
Appeal Decision

Site visit made on 25 July 2017

by C Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 14 August 2017

Appeal Ref: APP/D0840/W/17/3174232

Cogdat Cottage, Road From Bosoughan to Mountjoy, Mountjoy, Newquay TR8 4LN

- 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 Miller against the decision of Cornwall Council.
 - The application Ref PA16/09815, dated 19 October 2016, was refused by notice dated 20 March 2017.
 - The development proposed is described as "change of use and convert the existing garage/store building into a dwelling".
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Decision

1. The appeal is allowed and planning permission is granted for a proposal described as "change of use and convert the existing garage/store building into a dwelling" at Cogdat Cottage, Road From Bosoughan to Mountjoy, Mountjoy, Newquay TR8 4LN in accordance with the terms of the application, Ref PA16/09815, dated 19 October 2016, subject to the conditions set out in the Schedule at the end of this decision.

Main Issues

2. The main issues in this case are:
 - whether the site would provide a suitable location for the proposed development, having particular regard to the provisions of local and national planning policies.
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

3. The appeal relates to a recently constructed garage and storage building associated with Cogdat Cottage. It is proposed to convert the building into a three bedroom dwelling. An area for vehicles to park would be retained at the front of the property and there would be a small garden situated at the rear. The Council's reason for refusal cites conflict with Policies 1 and 7 of the Cornwall Local Plan (the Local Plan).
4. Policy 7 states that new homes in the open countryside will only be permitted where there are special circumstances. The proposal does not reflect any of the special circumstances listed in the policy. Although the conversion of

redundant buildings is supported, this only applies to buildings which are at least 10 years old, which is not the case in this instance. The supporting text in paragraph 2.36 states that this is in order to avoid deliberate circumvention of policies designed to limit new housing in the countryside.

5. Nevertheless, the appellant argues that the site is within an established settlement and is therefore not part of the open countryside where Policy 7 applies. According to paragraph 2.33 of the Local Plan supporting text, open countryside is defined as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape).
6. During the course of my site visit I saw that there are a number of other properties in close quarters to the appeal site. These form two main clusters of development to the north of the A392. Although there is a gap between each cluster of development, they are unmistakably part of the same grouping. While some of the housing is of a low density, the properties are aligned in a relatively tight knit fashion close to the road rather than being loosely dispersed. As such, it constitutes a built up area with a reasonably clear form and shape, visually distinct from the surrounding agricultural land. I also note the presence of a post box, bus stop and street lighting which give further weight to my assessment that that it is a small rural settlement rather than a low density straggle of dwellings as referred to by the Council.
7. The appeal building is within the existing curtilage of Cogdat Cottage and is close to both that property and Mountjoy House. Given that it is positioned relatively near the street frontage, with its rear elevation being in general alignment with Mountjoy House, it can be said to be well integrated within the cluster of development that forms the settlement. As such, the appeal building is not part of the open countryside where the provisions of Policy 7 apply. Hence, the proposal does not conflict with that policy.
8. However, the Council argue that the site is inaccessible and draw my attention to paragraph 7 of the National Planning Policy Framework (the Framework) which outlines the economic, social and environmental dimensions of sustainable development. These are closely associated with the core principles of the Framework set out in paragraph 17, including the core principles of managing patterns of growth to make the fullest possible use of public transport, walking and cycling; and focusing significant development in locations which are or can be made sustainable.
9. There are no shops or services in proximity to the appeal site. I understand that the nearest convenience shop is in Quintrell Downs with higher order services available in Newquay. Considering the speed of traffic using the A392, these places are not easily accessible by foot and nor is it a particularly safe or attractive route for cyclists. There is, however, an hourly bus service to Newquay during weekdays and I agree with the findings Inspector in the previous appeal¹ that this provides a viable alternative for reaching services by means other than private vehicle. Nonetheless, even though the appeal site is not entirely isolated in the context of paragraph 55 of the Framework, it is not a highly accessible location. Despite the existence of bus services, I accept that future occupiers would most likely look to using private vehicles to make the (relatively short) drive to Newquay or beyond.

¹ Appeal Decision: APP/D0840/W/15/3140741

10. The Local Plan supporting text indicates in paragraph 2.33 that the plan seeks to ensure that development occurs in the most sustainable locations in order to protect the countryside from inappropriate development. It is made clear that the majority of development will be provided in settlements with a range of facilities. However, it is also recognised that there may also be a need for some housing in rural areas and paragraph 2.32 states that it is important that these rural areas can continue to thrive both economically and socially. Therefore, whilst the location of the proposed dwelling would lead to a moderate degree of environmental harm, there would also be potential contributions to the social and economic dimensions of sustainability. Although I note that Policy 3 establishes a mechanism for determining the acceptability of potential housing sites within smaller settlements, the Council do not cite conflict with this policy within their reasons for refusal.
11. Policy 1 of the Local Plan refers to the presumption in favour of sustainable development. This states that planning applications that accord with the policies in the development plan will be regarded as sustainable and be approved. I have already established that there would be no conflict with Policy 7 which is the only other development plan policy referred to in the Council's decision notice. For the reasons outlined above, the evidence presented in this appeal does not make a convincing case that the proposal would represent an unsustainable form of development.
12. Based on the evidence before me, I therefore conclude on this issue that the site would provide a suitable location for the proposed development. There would be no conflict with Policies 1 and 7 of the Local Plan.

Character and appearance

13. The reason for refusal alleges that the site represents a visually prominent extension of residential development into the countryside. However, the building is already in existence and although some external alterations are being proposed, the visual impact from the street would be limited. Although Cogdat Cottage is a Grade II listed building, there is little before me to suggest that the proposal would harm its setting.
14. Furthermore, the building already has a somewhat domesticated appearance by virtue of its current use as a garage and store. An interested party points out that the rear garden extends the residential curtilage further out into the countryside. However, the garden would be modest in size, would not extend further to the rear than the garden of the neighbouring dwelling. Nor would it have a particularly significant visual impact due to its openness.
15. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area.

Other matters

16. The garage is currently used by the occupiers of Cogdat Cottage and its loss would lead to a reduction in parking space as well as creating demand for additional parking. I recognise that there are limited opportunities for on street parking in the vicinity of the appeal site. However, the plans show that a single off street parking can be provided for both the existing and proposed dwelling, which I consider to be proportionate to the size of these households.

17. Having regard to the plans and the orientation of adjacent properties, I concur with the conclusions of the officer's report that the proposal would not lead to a harmful loss of privacy for neighbouring occupiers.

Conclusion and Conditions

18. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.
19. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. To protect highway safety, there is a condition to ensure that the parking spaces are used for the purposes intended. In the interests of maintaining acceptable standards of residential amenity, there is also a condition which removes certain permitted development rights.

C Cresswell

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: CC1A, CC2A, CC3A and CC4B.
- 3) The parking, turning and access areas shown on the approved plan shall be used for no other purposes than as approved.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, C, D, E and F of Part 1 and Classes A and C of Part 2 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 a dwellinghouse;
 - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof;
 - Any other alterations to the roof of a dwellinghouse;
 - The erection or construction of a porch outside any external door of a 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.