

Jon Pender MA (Oxon), DipTP, MRTPI  
Chartered Town Planner  
5 Polwithen Road  
Penzance  
Cornwall TR18 4JS



POLKINGHORNE FARMHOUSE, GULVAL, PENZANCE TR20 8YS

ALTERATION OF A DOMESTIC OUTBUILDING

Dr P. SAMPSON

SUPPORTING STATEMENT

PLANNING, HERITAGE IMPACT  
AND FLOOD RISK ASSESSMENTS

GREEN INFRASTRUCTURE STATEMENT

March 2024

## INTRODUCTION

This document has been produced by Jon Pender, Chartered Town Planner, for Dr P. Sampson for his sole use in relation to Polkinghorne Farmhouse, Gulval, Penzance TR20 8YS. No responsibility is accepted for liability arising to any third party from the unauthorised use of this material.

## THE SITE AND ITS SURROUNDINGS

- The site is a thatched house and its garden, standing in a small group of houses and outbuildings in the countryside to the north of the village of Gulval. Polkinghorne is accessed from Gulval by a lane that serves similar rural groups and ends about a kilometre to the north. Polkinghorne is on the eastern side of the Trevaylor valley.
- Polkinghorne Farmhouse is a grade II listed building. The site is within the Cornwall National Landscape (formerly known as an Area of Outstanding Natural Beauty) [AONB]. A bridleway bounds the site on the north. The site is not liable to flood but is just within a Critical Drainage Area [CDA].

## RELEVANT PLANNING HISTORY

- In 1989 the construction of an outbuilding north of the Farmhouse was approved (ref. W1/89/H/0031). The current applications relate to this building.
- In 2003 a replacement lean-to extension on the northern elevation of the Farmhouse was approved (refs. W1/03/P/0552 and W1/03/H/0070).
- In 2005 planning permission was granted for a greenhouse to the east of the Farmhouse (ref. W1/05/P/0769).
- In 2007 the demolition of a garden shed and the construction of a summerhouse was approved (refs. W1/06/P/1377 and W1/06/H/0152).
- In January 2024 companion planning and listed building consent applications were made to extend the 2007 outbuilding to form an annexe (refs. PA24/00410 and 00411).

## THE APPLICATION

- "Householder" planning permission and companion listed building consent are sought for inserting windows and doors, some within existing openings, in the building approved in 1989.
- These supporting Planning, Heritage Impact and Flood Risk Assessments should be read in conjunction with the detailed drawings as well as the other documents accompanying this joint application.

## PLANNING POLICY BACKGROUND

The planning policy documents relevant to this application are:

- Cornwall Local Plan Strategic Policies 2010 – 2030 [CLP]. It was adopted by Cornwall Council in November 2016 and is part of the Development Plan.
- Madron Parish Neighbourhood Development Plan 2022 – 2030 [MNP]. It was made in May 2023 and is another part of the Development Plan.
- National Planning Policy Framework [NPPF]. It contains the Government's national planning policies. It is generally-worded and not specific to this locality but it deserves weight as a planning consideration because it is up-to-date and is continually reviewed and revised, most recently in December 2023.

## PLANNING ASSESSMENT

### "Fall back" situation

- The application building was constructed following the 1989 approval described above. Aerial photographs in Cornwall Council's Heritage Environment mapping records confirm it has existed in its present form since at least 2000.
- The 1989 approval was for the construction of a "winery". However, the building has been used for many years as a domestic garage and store ancillary and incidental to Polkinghorne Farmhouse, as evidenced by the letters accompanying the current application. Consequently, even if a commercial vineyard once operated at the site, the current application building as well as its use ancillary and incidental to the dwellinghouse Polkinghorne Farmhouse are lawful for planning purposes because they have continued for at least the last 10 years.
- The application building is within the lawful curtilage of the applicant's pre-planning dwellinghouse, as confirmed e.g. the red-edged site plan approved under the 2003 applications described above.
- Section 55(2)(d) of the Town and Country Planning Act 1990 says that the use of any building existing within the curtilage of a dwellinghouse for any purpose incidental to its enjoyment does not involve a material change of use, and so is not "development" needing planning permission. Case law on this subject (notably the key High Court ruling in *Uttlesford v SoSE and White* [1992]) held that accordingly the use of such an outbuilding as a residential annexe remains in the same planning unit as the dwellinghouse, so that there is no material change of use. See the commentaries in JPL [1987] p.144 and [1992] p.171.
- As a result, the application building can now be put to any use, whether or not it is living accommodation, as long as it does not form an additional, separate planning unit to the present long-established one at Polkinghorne Farmhouse. The applicant does not intend that the application building will form any such new planning unit.
- Class E of Part 2 to Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) says that the improvement or alteration of a building standing within the curtilage of a dwellinghouse is permitted development. Under Class E.1(g), this PD right does not apply if the dwellinghouse is a listed building, as is the case here. But planning permission is required for such works only if they amount to "development" as defined in Section 55(2)(a) of the Town and Country Planning Act 1990, i.e. they materially affect the external appearance of the building. Having regard to case law on the interpretation of this term (notably *Burroughs Day v Bristol CC* [1996]), it is open to question whether or not the proposed windows and doors in the outside walls and the roof of the application building materially affect its appearance, but this "householder" application for planning permission for these external alterations is nevertheless made for the avoidance of doubt.
- The current application also seeks companion listed building consent for these external alterations. Having regard to the definition in Section 5(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the application building is not part of the listed building because it is not fixed to Polkinghorne Farmhouse nor has it stood within its curtilage since before 1 July 1948, but for the avoidance of doubt consent is also sought at this stage.

To sum up, the application building is not “curtilage” listed, there is no planning control over the kind of domestic activities this outbuilding can continue to be used for, and external alterations need planning permission only if they go so far as to affect its external appearance materially. These facts and the resulting “fall back” situation should be given weight when assessing the current companion applications.

#### Effect on the appearance and character of the site and its surroundings

- The application relates to one of three outbuildings whose erection was approved after Polkinghorne Farmhouse was listed, inferring that their construction did not harm its special architectural and historic interest or the landscape and scenic beauty of the AONB.
- The external changes to the domestic garage/store that are the subject of the current applications are small in absolute and relative terms. There will be no change to the size, height, shape or external finishes to this outbuilding and the largest proposed door and window infill an existing opening. As a result, there will be no material visual change to the listed Farmhouse, and the site will remain a single planning unit.
- The application building is well hidden from public view. It is screened from the bridleway to the north by hedgerow planting, and the proposed external alterations cannot be seen from any other public vantage points. Consequently, no appreciable change to the public appearance and domestic character of the site will arise from the proposal.
- The application therefore accords with CLP policies 12.1 and 24.2(a), MNP policy NE3 and paragraph 182 of the NPPF.

To sum up, the proposal does not harm the appearance and character of the site and its surroundings, and instead conserves the landscape and scenic beauty of the AONB.

#### Residential amenity

- Because of the minor external alterations involved, it will not be unneighbourly to Polkinghorne Farmhouse whose curtilage is large enough to ensure that ample private outside amenity space will remain for the site’s occupants.
- The alteration of the existing domestic outbuilding will not overshadow, overlook or overbear adjoining residents in Polkinghorne whose houses are some distance away, separated by tracks and screening vegetation, and which do not face the site.

To sum up, there is no objection under this issue in relation not CLP policy 12.2.

#### Highway safety

- The proposed minor works to this outbuilding will not alter the present on-site parking and turning space for Polkinghorne Farmhouse and will not attract more traffic to the site

To sum up, there is no objection under this issue in relation to CLP policy 27.

#### Heritage Impact Assessment [HIA]

##### Designated heritage asset

- The application site is a designated heritage asset because it contains a listed building and its curtilage.

- In these circumstances, paragraph 200 of the NPPF calls for an assessment of the significance of that heritage asset to a level of detail proportionate to its importance and no more than is sufficient to understand the potential impact of the proposal on its significance.

#### Significance of the heritage asset

- On 7 September 1988, Polkinghorne Farmhouse was listed as being of special architectural and historic interest with grade II status.
- The listing description says: "Farmhouse. C18. Granite rubble with granite dressings, some cob. Wheat-reed thatched roof with brick chimneys over the gable ends. Plan: probably shallow double-depth plan with 2 rooms at front; parlour, left over lower ground and larger kitchen, right, cross passage between and very shallow service rooms at rear. Exterior: 2 storeys. Nearly symmetrical 3 window south-east front with doorway slightly left of middle. Small original window openings. C20 door with thatched hood over, C19 6-pane hornless sash above, otherwise circa late C19 or C20 hornless sashes. Wider window opening to ground floor right with tripartite sash. Interior: not inspected. One of only 2 houses with thatched roofs in this parish."
- Historic OS maps dating from the 1880s and 1908 show minor changes in the "footprint" of the house at its northern end. The earlier map also shows a row of outbuildings running northwards from approximately the position of the present summerhouse but they were demolished before 1908.
- Developments approved and carried out at the site since the Farmhouse was listed in 1988 have been described above, notably the application building that dates from soon afterwards.
- Taking the documentary evidence together, the Farmhouse has significance as a designated heritage asset. But the site's planning history since 1988 infers that this does not apply to the modern outbuildings subsequently erected in its sizeable curtilage, notably the one to which these applications relate and which is not within the statutory definition of a curtilage listed building, so that in itself it has no significance as a heritage asset.

#### Effects of the proposal on the significance of the heritage asset

- The above conclusions mean that when assessing the proposal, it should be in the context that the application building has no significance as a designated heritage asset.
- In any event, for the reasons given above about the proposal's visual effects, the proposed external works do not materially change the appearance and the domestic character of the application building.
- Turning to the proposal's effects on the setting of the listed Farmhouse, the application building was approved presumably because it did not cause such harm in the light of its small scale, its separation from the house and its concealment in the landscape, in particular not forming part of any important or typical views of the listed building. The physical alterations in the current application are so minor that the same conclusions apply.
- To sum up, the application concerns a minor development which because of its siting, scale and design will have a neutral effect on the setting of the designated heritage asset of the Farmhouse.
- Cornwall Council's Historic Environment officers raised no objections to the proposed enlargement of another modern outbuilding at the site

(refs.PA24/00410 and 00411), saying that this extension will not have an adverse impact on the listed Polkinghorne Farmhouse. Their assessment supports the above view on the acceptability of the current more modest works.

#### Policy appraisal

- The statutory tests for listed building consent and planning applications affecting listed buildings are in (respectively) Sections 16(2) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requiring the decision-maker to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- This joint application satisfies these statutory tests because the alterations to the application outbuilding will preserve the setting of the listed Polkinghorne Farmhouse.
- Assessing this proposal against the guidance in Section 16 of the NPPF, paragraph 205 is satisfied because the significance of the designated heritage asset at the application site will be preserved by the proposal. Turning to paragraph 208, even if less than substantial harm in fact occurred, it will in any event be outweighed by the proposal’s public benefits that are set out below.
- As far as the Development Plan is concerned, for the same reasons CLP policy 24 and MNP policies BEH1 and BEH2 are satisfied.

#### Flood Risk Assessment [FRA]

- The Environment Agency’s flood risk map for the locality of the application site shows that it is not in or near land liable to flood, since it is not at risk from any of the possible flood mechanisms listed in paragraph 6 of the Technical Guidance on flooding (March 2012) accompanying the NPPF. It is instead in Flood Zone 1 where in principle there are no flooding objections to development.
- A FRA is needed in this case only because the site is within a Critical Drainage Area declared in May 2015 and covering Penzance and much of the surrounding countryside. The boundary of the CDA is only 300 metres north of the application site and is drawn without regard to topography and surface features, so it is open to question whether it accurately reflects the surface water situation at Polkinghorne.
- No enlargement of the “footprint” of the application building is proposed. In any event, surface water from the existing outbuilding is disposed of on-site via a soakaway.
- Consequently, there will be no extra flooding impact at the site and/or downstream as a result of this application.

To sum up, the proposal is acceptable in respect to flood risk and so satisfies CLP policy 26 and Section 14 of the NPPF and its companion Technical Guidance.

#### Green Infrastructure Statement

- The application maintains the long-established residential use of the site.
- Bearing this in mind, the relationship of the proposed annexe to the “10 pillars” in the Environmental Growth Strategy is as follows:
  - 1) The application will maintain a residential site where there are no invasive species.
  - 2) The application site is some 2 kilometres from the sea from which it is separated by the A30 trunk road and a main railway line as well as by the village

of Gulval and the surrounding countryside. The proposal has no implications on inshore waters, Marine Protected Areas or the sustainability of local fisheries.

3) The proposal maintains the residential use of the site and has no implications on natural climate solutions.

4) The proposal is in a rural group with a network of public rights of way in the vicinity. The nature and volume of traffic already generated by the site will not increase under the proposal.

5) The application will maintain the residential use of the site and so will not increase air pollution.

6) The site is not near watercourses or sources of pollution, and the proposal has no implications on clean water resources.

7) The proposal maintains the residential use of the site, and will have no implications on waste and resources.

8) The application has no implications on agriculture and sustainable food production.

9) The proposal has social benefits under paragraph 8 of the NPPF and CLP policy 1 because it helps upgrade the housing stock, thereby strengthening the local community.

10) The application has no implications on governance, leadership and community in relation to the Environmental Growth Strategy.

- To sum up, the application has no adverse implications on the "10 pillars for action" in the Environmental Growth Strategy.

### Planning balance

The three dimensions of sustainable development are set out in paragraph 8 of the NPPF and are included in CLP policy 1. The proposal has social benefits through upgrading the standard of the housing stock; economic benefits during the completion of the alterations; and a neutral environmental effect on the designated heritage asset and landscape at the site because there will be no material change to the appearance and character of this modern outbuilding.

### CONCLUSION

Under the statutory duties in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and in Sections 16(2) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, "householder" planning permission and companion listed building consent should be granted because the application accords with relevant parts of the Development Plan and other material considerations do not indicate otherwise but instead support the proposal; and because the proposal preserves the setting of the listed Polkinghorne Farmhouse.





