



Appeal Decision

Site visit made on 24 July 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2025

Appeal Ref: APP/D0840/W/25/3365755

Land & Building South of New Mills Lane, Kenwyn, Truro, Cornwall, TR1 3EZ

- 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 P Whear against the decision of Cornwall Council.
 - The application Ref is PA24/06849.
 - The development proposed is the conversion of redundant stone building to dwelling house, extension & associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the site address as provided on the Council's decision notice and the appellant's appeal form.

Main Issue

3. The Council is satisfied that their concerns in relation to reasons for refusal two and three have now been successfully addressed. I can see no reason to disagree with that assessment. As such, I have limited my reasoning to the consideration of the first reason for refusal. The main issue is therefore whether the existing building is suitable for conversion, including the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located outside of Truro, and for planning purposes it is regarded as being within the open countryside. Policy 7 of the Cornwall Local Plan Strategic Policies 2010-2030 (the LP) sets out the types of residential developments that are considered to be appropriate in such areas. Part 3 of the policy states that the re-use of suitably constructed redundant, disused or historic buildings is acceptable where doing so would enhance the immediate setting.
5. Importantly, paragraph 2.33 of the supporting text notes 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 of substantial demolition or rebuilding operations.
6. In support of their application, the appellant has provided a short structural survey (Keith Rolleston Associates, December 2023). The survey concludes that the stone walls are in good condition, and that overall, the building is suitable for refurbishment without significant change to structural elements.

7. Having visited the site, I can see no reason to disagree that the remaining elements of the building are structurally sound. However, it is readily apparent that a large section of the southern elevation of the building is now missing and there is also no roof. The approved plans also show that the upper parts of the northern, eastern and western elevations would need to be reinstated. Indeed, the building does have the appearance of a historic ruin, and keeping paragraph 2.33 in mind, it is abundantly clear that substantial rebuilding operations would be required as part of the proposed development.
8. The building is located within a relatively large field to the south of New Mills Lane. Given its ruinous appearance, and the fact that the stone walls are partly covered in vegetation, it has effectively been assimilated as part of the rural landscape in this area. Indeed, the verdant appearance of the wider site, including the field entrance, does make a positive contribution to the character of the immediate surroundings.
9. The proposed development would involve the construction of a very long driveway, the start of which would be readily apparent from the entrance on New Mills Lane. The appearance of the driveway, in combination with the hardstanding around the property, the garage block and the inevitable domestic paraphernalia, would undoubtedly erode the existing open and verdant character of the site to a great extent. Indeed, considered as a whole, the proposed development would clearly be perceived as a harmful incursion into the countryside, and it would bring a feeling of urbanisation to the site that currently does not exist.
10. The topography of the land means that there would not be any views of the building from the north, west or east. However, there would likely be extensive views of the site from medium and long-range vantage points to the south. As such, the harm that I have described would be visually apparent. While the proposals do include a planting scheme, I find that this would do little to mitigate the identified harm.
11. As a result of the substantial rebuilding operations required, and the effect of the development on character and appearance, I have no option but to conclude that the building is not suitable for conversion and that the proposal would therefore conflict with LP Policies 2, 3, 7, 12, 21, 23 and 27, as well as Policy C1 of the Climate Emergency DPD 2023. Taken together, the relevant aspects of these policies seek to ensure that new development, including building conversions, is appropriately located, well designed and that it preserves character and appearance. The proposal would also conflict with Policies E6 and H1 of the Kenwyn Neighbourhood Development Plan, which in part also seek to preserve character and appearance.

Other Matters

12. The appellant has sought to draw my attention to several other developments in Cornwall that they believe to be comparable to the appeal scheme before me. However, it seems to me that there are key differences. Firstly, the Council concluded that the conversion of a building to form a two-storey dwelling in Leedstown¹ did conflict with LP Policy 7, but that other material considerations justified approving the application, including heritage matters. In this instance there are no material considerations that overcome the harm that I have identified.

¹ Council ref: PA19/06590, as presented in Appendix Ei of the appellant's appeal statement

13. A second scheme², details of which are presented within Appendix F of the appellant's appeal statement, appears to have involved a building where the stone walls were more complete. Appendix G of the appeal statement includes plans and photographs for a development³ that does appear to have involved the conversion of a highly dilapidated building. However, there are no other details before me, including whether the Council considered it to accord with LP Policy 7 and whether any other material considerations were of relevance. It therefore seems to me that none of these examples are directly comparable to this appeal. Furthermore, I can see no evidence to suggest that the Council concluded that any of these schemes would result in harm to character and appearance as I have found in relation to this appeal. An appeal decision presented in Appendix D of the appeal statement is also not comparable given that LP Policy 7 was not a relevant consideration.
14. The appellant has noted that agricultural buildings can be converted to residential use under the auspices of permitted development rights⁴. However, there is little detail before me to indicate whether or not the required works in this case would accord with the legislation. Moreover, while certain works are permitted as part of Class Q schemes, a decision maker is still required to conclude whether or not the totality of the construction would essentially represent a partial rebuild rather than a conversion. There is also nothing before me to indicate that such a proposal has been submitted to the Council, or that it is likely to be in future. This potential fallback position therefore attracts no weight in my deliberations.
15. The site is within close proximity to the Fal and Helford and Penhale Dunes Special Areas of Conservation. However, as I am dismissing the appeal, this is not a matter that requires further consideration.

Conclusion

16. It is not in dispute that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing. Indeed, the current figure is approximately 3.8 years, and I have no evidence before me to suggest that this position is likely to improve in the short-term. As a result of the shortfall, policies related to the location and supply of housing are deemed to be out of date. In such circumstances, Paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
17. In this instance, the benefits of the proposal include the re-use of a building and the provision of a single new home that would assist in meeting need in the area, support for local facilities, and the creation of jobs during the construction phase. Despite the level of shortfall in housing land supply, which leads me to attribute increased weight to the benefits, I still only afford limited weight to them overall given that they are relatively minor in nature.
18. I have concluded that substantial rebuilding operations would be necessary as part of the proposed development, although in itself, there is no harm associated with this element of the scheme. However, there would be material harm to the

² Council ref: PA18/01437

³ Council ref: PA19/10430

⁴ Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

character and appearance of the area. The development plan policies that seek to ensure that development is well designed strongly reflect the aims of the Framework. Indeed, it places great emphasis on the provision of development that preserves character and appearance. As such, significant weight must be given to the conflict with the development plan in this regard. In this instance, I find that the harm would be significant and enduring.

19. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Consequently, for the reasons given, the proposed development conflicts with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm. The appeal is therefore dismissed.

C Butcher

INSPECTOR