



Appeal Decision

Site visit made on 21 November 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 1st December 2017.

Appeal Ref: APP/D0840/W/17/3180991

Starhyskys, Coombe, St Austell, Cornwall PL26 7LU

- 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 Gary Thomas against the decision of Cornwall Council.
 - The application Ref PA16/10632, dated 7 November 2016, was refused by notice dated 11 July 2017.
 - The development proposed is described as "to regularise work that has been carried out on site to include upper/loft storage, velux windows in roof, chimney & wooden link corridor".
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Decision

1. The appeal is allowed and planning permission is granted for upper/loft storage, velux windows in roof, chimney & wooden link corridor at Starhyskys, Coombe, St Austell, Cornwall PL26 7LU in accordance with the terms of the application, Ref PA16/10632, dated 7 November 2016, and the plans submitted with it, subject to the following condition:
 - 1) The building hereby permitted shall be used for storage ancillary to the residential use on site only and shall not be used as independent residential accommodation.

Main Issues

2. The main issues in this appeal are whether the development is tantamount to the creation of a new isolated dwelling in the countryside and the effect of the development on the character and appearance of the area.

Reasons

Creation of a new dwelling

3. In 2012 planning permission was granted for the residential use of the site. This included the stationing of one mobile home, one touring caravan, and the provision of a utility day room. That permission was subject to conditions limiting the number of caravans to a maximum of two, only one of which can be a mobile home. The day room is subject to a restriction that it can only be used for purposes ancillary to the residential use of the caravans and not used as an independent unit of accommodation. In 2015 planning permission was granted for a garage/storage building and this was subject to a condition limiting the building to storage ancillary to the residential use of the site, which could include storing the single touring caravan permitted as part of the 2012 permission.
4. The 2015 permission has not been implemented in accordance with the approved plans. It has been built to a different design, and it is taller than the

approved building. It also incorporates a first floor with roof lights to serve this area and it has been linked to the day room with a flat roofed corridor structure. A chimney has also been constructed which protrudes from the side of the building.

5. Irrespective of the 2015 permission, or the erection of the appeal building, the conditions that govern the use of the site imposed by the 2012 permission remain in force. Only two caravans can be stationed on the site and the day room can only be used for purposes ancillary to the residential use of the site; it cannot be a separate dwelling.
6. The condition imposed on the 2015 permission limited the use of the garage to storage, which could include a vehicle or caravan but it was not limited to this type of storage. The appeal building does not contain any garage doors so it cannot be used for storing vehicles. However it can be used for other storage purposes and this is no different to the purposes the approved garage could have been put to. The building is taller and a first floor has been added which utilises the roof space. This is not an uncommon feature of ancillary buildings on residential sites. The foot print of the building is similar to the approved garage with the link corridor being only a modest structure.
7. Taking the structures together, these are not excessive to provide for the utility services reasonably found in a day room and domestic storage. Given the purpose of the day room it will contain a number of facilities that are associated with normal day-to-day living. The appeal building has been constructed to a higher standard than is the case for some simple storage buildings, with double glazing, insulation and electrical fittings. However it is not abnormal that ancillary buildings at residential properties are constructed to this standard, nor is the use of windows with a domestic appearance.
8. With the conditions governing the use of the site and the day room along with a condition limiting the appeal building to ancillary storage purposes the structures could not be occupied as a separate dwelling. I accept that a chimney and television aerial are not usually found on a storage building; however, in itself, this does not undermine the controls that can be put in place by conditions.
9. The Council has drawn attention to a diagram of day rooms that is contained within the *Designing Gypsy and Traveller Sites Good Practice Guide* and indicative dimensions within the Council's *Gypsy and Travelling Community Strategy*. The purpose of those documents is not intended to set any form of maximum dimensions for a day room. In any event, with the condition suggested by the Council, the appeal building would be for storage purposes and not an extension to the day room.
10. The proposal does not relate to new Traveller site development in the open countryside as it relates to the erection of an ancillary building on an existing site. It therefore does not contravene the first part of Paragraph 25 of the *Planning Policy for Traveller Sites*. This also requires that sites do not dominate the nearest settled community. An ancillary building which is only a little taller and a little larger than the approved building would not do so. For the same reasons there would also be no conflict with Policy 11 of the *Cornwall Local Plan Strategy Policies* (the LP).

11. The appellant has previously sought the removal of conditions attached to the 2012 permission. However that application was withdrawn and the submission of it, or the reasons the appellant sought to remove the conditions, does not alter the substantive planning merits of this appeal.
12. I therefore conclude that the building would not be tantamount to the creation of a new isolated dwelling in the countryside. Rather it is a reasonable development of the existing residential use. There is no conflict with Policies 1, 2, 3, 7, 12, 21, or 23 of the LP or paragraph 55 of *the National Planning Policy Framework*. These seek to approve planning permission for sustainable development, focus the provision of new homes in accordance with the settlement strategy and avoid the creation of new isolated dwellings in the countryside and ensure the design and scale of new development is in keeping with the character of the area.

Character and appearance

13. The appeal site is located in a rural area where there are a number of residential, and some agricultural, buildings in the immediate vicinity. The appeal site has a residential use and, with its mobile home, the day room, the site access and parking area, it has a distinctly residential character. Hedging surrounds much of the site, but it does not fully screen it from public view. The mobile home, buildings, and the general residential character of the site are apparent from the nearby roads.
14. The appeal building is taller than the day room; however it is still a modest single storey structure. It has a domestic appearance and uses materials that are similar to other buildings in the area. When combined with the day room and link corridor, these structures are significantly greater in scale than the mobile home however they are not out of keeping with the residential character of the site or the other nearby residential properties. Taken together the structures only occupy a modest portion of the site. Cumulatively the appeal development has not resulted in a harmfully intensive use of the site or undue domestication.
15. I note the Council's concern that, in some cases, bungalows on the edge of settlements can result in the deterioration in its character. However, in this case the building is a modest structure in keeping with the residential character of the site.
16. I therefore conclude that the development has not resulted in harm to the character or appearance of the area. There is no conflict with the design and landscape aims of Policies 1, 2, 3, 12, 21 or 23 of the LP.

Conditions

17. I have imposed a condition to limit the use of the building to ancillary storage as this provides certainty. Conditions requiring that the development commences within the next three years or that it is carried out in accordance with the plans are not necessary given the works have already taken place.

Conclusion

18. The development accords with the development plan when it is considered as a whole, and it follows that the development meets the economic, social and environmental roles of sustainable development.

19. I have taken account of the fact that the development was carried out without consent and so it was unauthorised. It appears that the appellant was aware that it did not accord with the plans approved as part of the 2015 permission. I do give this matter moderate weight, however it does not outweigh the general accordance with the development plan.
20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

K Taylor

INSPECTOR