

Appeal Decision

Site visit made on 15 November 2016

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 05 December 2016

Appeal Ref: APP/D0840/W/16/3155082

The Retreat, Road from junction south of Polglaze Farm to Pol-Tec Lane, Lanteglos Highway, PL23 1ND.

- 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 Ms Pat Trussell against the decision of Cornwall Council.
 - The application Ref PA15/08683, dated 9 September 2015, was refused by notice dated 2 February 2016.
 - The development proposed is change of use of building from single dwelling to two dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of building from single dwelling to two dwellings at The Retreat, Road from junction south of Polglaze Farm to Pol-Tec Lane, Lanteglos Highway, PL23 1ND in accordance with the terms of the application, Ref PA15/08683, dated 9 September 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Ground Floor Plan, First Floor Plan, Gallery Floor Level Plan.

Application for costs

2. An application for costs was made by Ms Pat Trussell against Cornwall Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Cornwall Local Plan was formally adopted during the course of the appeal process. This supersedes the Caradon Local Plan First Alteration which no longer forms part of the development plan for the area. I have therefore determined this appeal in accordance with the Cornwall Local Plan.

Main Issues

4. The main issues in this case are:
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 - whether the site provides a sustainable location for the development.
 - the effect of the proposal on the living conditions of future occupiers having particular regard to outlook, daylight, noise and amenity space.
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Reasons

Whether a sustainable location

6. The appeal concerns a former Methodist Chapel and Sunday School building. Part of the building contains a ground floor workshop, although this was not in use at the time of my site visit. The remainder of the building is occupied as a single five bedroom dwelling, with the residential use being legally established by virtue of a Certificate of Lawfulness¹. It is now proposed to divide the property into two separate residential units, thereby resulting in a net increase of one dwelling.
7. Lanteglos Highway is a small hamlet surrounded by open countryside. I have not been informed of any local shops or services within convenient walking or cycling distance of the site. Furthermore, information provided by the Council indicates that the area is poorly served by public transport. It is therefore likely that future occupiers of the additional dwelling would be reliant on private vehicles in order to meet their everyday needs, such as access to shops, services, employment or education. I appreciate that reliance on private vehicles may be necessary in some rural locations such as this, particularly to access higher order services. Nonetheless, an additional dwelling in this area would only exacerbate the level of reliance. Hence, the proposal would contribute to a dispersed pattern of development that would cause environmental harm as a result of increased vehicle emissions.
8. For these reasons, the former development plan strictly controlled new housing in the open countryside. As such, I agree with Council's assessment that the appeal proposal does not conform with the policies of the former plan. However, Policy 7 of the recently adopted Cornwall Local Plan (the Local Plan) takes a more permissive approach. This allows the subdivision of existing dwellings in the countryside in order to help provide housing in locations where such development would not otherwise be appropriate. Hence, the appeal proposal would comply with Policy 7 in this respect. Considering this forms part of the housing distribution strategy within the new Local Plan, I give substantial weight to the social benefits of the proposal in terms of its contribution to housing supply.
9. The National Planning Policy Framework (the Framework) indicates that the purpose of the planning system is to achieve sustainable development, of which there are three dimensions; environmental, social and economic. I have found that the proposal lodge would cause environmental harm by creating a new residential unit in a relatively inaccessible location. However, the proposal would contribute to housing supply in a manner that is supported by the strategic policies of the updated development plan. In my assessment of the appeal proposal, the social benefits of the additional dwelling would outweigh the environmental harm that I have identified. It would therefore represent a sustainable form of development.
10. I therefore conclude on this issue that the site would provide a sustainable location for the proposed development. It would be in accordance with Policy 7 of the Cornwall Local Plan which allows the subdivision of existing dwellings within the countryside.

¹ Council Ref: PA14/05346

Living conditions

11. The existing five bedroom dwelling would be divided into a two bedroom dwelling and a larger three bedroom dwelling. Turning firstly to the proposed two bedroom dwelling, the downstairs kitchen and living room would receive adequate daylight from the existing window and this would also provide an acceptable outlook. Similarly, the larger upstairs bedroom would have a window benefiting from open views of the countryside. Whilst the bathroom and smaller bedroom are only served by skylights, the dwelling as a whole would provide adequate levels of natural light and outlook.
12. With regard to the proposed three bedroom dwelling, I note that the first floor living area would be especially light and spacious, benefitting from the large arched windows along the frontage of the building. The largest bedroom would have a conventional window with an open outlook, even though the ensuite bathroom would have no windows. I recognise that that the other bathrooms would also have no windows and the smaller bedrooms would only receive daylight through skylights. However, in my assessment of the property, these rooms did not appear unacceptably gloomy or enclosed. Similarly, although the upstairs kitchen and dining room would only be served by skylights, the room is relatively spacious with a good level of natural light entering. Taking into account the particularly open and spacious main living area, the property would provide a good standard of accommodation overall.
13. Neither of the proposed dwellings would benefit from a good standard of private outdoor space. The two bedroom dwelling would have a very small courtyard to the front of the property whereas the three bedroom dwelling would have no private outdoor space whatsoever. I agree that such an arrangement would normally be unacceptable. In this case, I am particularly mindful of the Council's point that the lack of amenity space could force children to play on the road outside the property.
14. Nonetheless, the existing situation is a five-bedroom dwelling with very limited private outdoor space. In my view, there is a greater likelihood of families with children occupying a five-bedroom dwelling and hence a greater risk of these children playing in the road. The effect of creating two separate dwellings would certainly not eliminate this risk, but I consider that there is a greater potential for smaller units to be occupied by householders who do not have children. As such, I consider that the appeal proposal would potentially create safer living conditions for future occupiers, even though the level of private outdoor space would fall below the standards that would otherwise be preferable in these circumstances.
15. The appellant states that the workshop is redundant and I note the proposed drawings show it as "storage" and "wet work area". Notwithstanding this, I recognise that the workshop could potentially generate noise and disturbance if it were ever to be used again in the future. However, even in the event of this appeal being dismissed, the existing situation is one of a workshop use next to a residential use. The appeal proposal would not alter this situation.
16. I therefore conclude that the proposal would have an acceptable effect on the living conditions of future occupiers. When compared against the existing situation, the proposed development would accord with the overall aims of paragraph 17 of the Framework which seeks a good standard of amenity for current and future occupiers of buildings.

Conclusion

17. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed. In the interests of clarity, standard conditions have been imposed requiring that the development is carried out in accordance with the plans and within a time limit.

Colin Cresswell

INSPECTOR