
Appeal Decision

Site visit made on 30 November 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/D0840/W/21/3279963

47 Laflouder Fields, Mullion TR12 7EJ

- 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 D Reid against the decision of Cornwall Council.
 - The application Ref PA21/01794, dated 19 February 2021, was refused by notice dated 6 July 2021.
 - The development proposed is change of use from office to ancillary accommodation and occasional holiday let.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use from office to ancillary accommodation and occasional holiday let at 47 Laflouder Fields, Mullion TR12 7EJ in accordance with the terms of the application, Ref PA21/01794, dated 19 February 2021, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect on the living conditions of neighbouring residents with regard to noise and disturbance.

Reasons

3. The appeal relates to a building situated at the end of the garden of No.47 Laflouder Fields, away from the main house. It is close to the boundary with other residential gardens and would provide an outdoor garden space of its own. The surrounding residential area is relatively quiet, and the back gardens have a peaceful, suburban character. The adjoining land uses, though, are residential, where noise from domestic activities may be audible between the various properties, and cooking smells and the like may be detectable.
4. The appeal building is currently a relatively large, single room office. However, as an independently occupied holiday let, it would be small and could only provide accommodation for a limited number of people. This being the case, it is unlikely that significant noise disturbance by holiday makers, above and beyond the domestic activities that could already take place at the site, would result. If in an ancillary use, there is no reason to suspect that noise would be any different to that which could take place now.
5. It may be necessary to provide lighting along the narrow passage giving access to the site. However, the passage is narrow and enclosed. In the context of light spill from other residential properties, any additional lighting is unlikely to be particularly intrusive. I, therefore, find no reason that there would be any

unreasonable noise or disturbance to neighbouring residents and the proposal would comply with those aims of Policy 12 of the Cornwall Local Plan 2010-2030 that seek to ensure this.

Other Matters

6. The entire frontage of No.47 has been hard surfaced and is available for the parking of vehicles. There is no substantive evidence that this area would not provide adequate facilities for existing residents and visitors to the holiday let, nor, if there were any overspill parking onto the highway, that this would cause a particular problem. The driveway configuration at other nearby properties means that reversing onto the highway is likely to be common in the locality. It could take place at the site now, and it has not been demonstrated that this has caused detriment to highway safety, including for pedestrians.
7. The access to the accommodation would be narrow, but there is no substantive evidence that this would cause problems for occupiers or the emergency services. There are robust boundary fences and the access to the building would not become an open thoroughfare. There is no clear reason, therefore, that security of neighbouring buildings would be compromised.
8. I understand that permission has previously been refused for a dwelling at the site, but I have assessed this proposal on the basis of current planning policy and the evidence presented to me.

Conditions

9. A plans condition is required in the interests of certainty. Conditions are necessary restricting occupancy, to prevent the formation of a permanently occupied independent dwelling, and removing permitted development rights, to control the size of accommodation, in order to protect living conditions.
10. The Council's occupancy condition includes that the site should be maintained as a single planning unit. However, whether or not this can be controlled by a planning condition, the reasons that I have found the proposal acceptable are not dependent upon it. I have not, therefore, included this component of the condition. I have made some other minor revisions to the Council's suggested conditions in the interests of clarity.

Conclusion

11. With regard to the above, I find that the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 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: 09.2021/01 A; 09.202/03.
- 3) The development hereby permitted shall be used only for holiday accommodation or ancillary residential purposes associated with the use of the domestic property known as 47 Laflouder Fields, and for no other purpose including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended. As holiday accommodation the unit shall not be occupied by any one person for more than 28 days in any calendar year. The owner shall keep an up-to-date written register of the details of all the occupiers of the holiday accommodation hereby permitted, including their names and their main home addresses, and shall make it available for inspection by the local planning authority at all reasonable times.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no enlargement, improvement or other alteration of the building, including any porch or addition or alteration to its roof, shall be carried out and no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the building, shall be constructed without the further grant of express planning permission.