
Appeal Decision

Site visit made on 14 September 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 06 October 2016

Appeal Ref: APP/D0840/W/16/3150260

Killiw View, Chyreen Lane, Playing Place, Cornwall TR3 6GG

- 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 & Mrs A McGovan against the decision of Cornwall Council.
 - The application Ref PA15/06940, dated 24 July 2015, was refused by notice dated 13 November 2015.
 - The development is the change in the use of the annex permitted by PA13/06550 to a self-contained apartment.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs A McGovan against Cornwall Council. This application is the subject of a separate Decision.

Procedural Matters

3. In its decision the Council referred to Policy 7 of the emerging Cornwall Local Plan Strategic Policies 2010-2030 (the emerging CLPSP). Whilst this is not currently adopted, it has undergone Examination and then, recently, a further consultation on the resulting proposed changes, including to Policy 7, set out in the Schedule of Post-Hearing Changes for Consultation June 2016. The policy has now been incorporated, unchanged, into the Inspector's Schedule of Main Modifications, September 2016. Due to this fairly advanced stage in its emergence, and because it seems broadly consistent with the National Planning Policy Framework (the Framework), I have applied considerable weight to that Policy, having regard to paragraph 216 of the Framework. Furthermore, I am satisfied that the appellants would have had the opportunity to comment on the effect of any changes that have occurred to the policy, as these were in the public domain prior to the submission of their final comments.
 4. Policy 6G of the Carrick District Wide Local Plan (the Local Plan) supports the conversion of rural buildings to permanent residential use where attempts to secure a business use have been undertaken. Notwithstanding that the parties agree that the sequential approach is inconsistent with the Framework, the lawful use of the annex is already as part of the permanent dwelling of Killiw and so I consider that policy not to be relevant in this case.
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Main Issue

5. The main issue is whether or not the building concerned is in a suitable location for a dwelling, having regard to the principles of sustainable development.

Reasons

6. The building concerned is currently in use as holiday accommodation, laid out internally to enable independent living from the main house, Killiow View, including a bedroom, living room, kitchen and bathroom. It is also independently accessed from the road via its own driveway and parking area. The garage beneath remains for the use of the residents of Killiow View accessed from that property's separate access and drive.
7. Despite that it can be used independently, there remains connectivity between the two sites, via a low gate dividing the two driveways and the rear garden area. Furthermore, I have received no substantive evidence that its nature and relationship with Killiow View is restrictive to ancillary use.
8. Policy 6A of the Local Plan relates to proposals for residential development being acceptable within settlements, one of which is Playing Place, subject to certain criteria including that it lies within the settlement boundary and does not detract from the character of the settlement. This relates to a need, explained in the Policy's supporting text, to direct new development to locations where investment in new infrastructure and support services can be justified and to reduce the need to travel in terms of minimising traffic congestion and CO2 emissions.
9. That policy is broadly consistent with paragraph 55 of the Framework which seeks to promote sustainable development in rural areas, with housing located where it will enhance or maintain the vitality of rural communities. It goes on to say that new isolated homes in the countryside should be avoided unless there are special circumstances such as, amongst other things, where such development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
10. The new dwelling is in an isolated location with only that of Killiow View in the near vicinity. Although Playing Place is not far from the site, that settlement only has limited facilities and services including a convenience shop, post office and petrol filling station/shop. Carnon Downs, slightly further away, has a similar extent of facilities and services albeit also including a pre-school, garden centre and church. Settlements, such as Truro, with sufficient services and facilities to fully serve everyday needs of prospective occupiers, such as a full range of shops, schools, health, leisure and social facilities are still further away so as not to be within comfortable walking or cycling distance.
11. Furthermore, all of those services and facilities, even those more local ones, would only be accessed via a fairly long stretch of the quite narrow road, Chyreen Lane, running between the site and the A39, which also has fairly high, steep banks alongside it with no separate footways or street lighting. Such circumstances would be likely to discourage walking or even cycling, including use of the bus service which runs along the A39.
12. Residents of the proposed independent dwelling would therefore be likely to be highly dependent on car use for access to those facilities and services, therefore highlighting the isolated location. In respect of this issue, it therefore

remains to consider whether there would be any special circumstances in this case, having particular regard to Policy 7 of the emerging CLPSP and to paragraph 55 of the Framework which that policy is broadly consistent with.

13. It is firstly claimed that the development represents the subdivision of an existing residential dwelling on the basis that the annex effectively forms part of the single household and single planning unit of Killiow View. However, the annex is a detached ancillary building and so, although it does provide living accommodation, there would not be any physical subdivision of the host dwelling of Killiow View.
14. Secondly, whilst it may be the case, as is claimed, that the annex would otherwise be redundant if not used for the proposed purposes, that is not to say that it would remain so, especially given its remaining good connection, albeit not physically, to Killiow View. In any case, given its very good condition and quality of external decoration, I have no basis for considering that its use as independent residential accommodation has led to an enhancement to the immediate setting. Furthermore, Policy 7 states that the building to be converted should be ten years old or greater which is not the case here.
15. Additionally in respect of paragraph 55 of the Framework, I have not received any substantive evidence to demonstrate that the development would materially contribute to maintaining or enhancing the vitality of any nearby rural communities, due largely to it only being a single unit.
16. I acknowledge that the proposed dwelling would add to the supply of housing in the area but, being only one unit, that benefit would be small. It is also claimed that the proposal is analogous to a development granted planning permission at Quenchwell Road, involving the sub-division of a dwelling and annex to two dwellings. However, I do not have the full details of that case to enable me to make a proper comparison and in any case have considered this appeal on its own merits.
17. I have also had regard to the appellants' intention to continue using the annex as holiday letting accommodation, which could be secured by condition if such a specific use was deemed acceptable but general use as a dwelling was not.
18. The appellant highlights that the unit has attracted significant demand for such letting and I acknowledge that it may provide some benefit to Cornwall's economy in terms of providing accommodation to support the tourism industry and additional local spending. It would also provide employment to the appellant in terms of management and maintenance. These beneficial economic factors provide some weight in favour of holiday accommodation at the site. Furthermore, it would not be an unusual location for holiday accommodation in the context of other existing or proposed provision in the local area, including at the nearby Chygwyne Farm, albeit that I do not have the full details of the cases relating to any of those to enable a proper understanding of the planning circumstances behind them. However, in this case, the economic benefits referred to are likely to be small due to it only involving a single unit.
19. Weighed against these factors, its isolated location in respect of proximity to the nearest main settlements and the coast would, for the same reasons as for a permanent dwelling, again be likely to cause prospective occupiers to be heavily reliant on car use to reach tourist destinations and shops.

20. The likely only small economic benefits relating to the development would therefore be outweighed by the unsustainability of the location whether for a permanent dwelling or for holiday accommodation.
21. I have had regard to the claim that the Government's extension of permitted development rights for conversion of various rural buildings is a material consideration. However, the types of conversions concerned do not apply to the building under consideration and so I have applied little weight to this factor.
22. From the road the site is fairly well screened by roadside vegetation on the approaches and not seen other than from significant distances from other public vantage points. As such, any additional external paraphernalia such as cars and garden furniture or play equipment would be unlikely to materially harm the existing character and appearance of the site or the surrounding countryside. However, this factor does not lessen the unacceptable harm that I have found would be, or is, caused by the unsustainability of the location for an independent permanent dwelling or holiday accommodation unit.
23. For the above reasons, the building concerned is not in a suitable location for a dwelling, whether permanent or used as holiday letting accommodation, having regard to the principles of sustainable development. As such, in respect of this issue, it would be contrary to Policy 6A of the Local Plan, Policy 7 of the emerging CLPSP, and paragraph 55 of the Framework.

Conclusion

24. Paragraph 14 of the Framework sets out that there should be a presumption in favour of sustainable development. The Framework indicates that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
25. For the reasons given above, I conclude that the proposal would not amount to a sustainable form of development and that the appeal should be dismissed.

Andrew Dawe

INSPECTOR