



Appeal Decision

Site visit made on 5 August 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal Ref: APP/D0840/W/25/3359946

Little Menheer Farm, Higher Ninnis, St. Day, Cornwall TR16 5HD

- 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 Ms Val Mason against the decision of Cornwall Council.
 - The application Ref is PA24/00608.
 - The development proposed is the conversion of redundant stables into two dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of redundant stables into two dwellings at Little Menheer Farm, Higher Ninnis, St. Day, Cornwall TR16 5HD in accordance with the terms of the application, Ref PA24/00608, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Ms Val Mason against Cornwall Council. This application is the subject of a separate decision.

Preliminary Matters

3. I have taken the site address in the banner heading above from the application and appeal documentation rather than the application form as this more accurately describes the location of the site.
4. The appeal has been accompanied by a Unilateral Undertaking (UU) under Section 111 of the Local Government Act 1972 to mitigate the recreational impacts from residential accommodation on the Fal and Helford Special Area of Conservation (SAC). Although the Council have confirmed that the UU mitigates any related harm, as the competent authority in relation to this appeal, I am required to consider this matter and the related duties under the Conservation of Habitats and Species Regulations 2017. As a result, I will deal with this as a main issue.

Main Issues

5. In light of the above, the main issues are:
 - whether the appeal site is an appropriate location for the proposed development, with particular regard to the local development strategy and character and appearance of the area; and,
 - the effect of the development on the integrity of European, nationally, and internationally protected sites.

Reasons

Whether appropriate location

6. The appeal site comprises a single-storey, blockwork stable building with a simple corrugated metal roof and associated yard with an existing access to the highway. It lies to the north-west of a small group of dwellings, including a dwelling and annexe from the conversion of adjacent stables. The group is adjoined by open agricultural land that is interspersed with farm buildings and dwellings. There is no dispute between the main parties that the site lies in the countryside.
7. With regard to new dwellings in the countryside, Policy 7 of the Cornwall Local Plan Strategic Policies 2010–2030 (CLP) states that new homes will only be permitted where there are special circumstances. One of the specified circumstances is the *“reuse of suitably constructed redundant, disused or historic buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting”*. It is not disputed that the building meets the other qualifying requirements of the Policy relating to its lawfulness and age.
8. As CLP Policy 7 refers to redundant, disused or historic buildings, the building does not need to be of historic interest for the policy to apply. This mirrors Paragraph 84 of the National Planning Policy Framework (the Framework) that allows homes in the countryside where the development would re-use redundant or disused buildings and enhance its immediate setting. This is also clarified in the Chief Planning Officer’s Advice Note: Barn Conversions/Replacement dwelling in the countryside (CPO Note).
9. I have had regard to the comments from interested parties at the time of the planning application advising that the building was in use as stables and not therefore redundant. I also note the photos in the ecology report accompanying the planning application showing the building in use as stables. However, it was clearly not in use at the time of my site visit with no signs of it having been used recently. Furthermore, I note that the Council state it was not in use at the time of their site visit with the planning application form clarifying that it was to become redundant shortly. In light of this, I am satisfied that the building is redundant and disused.
10. Paragraph 2.33 of the CLP states 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 substantial rebuilding operations”*. Whilst the scheme would involve some alterations to the appearance of the building, it would use the existing structural elements and would be confined within its existing envelope.
11. While I note that the application is not accompanied by a structural survey, at the time of my site visit the building was structurally sound showing no signs of major cracks or movement, constructed from block work with wooden roof trusses showing limited sign of failure. This is supported by photos within the appellants submission. Furthermore, the plans accompanying the application clearly show the retention of the majority of the external walls and I have limited other evidence demonstrating otherwise. I therefore find the building to be suitably constructed and structurally sound.
12. I have had regard to concerns raised by the Council relating to the differing thickness of walls between the existing and proposed plans. However, I am advised

that this relates to the provision of internal insulation and boarding to comply with Building Regulations. In light of this, given that the proposal would retain the existing walls and is for a conversion, the proposal would not result in substantial demolition or rebuilding.

13. Turning to the remaining criterion to CLP Policy 7, this states that development should lead to an enhancement to the immediate setting. The Council argues that the barn sits away from the other buildings and has a closer visual relationship with the wider countryside. However, I saw that it lies adjacent to the stables recently converted to residential use, close to Little Menheer and with the access passing another residential unit that I have been informed benefits from planning permission for a replacement dwelling. The appeal building is not therefore physically or visually detached from the collection of buildings, which form a tight grouping surrounded by open countryside. Consequently, for the purposes of CLP Policy 7, I consider the immediate setting to be the appeal site and the adjacent cluster of residential buildings.
14. The existing building is functional in character and the proposed alterations have been kept minimal mainly comprising new openings and new insulated replacement metal roofing. The resultant appearance would retain the character and form of the existing building and its use as stables but suitably read as residential providing a visual connection with neighbouring buildings. The timber cladding would prevent it appearing overtly urban in its rural surroundings. Overall, it would be a suitable design that would represent an enhancement on the current utilitarian appearance of the building.
15. The proposal would involve an extension of outdoor space into the adjoining field to the rear of the building. However, and subject to suitable landscaping, this would not be highly noticeable in the immediate area, is modest in size, close to the building and would not appear out of place adjacent to, or when viewed from, this group of properties. Associated vehicles and paraphernalia would be limited by the size of the site, further buildings can be restricted through the removal of permitted development rights (consistent with the advice in the CPO Note), with and any vehicles generally using the areas to the front and side of the building where previous activity from the stables would have occurred. It is noteworthy that the Council agree that the site is largely screened from the public domain.
16. Overall, the proposal would result in a suitably designed building, which would sit more comfortably alongside the other residential buildings in the group than the existing disused stable building. Furthermore, it is likely that its residential use would ensure the future maintenance of the building and surrounding land. The development would, therefore, enhance the immediate setting, in compliance with CLP Policy 7.
17. The CPO Note confirms that the development plan needs to be read as a whole and that whilst CLP Policy 21 requires the reuse of buildings to be sustainably located, CLP Policy 7 acknowledges conversions can take place in the open countryside. The CPO Note goes on to state that *'It is therefore accepted that there is likely to be some reliance on the private car to access day to day facilities.'* Given this, and while I recognise that the site is located off narrow country lanes without footpaths or lighting, it is located mid-way between, and relatively close to, St. Day and Redruth, comprising a range of services and facilities and links to other

settlements. In light of this, I find the appeal site to be suitably located for the proposed conversion.

18. The proposal would require the removal of a small section of landscaping along the roadside to create a new access to the proposed dwellings. However, given the small size of the opening, and position close to other accesses, the provision of a further access would not be harmful to the wider area subject to the submission and approval of a landscaping scheme.
19. For the above reasons I conclude that the appeal site is an appropriate location for the proposed development with particular regard to the local development strategy and character and appearance of the area. It would, therefore, be in accordance with Policies 1, 2, 7, 12, 21 and 23 of the Local Plan and Policies C1 and T1 of the Climate Emergency Development Plan Document (February 2023). These seek, amongst other things, to approve applications that accord with policies in the CLP, conserve the landscape character of the area, re-use suitably constructed redundant and disused buildings that would lead to an enhancement to the immediate setting and are sustainably located, and secure high-quality design.
20. For the same reasons, the proposal would comply with the provisions of the Framework that seek to promote sustainable transport modes and be sympathetic to local character and the surrounding landscape.

Integrity of protected sites

21. The appeal site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). The Cornwall Council European Sites Mitigation Supplementary Planning Document July 2021 (SPD) explains that the SAC is important and have qualifying features because of the saltmarsh, mudflats, sandbanks, shallow inlets and bays, estuaries and reefs.
22. Public access/disturbance and recreational activity within these areas such as recreational boating, fisheries and water pollution, has the potential to disturb these habitats. The SPD concludes that additional residential development within the identified zone of influence, in combination with other residential development, would likely increase recreational visits and, thereby, increase disturbance to the habitat. There is, therefore, an impact pathway between additional residential development in the zone of influence and a resulting likely significant effect on the qualifying features of the SAC.
23. As recreational pressure would compromise the site's conservation objectives as detailed in the SPD, an adverse effect on integrity cannot be ruled out. In this case, without mitigation the additional residents who would occupy the development would be, in combination with other schemes, likely to adversely affect this European habitat site by way of increased recreational disturbance.
24. A strategic scheme is available, and the SPD sets out a series of measures, which include a Strategic Access Management and Monitoring plan, to mitigate the effect of increased recreational pressure resulting from additional residential development within the zones of influence. In this case, the appropriate financial contribution has been received by the Council to mitigate for the development on the SAC.
25. The Council and Natural England have confirmed that the contribution and mitigation would be sufficient.

26. On this basis, in carrying out the Appropriate Assessment, the adverse effects of the development on the integrity of the SAC would be avoided. For these reasons, the development would not harm the integrity of the SAC and would comply with Policies, 22 and 23 of the CLP, and the guidance outlined in the SPD which in combination, sets out a strategic approach to the provision of mitigation. Amongst other things, these state that development that accords with policies in the CLP will be regarded as sustainable development, protect, conserve and enhance biodiversity and the natural environment, and mitigate recreational impacts on European Sites.

Other Considerations

27. The Council has drawn my attention to a number of appeal decisions¹. However, and as recognised by the Council, each application must be considered on its merits with two proposals very rarely identical in location and characteristics. Furthermore, in the appeal cases referenced, and from the limited information provided, they differ from the current appeal proposal in terms of their relationship to existing dwellings, and do not all relate to block-built buildings or conversions. As such, they are not directly comparable to the appeal before me, and I give them limited weight.
28. I have had regard to other comments from interested parties in relation to increased traffic and passing on the lanes, sewage, ecology, the proposal representing overdevelopment of the site and area and with regard to the advertisement of the planning application.
29. However, the proposal is only for two dwellings on a site that has historically been used as stables with associated traffic with sewage disposal a matter for Building Regulations. Matters related to the protection of wildlife can be secured by condition should I allow the appeal. As the proposal is for the conversion of an existing building adjacent to other dwellings with an appropriate access, parking, turning and outdoor space, I do not find that the proposal represents overdevelopment of the site or area. With regard to advertisement of the application, the Council have confirmed that this was carried out by way of a site notice in accordance with its procedures.
30. Finally, it is noteworthy that the Council raised no concerns with regard to traffic, access, sewage, ecology or overdevelopment of the site.

Conditions

31. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has suggested eleven conditions to cover other matters, and the appellant has commented on these. I have considered the views of the parties, alongside the advice in the Planning Practice Guidance, in determining what conditions would meet the tests set out in paragraph 57 of the Framework.
32. As stated above, conditions are reasonable and necessary to restrict permitted development rights for alterations, enlargements and outbuildings to the dwellings, and for the submission of a landscaping scheme. These conditions are required in

¹ 3354839, 3259224, 3247263, 3160166 and 3310809

order to protect the character and appearance of the area. The landscaping condition is a pre-commencement condition due to the need to identify landscaping for protection during construction works.

33. A further pre-commencement condition is required to ensure the submission and approval of a contamination report and any associated mitigation prior, during and after construction, in the interests of protecting the living conditions of future occupiers. I have however combined the Council's suggested contamination conditions into a single condition for reasons of brevity.
34. Further conditions are reasonable and necessary to ensure that the development is designed and built to limit water use in the interests of addressing climate change, to ensure the provision of the car parking spaces in the interest of highway safety, and to ensure compliance with the submitted ecology report in the interests of protecting ecology.
35. The Council have suggested further conditions related to the submission of sewage and water run-off and a site investigation in relation to land stability. With regard to sewage and water run-off, these are not reasonable or necessary given that the majority of the site is currently hard surfaced, with matters of sewage disposal covered by Building Regulations. In relation to land stability, given that the proposal is for a conversion rather than construction of a new building, I do not find a site investigation in relation to land stability reasonable or necessary.

Conclusion

36. For the reasons given above the appeal should be allowed.

C Rose

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Number D001 Rev 1 Existing Location Plans; Drawing Number D002 Rev 2 Proposed Location Plans; Drawing Number D004 Rev 2 Proposed Plans and Elevations; Drawing Number D005 Rev 1 Proposed Perspectives; and Drawing Number D006 Existing & Proposed openings & internal walls removed and proposed.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a

period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, C, and E of Part 1 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission, namely: The enlargement, improvement or other alteration of the dwellinghouse; The enlargement of the dwellinghouse consisting of an addition or alteration to its roof; Any other alterations to the roof of the dwellinghouse; The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.
- 7) The development hereby approved shall be designed and built to ensure all dwellings achieve the Climate Emergency Development Plan Document 2023 Policy SEC1 standard of 110 litres/person/day water efficiency prior to occupation.
- 8) The development hereby permitted shall not be first occupied until the vehicle parking spaces have been provided in accordance with the plans hereby approved. The spaces shall thereafter be retained for the purposes of the parking of vehicles only.
- 9) The development hereby permitted shall be carried out in accordance with the recommendations for ecological mitigation and enhancement set out in the ecological report provided by Wheal Grey Ecology dated May 2024.

END OF SCHEDULE