



Appeal Decision

Site Visit made on 25 January 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/D0840/W/20/3261215

Skyburriowe Mill Cottage, Garras, Helston TR12 6LP

- 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 David Taylor against the decision of Cornwall Council.
 - The application Ref PA20/04713, dated 9 June 2020, was refused by notice dated 25 September 2020.
 - The development proposed is conversion of an existing residential outbuilding to form 1 bed annexe accommodation with garden room.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of an existing residential outbuilding to form 1 bed annexe accommodation with garden room at Skyburriowe Mill Cottage, Garras, Helston TR12 6LP in accordance with the terms of the application, Ref PA20/04713, dated 9 June 2020, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issue

2. The effect of the development on the character and appearance of the building, its relationship with the host dwelling, and the resultant impact on the Cornwall Area of Outstanding Natural Beauty (the AONB).

Reasons

3. The appeal site lies in a rural location, approximately 6 kilometres to the southeast of Helston. The proposal relates to a building within the residential curtilage of Skyburriowe Mill Cottage, which is accessed by a private drive that also serves four other dwellings. The group of buildings is situated in a sheltered wooded valley in open countryside.
4. The appeal building is single storey, and of stone construction, with a shallow mono-pitched corrugated sheet roof. Although the evidence suggests that it was, historically, a mill building, it now has the character of a utilitarian domestic outbuilding. It is somewhat detached from the cluster of houses, and is positioned between the base of a steep wooded slope and a tree-lined stream. It is, therefore in a secluded location that is not prominent from public viewpoints.
5. The proposal involves the adaptation of the building, including a modest extension to its footprint, and the provision of a new first floor under a ridged roof. The ground floor would be used as an additional bedroom, with an ensuite shower room, and the first floor would be a garden room with a balcony.

6. The Council's statement refers to the unsuitability of the site for a new dwelling, when considered against the settlement strategy set out in Policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (Adopted November 2016) (the Local Plan). It also contends that the proposed degree of extension and alteration of the building would go beyond what would be considered a conversion under Policy 7 of the Local Plan. However, Policy 7 relates, specifically, to the development of new homes in the countryside. The proposal would not provide a new home, as it is for accommodation that would be ancillary to the existing dwelling. The settlement strategy and countryside protection policies of the Local Plan do not, therefore, place an in-principle restriction on the development.
7. The Local Plan does not contain any specific policies relating to the provision of ancillary accommodation within the curtilage of an existing dwelling. However, my attention has been drawn to the Council's Annex Guidance Note (the AGN). Although not part of the development plan, it sets out the criteria that the Council will consider when determining whether a proposed annexe would be tantamount to an independent dwelling. The building is within the curtilage of the dwelling and in the same ownership. No subdivision of the garden is proposed, and occupants would be reliant on kitchen facilities within the main house. The proposal would, therefore, satisfy criteria a, b, c, and e of the AGN.
8. Criterion d of the AGN advises that, in the countryside, annexes should be a physical extension to the principal dwelling wherever possible; clear justification must be provided to demonstrate why the annexe needs to be within a separate building. In this instance, there is the opportunity to reuse an existing historic building, of substantial stone construction. This would be a more sustainable option, which provides the necessary justification for not constructing the accommodation as an extension to the dwelling. Consequently, the proposal would not conflict with the advice in the AGN. The adaptation and extension of the building to provide ancillary accommodation would, therefore, be acceptable in principle.
9. Criterion 6 of the AGN says that, as a guide, annexes should not exceed 50% of the footprint of the existing dwelling. The proposal complies with this advice. My attention has not been drawn to any other policies requiring domestic outbuildings to appear subservient to the host. Nevertheless, the proposals only involve a small increase in the eaves height of the building, and the ridge would be limited to about two metres higher than the existing structure. The increase to its footprint would be minimal. Consequently, it would still be much smaller than the main house, and it would not contain all the facilities necessary for daily living. It would, therefore, be subservient in scale and function to the existing dwelling.
10. The appeal site lies in the Lizard sub-area of the South Coast Western section of the AONB. The character of this section is described as comprising of tall cliffs and small coves, backed by a wild and open plateau, emphasised by a lack of tree cover, except for the sheltered valleys and coves which are characterised by trees. The contribution that the site makes to the AONB is, therefore, as part of one of these sheltered wooded valleys. Paragraph 172 of the National Planning Policy Framework (the Framework) says great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.

11. Being situated at the floor of a wooded valley, the existing building is not a prominent feature in the AONB landscape. It is only visible from outside the site from a very limited area, including a short stretch of the private drive leading to the site; the rear gardens and windows of the houses to the west; and the field to the north, which slopes steeply up from the site. The modest increase in the height of the building would not make it significantly more prominent from these viewpoints, or result in it being visible from a wider area. The visual impact of the proposal would therefore be confined to a very restricted area.
12. The proposed external materials would be of a high quality, and appropriate for this countryside location. The vertical timber boarding on the proposed extensions would contrast with the existing stone, allowing the original form of the building to be discerned. As a result, the overall structure would have the appearance of a converted building, rooted in its rural setting. Consequently, even from the very localised viewpoints from which it would be visible, the proposal would conserve the character of the building and its surroundings.
13. The land around the building is already in use as the garden of the host dwelling, with parked cars and other domestic paraphernalia. The use of the converted building for ancillary residential purposes would not, therefore, result in any change to the character of its surroundings. Furthermore, the proposal would not involve the loss of any trees, so the contribution that the site makes to the general wooded appearance of this part of the AONB would remain unharmed.
14. Overall, I have found that the development would not have a harmful impact on the character and appearance of the building, which would retain a subservient relationship with the host dwelling. Furthermore, the proposals would not harm the contribution that the site makes to the landscape character of this part of the AONB. The proposal would therefore accord with Policies 1, 2, 12 and 23 of the Local Plan, and Policy MD9 of the Cornwall AONB Management Plan 2011 – 2016. Taken together, these policies seek to ensure that development conserves the landscape character and beauty of the AONB, and is of high-quality design that appropriately responds to its landscape setting. The proposal would also meet the Framework's aims of achieving well-designed places and protecting and enhancing valued landscapes.

Other Matters

15. The future use of the building has been raised in representations. In particular, the possibility of installing a kitchen, so that the building could become self-contained. However, the permission granted by my decision is for annexe accommodation associated with the existing house, so a further planning permission would be required for it to be used as a separate dwelling.
16. The issue of overlooking of the nearest dwellings has also been raised. However, the proposed windows looking towards the dwellings to the west would be very small, and would be at such a distance, that there would be no loss of privacy to existing residents.

Conditions

17. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a

condition specifying the relevant plans, as this provides certainty. To ensure that the development is in keeping with its rural surroundings, I have imposed a condition requiring details of the external materials to be approved.

18. In view of the location of the site in the countryside, where new homes would not normally be permitted, I have also imposed a condition limiting the use of the building to purposes ancillary to the main dwelling on the site.

Conclusion

19. For the reasons given, I conclude that the appeal should succeed.

Nick Davies

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: MR 384/001 Revision A2.1 (Location & Block Plan); MR 384/002 Revision A1.4 (Existing Plans); MR 384/011 Revision A2.1 (Proposed Block and Roof Plan: Garden Annexe Building); MR 384/012 Revision A2.1 (Proposed Section); MR 384/014 Revision A2.1 (Proposed Plans & Elevations: Garden Annexe Building).
- 3) Prior to their first installation, details / samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Skyburriowe Mill Cottage.