

## Appeal Decisions

Site visit made on 20 October 2015

**by Jennifer Tempest BA(Hons) MA PGDip PGCert Cert HE MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26 November 2015**

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**Appeal Ref: APP/D0840/W/15/3024056**

**Land off New Road, St Just, Cornwall TR19 7RZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr W K McFadden against the decision of Cornwall Council.
  - The application Ref PA14/08374, dated 2 September 2014, was refused by notice dated 14 November 2014.
  - The development proposed is conversion of barn to a dwelling.
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**Appeal Ref: APP/D0840/Y/15/3024060**

**Land off New Road, St Just, Cornwall TR19 7RZ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr W K McFadden against the decision of Cornwall Council.
  - The application Ref PA14/08375, dated 2 September 2014, was refused by notice dated 14 November 2014.
  - The works proposed are conversion of barn to a dwelling.
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### Decision

1. The appeals are dismissed.

### Application for costs

2. An application for costs was made by Mr W K McFadden against Cornwall Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The examination has begun into the Cornwall Local Plan (CLP) but the plan has not yet been found sound. Therefore, whilst the policies of the CLP are referred to by the Council they are of only limited weight in this appeal.
4. In March 2015 Historic England published three Historic Environment Good Practice Advice Notes which resulted in the withdrawal of the PPS5 Practice Guide on 27 March 2015. The PPS5 Practice Guide is referred to in the Council's reason for refusal relating to the application for planning permission. I am satisfied that there is no prejudice to the main parties by my proceeding to determine the appeal.
5. The post code in the headings above is taken from the Council's decision notices.

## **Main Issues**

6. In respect of both appeals these are whether the proposal would preserve the Grade II listed building, listed as 'barn at Chyoon', and its setting and or any features of special architectural or historic interest that it possesses.
7. In respect of the appeal against the refusal of planning permission these are whether the proposal would represent sustainable development having particular regard to the location of the site and the effect of the proposal on the character and appearance of this part of the Cornwall Area of Outstanding Natural Beauty (AONB).

## **Reasons**

### *Background and location*

8. The appeal property is a disused barn with granite walls and slate roof. The barn stands alone on the boundary of two fields and on rising ground. Set partially into the bank, the barn is two storeys in height but has a small footprint. A farm gate gives access into the field between the barn and New Road, but there is no defined or surfaced access across the field. In open countryside some 0.7 km east of St Just the barn, which is listed Grade II, lies within the Cornwall AONB, a World Heritage Site (St Just Mining District), Heritage Coast and Area of Great Historic Value. This last is a local designation in the Penwith Local Plan<sup>1</sup> (the Local Plan). The barn lies west of New Road and is set back from the road by an intervening field. The land slopes up from the road such that the barn occupies a prominent hillside position.
9. The appeal site is outside any established settlement and within the open countryside. Paragraph 55 of the National Planning Policy Framework (Framework) states that new isolated homes in the countryside should be avoided unless there are special circumstances, one of which is where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
10. An appeal relating to this site was dismissed in 2003<sup>2</sup>. This sought permission to add an extension to the building and its conversion to use as holiday accommodation.

### *Effect of the proposal on the listed building*

11. Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 66(1) of the Act sets out a similar requirement with regard to applications for planning permission.
12. The listing description dates the barn to 17C or earlier stating it was remodelled in the 18C. Constructed mainly of snecked dressed granite boulders with dressed granite quoins, its upper courses are of granite rubble. The description refers to the ground floor having been a byre and the building having been raised to two storeys in the 18C with a barn or loft above. A Heritage Assessment (HA) was prepared by the appellant after the proposal

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<sup>1</sup> Penwith Local Plan adopted 2004

<sup>2</sup> APP/L0825/E/03/1123429

was submitted to the Council. This statement suggests that the date of the barn may be later than indicated in the list description. A re-drawn extract from the St Just tithe map in the HA shows an L-shaped building on the site and indicates there was a track between the site and what is now known as New Road. The Council's conservation officer suggests that the barn may be what remains of a former property known as Chywoone.

13. The list description refers to the barn as a rare survival of a small early farm building in the ancient Penwith landscape. I consider this summarises the key elements of the building's significance.
14. The proposed conversion would be confined to the existing building envelope with the exception of a metal flue and would otherwise utilise only existing openings. The resulting dwelling would comprise two rooms – a ground floor living area incorporating a small kitchen area with a spiral stair to the first floor bedroom within which a bathroom would be created. The proposal is accompanied by a structural report which is based on a visual survey only and therefore the extent of rebuilding which would be required to carry out the proposals cannot be considered definitive. However, the report indicates that the proposals would entail the substantial rebuilding of the east wall. This report confirms that the work would also require damp proofing works, internal walling, excavation and the provision of a new ground floor, a new first floor and roof structure.
15. The flue to serve the proposed wood burning stove would add an incongruous and highly visible element to the simple form of the existing building and would protrude above the ridge line of the building. Although no additional door and window openings would be created, I share the Council's concerns that the design of some of the proposed fenestration and the door within these openings fails to adequately reflect the agricultural nature of the existing building. However, I consider that the detail of the fenestration could have been addressed by a condition had the proposals been acceptable in other respects.
16. The proposal would create a very small dwelling within the envelope of the existing building. The resulting floor area would be around 24 m<sup>2</sup> in total without allowing for the space which would be taken up by the proposal spiral stair. The Council points out that the size and layout do not indicate any provision for storage space. Although the appellant refers to the small size of the proposed dwelling making it likely that it would be used as a holiday home, the permission is sought for a dwelling without any restrictions on occupation.
17. I am mindful that the floor area of the dwelling as proposed would fall considerably below the Government's nationally described housing standards<sup>3</sup> for even the smallest single person dwelling. The Council considers that there is a likelihood of there being pressure for future extensions. Such development works would need to be the subject of separate applications and this matter has had little bearing on my decisions.
18. The setting of the listed building within open fields and remote from other development contributes in no small way to its character. The domestic conversion would result in a change to that setting, through the creation of the

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<sup>3</sup> Department for Communities and Local Government March 2015 *Technical Housing Standards – nationally described space standard*

access track and the parking of vehicles. Normal activities such as the creation of a garden, drying of laundry and storage of refuse would also detract from the simplicity of this building in its rural setting. The small size of the proposed dwelling would be highly likely to result in 'ad hoc' storage taking place outside the building. Only some of these matters could be controlled by condition and the impact of domestic occupation on the essential character of the listed building and its immediate setting would be substantial, notwithstanding the manner in which the curtilage has been defined in the proposals.

19. The Council and SPAB suggest that the method proposed for damp proofing the building would be inappropriate for this structure and reversible methods are to be preferred. The appellant indicates this could be addressed by condition. However, given the listed status of the building and the practical shortcomings created by the building's limited size and poor structural condition, I consider that the internal treatment of the walls including damp proofing measures are not matters which could be left for later approval.
20. Overall, the proposals would fail to preserve the special architectural and historic interest of the listed building and would fail to preserve its setting. The harm to the setting would result in a degree of conflict with Local Plan Policy GD-1 to the extent that the development would not be fully integrated with its surroundings. The proposals would not comply with Local Plan Policy GD-2 with regard to elements of the detailing identified above.

*Effect on character and appearance of the area*

21. The high quality of the ancient landscape of Penwith is recognised in the various designations outlined above. Of particular relevance to the appeal proposal is the landscape setting of the building and the building's remote location and relationship to field boundaries. The building is clearly evident in views from the east of the site, including from the A307. There are also closer and glimpsed views from other directions.
22. The Council identify the proposal as failing to comply with Policy PD8 of the Cornwall AONB Management Plan 2011 – 2016 adopted in February 2011. This plan is not part of the development plan and I therefore accord it only limited weight. However, the Management Plan sets out the special significance of the West Penwith landscape within the wider AONB including the ancient origins of the field patterns and Cornish hedges. The Framework makes clear that great weight should be given to conserving landscape and scenic beauty in an AONB, which has the highest status of protection in relation to landscape and scenic beauty.
23. I have outlined above my concerns in respect of the effect on the setting of the listed building and these also apply to the proposals in the context of the AONB. The omission of the proposed stone hedge as suggested by the appellant would not be sufficient to overcome the harm which the proposal would cause to the character and appearance of this part of the Penwith landscape and the AONB.

*Whether the proposal would be sustainable development*

24. The location of the site is within walking distance of St Just, a town with a range of local facilities including public transport links. However, having walked along the shortest and more level route to the town, I note that this

unlit footpath involves stiles and crossing a field used for grazing cattle. The longer pedestrian route via a lit footpath involves a steep hill. Consequently, occupation of the proposed dwelling is likely to be highly dependent on the use of a private vehicle. However, had the proposal been acceptable in terms of the listed building and its setting, paragraph 55 of the Framework makes provision for a dwelling in a location which would not otherwise be considered sustainable.

25. It is the appellant's contention that without conversion to residential use the listed building will become increasingly derelict and will be lost. It is clear that the building makes a positive contribution to the local landscape as well as being a building of architectural and historic interest. The Council point to the appellant not having sought other means of securing its repair such as grant aid in the period since the previous appeal relating to the building was dismissed. The availability of grant aid is not a matter on which detailed evidence has been presented although the Council refer to a number of empty vernacular buildings which it has funded in partnership with Natural England.
26. Whilst the appellant prefers an economic use to an empty building without any use, I am not persuaded by the evidence that the current proposal would result in a suitable new use of the building without resulting in a degree of harm to the building and its setting which would be unacceptable.
27. The appeal proposals would not comply with Paragraph 55 of the Framework as they would fail to lead to an enhancement of the immediate setting of the building. The proposals would also be contrary to Policy GD-7 of the adopted Local Plan to the extent that the proposed conversion would have a detrimental impact on the distinctiveness of the landscape and rural character of the building. Although the Council considers the proposal would also be contrary to Policy H-11 of the Local Plan, I attach only limited weight to this policy as it is not clear that this policy fully accords with the Framework.
28. Having regard to paragraph 134 of the Framework the proposals would result in less than substantial harm to the listed building. However, any harm to a heritage asset requires clear justification. Whilst securing the future of the listed building would be a public benefit, in this case the benefit is not outweighed by the harm I have identified. Taking the provisions of the Framework as a whole, including those relating to the AONB, the proposal would result in unacceptable harm to the environment and therefore would not be sustainable development.

## **Conclusion**

29. For the reasons given above and having taken into account all other matters raised, I conclude the appeals should be dismissed.

*Jennifer Tempest*

INSPECTOR