very limited weight to the fall back position. I afford the conflict with the development plan significant weight in this respect.
31. With reference to Paragraph 11 d) ii) of the Framework I find that the adverse impact arising from the proposal's conflict with the development plan, would significantly and demonstrably outweigh the very modest benefits when assessed against the policies in the Framework taken as a whole having particular regard to key policies for securing well-designed places. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

32. I therefore conclude that the proposed development is contrary to the development plan as a whole and there are no material considerations, including the Framework, that outweigh this conflict. Consequently, with reference to Section 38(6) of the Act, the appeal is dismissed.

Alison Fish INSPECTOR