The Planning Inspectorate

Appeal Decision

Site visit made on 6 October 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/D0840/W/20/3253726
Myrtle Cottage, Road From Quakers Road To Trewedna Lane, Trewedna Water, Perranwell Station TR3 7PH

- 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 R Henderson against the decision of Cornwall Council.
- The application Ref PA19/06797, dated 2 August 2019, was refused by notice dated 6 December 2019.
- The development proposed is the conversion of garage and workshop to residential dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
   - whether the location of the development would be supported by the development plan, with particular respect to access to services and facilities, and
   - the effect of the development on the character and appearance of the area.

Reasons

Location of the development

3. There is a scattering of dwellings, farm buildings and the large abattoir site in the general vicinity of Myrtle Cottage. However, the area has a generally rural feel with the open fields, hedgerows and hedgerow trees, and small copses of woodland forming its predominant character. The sporadic nature of development in the surrounding area means that the site falls within the countryside rather than within the settlement of Frogpool or any hamlet.

4. Frogpool has some limited services and facilities, including a church, public house and Primary School. There are some links by public transport to the wider area. The road that links Myrtle Cottage to the village is reasonably narrow in places and has no footway or street lighting. While some residents of the site may walk or cycle at times, I consider that the distance and nature of the road would mean that, in all likelihood, many occupiers of the site would be reliant on the private vehicle to access the village. Furthermore, because of the reasonably limited range of services and facilities at Frogpool, and the distance to the bus stop, it is likely that private vehicles would be used to access the

wider range of services, facilities and employment opportunities that are likely to be found in the larger settlements. This is, notwithstanding, the ability for home shopping and other deliveries.

5. Consequently in such circumstances, the additional dwelling on the site would not comply with the National Planning Policy Framework (the Framework) policy to actively manage patterns of growth to support opportunities to promote walking, cycling and public transport use. Furthermore, and with the location of the site in countryside away from the village, the proposal would not meet the Framework policy to promote sustainable development in rural areas, with housing located where it would enhance or maintain the vitality of village communities.

6. As the site would not be located within or adjoining a settlement, the proposal would not comply with Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) and the associated strategic approach to the location of new housing across the plan area. However, Policy 7 of the Local Plan sets out the special circumstances when the provision of new housing in the countryside may be acceptable. The criteria are similar to the policy approach in paragraph 79 of the Framework.

7. In this case, the proposal would not subdivide the existing dwelling on the site but convert and extend an ancillary outbuilding. In this way, the proposal would not comply with criterion 2 of Policy 7 of the Local Plan or paragraph 79 d) of the Framework. This interpretation of national policy is supported by the judgement in *Wiltshire Council v SSHCLG & Mr W. Howse [2020] EWHC 954 (Admin).* In that case, the court established that the subdivision of an existing residential dwelling within paragraph 79 d) should be taken to mean the dwelling as one physical building rather than a wider residential unit encompassing other buildings. The court concluded that allowing the sub-division of residential units by allowing separate buildings to become separate dwellings is beyond the limited exception allowed for in national policy.

8. I give limited weight to the potential fallback position of sub-dividing the existing dwelling on the basis that there is no planning permission in place and, on the evidence before me, uncertainty that the creation of two dwellings in the way suggested would provide workable and deliverable units.

9. The case is also advanced on the basis that the development would re-use redundant or disused buildings and enhance its immediate setting as provided by paragraph 79 c) of the Framework. Criterion 3 of Policy 7 of the Local Plan has similar but more detailed requirements in this respect. Even if it was accepted that the timber clad section of the existing outbuilding was redundant, then for the reasons explained in the next section, the scheme would not comply with this policy allowance for a new dwelling as the proposal detracts from the immediate setting. This is setting aside that the first floor extension may take the scheme beyond a reuse of a building.

10. The site may fall to be considered as previously developed land because the outbuilding lies within the curtilage of a dwelling outside a built-up area. However, as the site is not sustainably located, for the reasons explained above, the proposal would not comply with Policy 21 of the Local Plan.

11. The Gwennap Parish Neighbourhood Development Plan 2019-2030 (the NDP) has been brought into force and now forms part of the development plan for

the area. The site falls outside the NDP development boundary of Frogpool. The proposal would not meet with the requirements of Policy H3 of the NDP because the proposal, amongst other things, is not for a mixed use and, as explained later, there would be landscape harm. Policy H4 of the NDP would not be met because the proposal would not contribute positively to local character.

12. In the light of the above analysis, I conclude that the location of the development would not be supported by the development plan, and in particular, occupants of the proposed dwelling would not have, in all likelihood, access to a reasonable range of services on many occasions other than by the private vehicle. Consequently, the scheme would conflict with Policies 1, 3, 7 and 21 of the Local Plan, Policies H3 and H4 of the NDP and the Framework which seek, amongst other things, that new dwellings in the open countryside will only be permitted where there are special circumstances.

Character and appearance

13. The existing double garage with its reasonably steeply pitched roof is fairly apparent close to the road junction. In particular, because of the curve in the road, the garage is in direct line of sight when approaching the site from Frogpool. The garage is also on an elevated part of the site, with the other parts of the garden and house stepped further down the slope. The timber clad section of the building is less visible because of its position, partial screening by the hedge and flat roof.

14. The proposal would raise the roof of the garage building, and with first floor windows front and back, the resulting structure would be clearly discernible as a two storey building. Visually the present ancillary appearance of the outbuilding would be replaced by a more dominant and conspicuous structure. From the side road leading from Frogpool, the increased eaves height would make part of the side wall a prominent feature above the hedge and the overall height and positioning, of what would become a quite bulky building close to the road boundary, would lead to an intrusive and overbearing impact from this public vantage point.

15. Within the section of road in front of Myrtle Cottage itself, the height and bulk of the extended building would make it prominent. It would appear as an incongruous addition at odds with the other structures further down the slope of the site. As a consequence, in these views, the appearance of the extended building would have an unsympathetic and overbearing impact and would fail to integrate successfully within the site and the rural surroundings.

16. Taking all these matters together, the proposal would alter and extend the outbuilding making it unduly dominant from the adjoining roads and harmful to the rural character of the area. The immediate setting to the building and the visual appearance of the site would be harmed. In coming to this judgement, I have taken into account the character of buildings in the surroundings, including the sizeable abattoir buildings to the north. However, the Myrtle Cottage site is appreciated in its rural context from the adjoining roads, and while the abattoir buildings are reasonably close by they are not generally seen in the same and immediate visual context.

17. I also note that it is explained that the scheme does not need to rely on the upward extension, nevertheless, as the increased height is part of the proposal I have considered the scheme accordingly.

18. As a consequence, I conclude that the proposal would harm the character and appearance of the area conflicting with policies 12 and 23 of the Local Plan, policies GQD1, GQD2, and LL4 of the NDP and the Framework which seek, notably, that development proposals sustain local distinctiveness and character.

Other Matters

19. The proposal would make efficient use of previously developed land and would provide a boost to housing supply on a windfall site. There would be social and economic benefits to the local economy during construction and in subsequent occupation. The site has sufficient and separate car parking and garden areas for both dwellings to function effectively and the proposal would not affect the amenities of any adjoining properties. The Parish Council raise no objection and there is support from some local residents.

20. I note the suggested benefits of a further detached property to the housing stock and that this dwelling may be more beneficial to occupy than a semi-detached property in terms of providing more resilient accommodation during the present and any future pandemics. Taking all these positive matters into account, as only a single unit of accommodation would be provided, cumulatively the benefits afford limited weight.

21. Examples of other development proposals have been referred to in the Design and Access Statement and in the Appeal Statement[1]. It is argued they include examples of upward extensions to rural buildings which are comparable with the present scheme and provide a further justification for approval. I have taken these examples into account, although it seems to me on the information available that each site is likely to have its own specific circumstances, including relationship to adjoining properties, planning history and location such that there would be a different balance of planning considerations in each case. I have considered the present scheme based on its merits, applying the relevant planning policies in the light of the circumstances of the case and the location. Accordingly, I attribute these other cases limited weight in the overall analysis.

22. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 and to the evidence regarding the appellant's circumstances and how the appeal development might assist in this regard. Notwithstanding these important considerations, it does not follow from the PSED that the appeal should succeed. Dismissing the appeal would mean that the appellant may have to consider other options for meeting their accommodation/living needs. There is no evidence before me to demonstrate the appeal development is the only means by which such needs may be met. Accordingly, dismissing the appeal would be a proportionate response given the identified harm.

[1] Including the case of PA19/09725 – Great Brightor, St Kew (Conversion of stables/agricultural store to form residential dwelling).

Conclusion

23. The benefits of the scheme afford limited weight. However, the proposal would not meet with development plan and Framework strategy for the location of rural housing and the scheme would harm the character and appearance of the area. This harm weighs substantially against the scheme and would not be outweighed by the benefits.

24. It therefore follows that the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR