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## Appeal Decision

Site visit made on 8 May 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 27 May 2025**

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**Appeal Ref: APP/D0840/W/24/3357047**

**Land west of Green Acres Farm, West End, Blackwater, Cornwall, TR4 8HH**

- 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 & Mrs A Seaton-Burridge against the decision of Cornwall Council.
  - The application Ref is PA24/04631.
  - The development proposed is conversion and extension of redundant barn to form dwelling and associated work.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Appellants Final Comments (AFC) includes, in part of the heading, 'Costs Claim'. Whilst the Appellant refers to what they consider as unreasonable behaviour by the Council, there is no application for costs before me. In relation to the references to unreasonable behaviour these relate to the matters covered in the Council's Statement of Case (CSOC) which the Appellant contends goes beyond the issues set out in the reason for refusal. The matters the Appellants refer to appear to relate to policy 7 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (CLP) which forms the principal basis of the Council's objection. Even so, I have taken the Appellants comments into account, where relevant, in determining this appeal.

### Main Issues

3. Whilst there is only one reason for refusal it essentially raises two issues, namely: (a) whether the proposed development would be acceptable having regard to local and national planning policies on the location of new housing within the open countryside, and (b) the effect of the proposed development on the character and appearance of the area.

### Reasons

#### *Suitability of location*

4. The appeal site is located on the western side of Green Acres Farm and to the west of its main farmhouse and complex of outbuildings. The appeal building comprises a small single storey barn that has a utilitarian appearance, with a simple form and a functional use. The walls are constructed from exposed single blocks, with timber

- window/double doors and a corrugated metal roof. At the time of my site visit the barn was largely being used to store hay as well as some pallets/materials.
5. The appeal site is located on the northern side of a large field that extends to the west, east and south, enclosed by Cornish Hedging, mature planting and trees. This larger field slopes to the south providing views across the adjacent fields to the west. To the south of this field is an area of woodland that leads to the main road (North Hill) and beyond this the A 30. To the north are fields used for pasture, with a mixture of pasture and arable fields to the west. The existing barn is isolated from the main farmhouse and well screened by a Cornish Hedge that runs along its northern boundary. A gap in this hedge provides access to the appeal site via a hardcore track that runs north and then east to a lane.
  6. The appeal proposal involves converting and extending the existing barn to create a one bedroom dwelling, with associated works. I have assumed the latter relate to the creation of a new drive and parking area for two vehicles, boundary post and rail fencing and a new patio area. Although the existing track to the lane is included in the application site (red line) planning permission is not sought for these works. The Council contend that this track has recently been resurfaced, works that are unauthorised. Whether that is the case or not is not an issue that I can comment on given that the proposal before me does not include this track with the description of development for which permission is sought.
  7. There is no dispute between the parties that the appeal site lies within the open countryside. As such, policy 7 of the CLP applies, which sets out the special circumstances whereby new dwellings will be permitted in the countryside. It is the key planning policy in this appeal with part 3 relating to the reuse of suitably constructed redundant/disused buildings that are considered appropriate to retain and would lead to an enhancement of the site.
  8. Part 3 (of policy 7) continues by stating that the building to be converted should have an existing lawful residential or non-residential use and be ten years old or greater. Paragraphs 2.33 - 34 state that the appropriateness of buildings for conversion will depend on their scale and method of construction, structural soundness and the ability to convert the building without the necessity for substantial rebuilding operations.
  9. Whilst I have had regard to the submitted structural report, I am not convinced that the appeal proposal would involve the reuse of suitably constructed, disused and redundant building. As I observed on site, the condition of the building varies and there is evidence of new blockwork, doors and roofing. The photographs and other evidence in the CSOC suggest that the barn has previously been in disrepair and that a new roof was added around 2021. The Council also state that, at the time of their visit, the building was being used to store hay and appeared to also have been used to stable horses. At the time of my visit, hay was also being stored within the main part of the barn. As the Council also point out, on the application form and in response to the question of whether the barn is vacant, the answer shown is 'no'.
  10. I am not convinced, therefore, from the above evidence and my observations on site that the building is redundant or disused. Turning to the structural report, this does not include any structural calculations to reinforce its conclusions (as advised in the Chief Planning Officer's Advice Note: Barn Conversions/Replacement dwellings in the countryside (CPOAN)). It also appears that substantial rebuilding

and external works are required and as such I am not satisfied that the report is sufficiently robust and definitive.

11. The existing barn is a simple structure constructed from a single leaf of blockwork with a corrugated metal sheet roof. Compared to this, the proposal includes a new slate tiled roof, with I assume internal insulation, horizontal timber cladding, large areas of glazing and external stone cladding to the walls. However, part 3 of policy 7 relates to the reuse of buildings. Paragraph 2.33 states that whether a building is appropriate for conversion will depend on a number of considerations including the scale and method of construction and the ability to convert the building without the necessity of substantial demolition or rebuilding operations. The latter could be interpreted as including new extensions, as proposed.
12. I accept that neither the policy or the CPOAN preclude new extensions and are in fact silent on this matter. However, based on the wording of the policy and the text at paragraph 2.33, in my view, an extension would be acceptable provided it was modest, did not result in any harm to the character and appearance of the host or to the surrounding area and did not effectively facilitate the conversion. In this case, the proposed extension is substantial and based on the gross internal areas shown on the submitted plans it appears to involve an increase of around 48% on the footprint of the existing barn.
13. Both the new extension and building works are, therefore, substantial and it is clear that the new extension would be solely required to facilitate its conversion to a one bedroom dwelling. It appears very unlikely that the conversion could take place without the new extension, as the extension is required to accommodate the whole of the new bedroom. In view of this and mindful of its existing small scale, I do not consider that the building is appropriate for the proposed conversion and that the appeal proposal would conflict, in this respect, with the aims and objectives of part 3 to policy 7.
14. There is also no evidence before me that the appeal building benefits from a lawful residential or non-residential use, and there is no evidence to indicate whether the building as it exists on site today is the same as that which existed ten years ago or indeed prior to that. Indeed, the evidence that is available indicates that the appeal building has recently been extensively altered and repaired. As paragraph 2.36 to policy 7 states, for the purpose of conversions *“buildings should have been erected and used for the purpose for which they had a lawful use for at least ten years before they will be considered for conversion in line with this policy.”* There is no firm or clear evidence before me as to the buildings lawful use over that period.
15. In relation to the concerns raised in the AFC, the issues addressed above relate to specific requirements of part 3 of policy 7 and its supporting text. All are issues and requirements of the policy that I must have regard to in determining this appeal and in finding whether the proposal complies with that policy or not. Some are issues that the Appellants Statement of Case (ASOC) touches on, such as the reference to an existing lawful use, but are not then addressed or expanded on further other than by, in that instance, alleging that the barn is 10 years old.
16. For the above reasons, I find that the appeal proposal fails to comply with part 3 to policy 7 of the CLP and would also be contrary to paragraph 84 c) of the NPPF.
17. Both parties have referred to the prior notification for the change of use of the barn on the appeal site to a C1 guest house under Class R of the Town and Country

Planning (General Permitted Development) (England) Order 2015 (as amended) (ref. PA24/08928) (Class R Option). This is a material consideration that I address later in this decision.

### *Character and appearance*

18. The existing barn is small scale with a utilitarian and simple functional design and appearance, typical of similar ancillary agricultural buildings found in Cornwall. The barn is viewed as part of the agricultural landscape formed by the large field that it sits on the boundary of and the open fields that surround it. That landscape setting includes Cornish Hedging running to the north of the barn, which contributes to the discrete design of the building and the fact that it does not appear out of place.
19. The proposal would completely alter the ancillary nature of the barn resulting in a development that would visually dominate the field and domesticate its landscape and rural setting. That impact would arise from the significant size and mass of the new extension and the substantial rebuilding and external works that include a new slate roof and timber/stone cladding. The impact would be accentuated by the added residential paraphernalia, including a large garden, new drive, turning and car parking area, patio area and a residential curtilage defined by a new post and rail fence. The latter would subdivide the large field and combined with the other works would harmfully erode the rural and landscaped setting of the appeal site.
20. The existing barn has one window to the smaller storage room and I accept that lighting for the new dwellings is a matter that could be subject to further approval. Even so, it is inevitable that given the proposed layout, amount of accommodation and extensive areas of new glazing, the new dwelling would result in significant light spillage, which would harm the dark night skies that remain a positive element of such landscapes.
21. I accept that there are limited public views of the proposal and that in long range views it may only be possible to catch glimpses of the development. However, any remnants of the original form and shape of the barn would be subsumed by the new extension and associated works. I also accept that the appearance of the barn would be improved, but its current condition and repair, if needed, is a matter that is entirely within the control of the Appellant. Even so, on its own this improvement would not, for the above reasons, lead to “*an enhancement to the immediate setting*”, a specific requirement of part 3 to policy 7. On the contrary, the proposal, as a whole, would erode the character of this part of the open countryside.
22. The proposal would be isolated and visually separated from the cluster of buildings that include the farmhouse. The introduction of post and rail fencing, so as to separate the residential curtilage from the field, would further harm the open character of the area and its landscape setting. Overall, the proposed development would be visually prominent and incongruous and would not integrate or assimilate into the landscape character of the area.
23. Policies 12 and 23 of the CLP and policy 10 of the St Agnes Parish Neighbourhood Development Plan 2018 – 2030 (NDP) seek, amongst other matters, to protect and enhance the intrinsic natural character and local distinctiveness of such areas, and where new development is to be permitted take account of, protect and where possible, enhance the characteristic, distinctive and historic landscapes of Cornwall, both designated and un-designated. These policies are consistent with paragraphs 8, 135 and 187 of the NPPF. The appeal proposal would conflict with a

number of these policy requirements and have a harmful impact on the character and natural beauty of the area.

24. For the same reasons, the proposal would conflict with key characteristics of the Cornwall Character Area, CCA 09, Silverwood to Camborne. These include a peaceful landscape of medieval pasture fields enclosed by Cornish Hedging and scattered farmsteads, dark sky nights, where the continued demand for residential development spreading into the countryside would have a negative effect and add to visual clutter.
25. Accordingly, I find that the appeal proposal would result in harm to the character and appearance of the area contrary to policies 12 and 23 of the CLP, policy 10 of the NDP and the corresponding policies of the NPPF.

### **Other Matters**

26. The Council's evidence indicates that the appeal site falls within the zone of influence for Penhale Dunes and the Fal and Helford Special Areas of Conservation (SAC) where a financial contribution is sought from all new housing to fund agreed mitigation measures. I understand that the Appellant has already signed an undertaking pursuant to section 111 of the Local Government Act 1972 and paid its contribution. Even so, in view of my findings on the main issues I have not considered the implications of the appeal proposal on the SAC further.
27. The Class R Option relates to the change of use of the appeal building to a Class C1 guest house. In the event that this appeal was dismissed, I am satisfied that there is a more than a theoretical possibility that this Class R Option would be implemented. As a consequence, it represents a viable fallback option and is a material consideration in the overall planning balance. For this fallback option to be afforded significant weight there must not only be a realistic possibility of it being implemented but there would also be a need for it to be equally or more harmful than the proposal before me.
28. The Council's Prior Notification acknowledgement letter dated 28 November 2024 indicates that this Class R Option only relates to the change of use of the barn in its existing form. I have not been provided with a plan of the internal C1 layout but note that any works to the external fabric of the barn or a new extension or the use of any land outside the barn would require planning permission. The Class R Option before me only relates, therefore, to the use of the barn. The land around the barn would thus remain unchanged and the agricultural character, form and proportions of the existing barn would also be retained. Whilst it's unclear what external alterations to the barn would be required, even with new windows or doors, the existing character and appearance of the barn would be preserved, as would the openness of the surrounding area even with the comings and goings of a C1 use.
29. As I have found earlier, the appeal proposal would completely alter the ancillary nature of the existing barn, resulting in a development that would visually dominate the field and harmfully domesticate its landscaped setting. That impact would arise from the significant size of the new extension and the substantial rebuilding and/or external works that include a new slate roof, timber/stone cladding and large areas of glazing. The impact would be accentuated by the domestication of the site with the creation of a garden area, new drive, turning and car parking area, patio area and residential curtilage defined by a new post and rail fence.

30. As a consequence, the appeal proposal would physically and visually be far more prominent than the Class R Option. The appeal proposal would visually dominate the wider field and the open countryside, and would harm its intrinsic character and beauty in comparison to the small scale and subdued appearance of the change of use of the barn to a C1 use. I find, therefore, that the appeal proposal would result in significantly greater harm to the character and appearance of the area than the Class R Option. The level of harm would be as described in the main issues. For all these reasons, I would only accord limited weight to the fallback option and it would not provide justification for the appeal proposal as an acceptable alternative.
31. Reference has been made to an existing barn to the north east of the appeal site that also falls within Appellants ownership. Planning permission was granted to convert this barn into a two bed dwelling on 22 April 2024 (ref. PA24/01646). Even though I do not have all the background to this case, based on the evidence before me I do not consider this planning permission to be comparable to the appeal scheme. There are a number of differences, including: The barn in question is significantly greater in size than the appeal barn; the approved extension to this barn is modest in size and scale compared to that in the appeal proposal; the new extension does not appear to have been required to facilitate the conversion in that without it the barn would still have been appropriate to convert as existing; the barn forms part of a cluster of outbuildings with the farmhouse whereas the proposal on the appeal site would sit on its own; and, the approved site does not have any close affinity with an open field whereas the appeal site does.
32. Even so, each application should be assessed on its individual merits with regard to the circumstances of the case. That is precisely the approach I have adopted here. For the reasons set out above, this approval does not affect my overall findings.

### **Planning balance and conclusions**

33. The NPPF states that existing development plan policies should not be considered out of date simply because they were adopted prior to its publication. Each policy should be assessed and due weight given to it based on its general conformity with the NPPF. In this respect policies 7, 12 and 23 of the CLP and policy 10 of the NDP are consistent with and remain in general conformity with the NPPF policies. The latter include restricting housing within the open countryside unless exceptional circumstances apply, to support the reuse of suitably constructed, redundant, disused and appropriate buildings that enhance their immediate setting, responding to and where possible enhancing local character, conserving and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
34. Even so, the Council have confirmed that following the publication of the NPPF they can no longer demonstrate a five year housing land supply. As such, paragraph 11 d) ii of the NPPF is engaged and requires planning permission to be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*
35. The appeal proposal would boost housing supply, involve self-build and generate employment during construction. Whilst these benefits are supported by other policies in the development plan and NPPF, I would only accord them moderate

weight. The contribution to housing supply is small and the proposal is not seeking to address an identified affordable need. On the other hand, as I have found, the appeal proposal would fail to comply with the aims, objectives and requirements of part 3 to policy 7 of the CLP and would thus be contrary to that policy, as well as paragraph 84 c) of the NPPF, it would not contribute to or enhance the natural and local environment and would have a harmful impact on the character and appearance of the area. These adverse impacts lead to conflict with a number of development plan policies which remain up to date as they are consistent with those in the NPPF and thus should be accorded significant weight.

36. In my view, the harm I have identified would significantly and demonstrably outweigh the moderate benefits of the appeal scheme when assessed against the policies in the NPPF, taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the NPPF does not apply in this instance. The NPPF is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.
37. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

*G Roberts*

INSPECTOR