



Appeal Decision

Site visit made on 15 December 2021

by C Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 29 December 2021

Appeal Ref: APP/D0840/W/21/3275435

Chy An Gwyns, Road from Carne Grey Cottage to A391 roundabout, Carn Grey, St Austell PL25 3TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs R.D. Preston against Cornwall Council.
 - The application Ref PA20/10681, is dated 1 December 2020.
 - The development proposed is an annexe.
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Decision

1. The appeal is allowed and planning permission is granted for an annexe at Chy An Gwyns, Road from Carne Grey Cottage to A391 roundabout, Carn Grey, St Austell PL25 3TB in accordance with the terms of the application, Ref PA20/10681, dated 1 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SD-001 REV-P2, PL-001 REV-P1, PL-002 REV-P1, PL-003 REV-P1.
 - 3) 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 Chy An Gwyns.

Main Issues

2. The main issues in this case are:
 - whether the proposed annexe would be ancillary to the host dwelling.
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether ancillary

3. Chy An Gwyns is a detached house which is situated in the open countryside. It occupies a sizeable plot of land containing a detached garage and car port close to the house, as well as a large agricultural-style shed which is situated further along the extended drive.

4. The proposed annexe would be detached from the host dwelling, occupying a site next to the existing shed. As the building would contain a bedroom, bathroom and combined living room and kitchen, it would clearly provide enough facilities for independent day-to-day living.
5. However, this does not necessarily indicate that the building would become a separate planning unit from the main dwelling. In this case, I am informed that the intended occupants would share their living activity with family members in the main dwelling. Therefore, while there is little dispute that the building would be capable of being occupied as a self-contained unit of accommodation, it is also relevant to consider whether it would have the characteristics of being ancillary to the host property.
6. With this in mind, I note that the annexe would be very modest in size, taking the form of a single storey cabin that would be substantially smaller than the host dwelling. The main house is accessed by a private driveway which is separated from the public highway behind a gated entrance. When entering the site, this gives the very clear impression of entering the private confines of an individual property. The annexe would not change this arrangement as it would be accessed from the same driveway as the main house and occupiers would need to pass through the gated entrance.
7. I recognise that the annexe would be far enough away from the main house to maintain a degree of privacy. On my site visit, I saw that the land immediately surrounding the main house is landscaped to create a distinct garden area, whereas the remainder of the plot is mainly open grass. However, there are no physical barriers separating one part of the site from another. The open area on which the proposed annexe would be constructed runs continuously with the open garden of the main dwelling. Hence, despite the separation distance between the proposed annexe and the main dwelling, there would be a high degree of inter-visibility between the two buildings. Future occupiers of the proposed annexe would inevitably share a good deal of private outdoor space with the occupiers of the main dwelling.
8. The physical relationship with the main dwelling would be further reinforced by the location of the proposed annexe next to the existing shed, which is in active use as a storage building for vehicles and other items. It is clear that occupiers of the main property access this part of the site on a regular basis and would spend a good deal of time in the proximity of the proposed annexe. In my view, such an arrangement would not easily lend itself to the annexe being occupied as an entirely separate dwelling.
9. Taken together, these matters lead me to determine that there would be a functional relationship between the main dwelling and the proposed annexe. Even though the building would contain facilities for independent day-to-day living, the proposal is for a residential annexe. If planning permission was granted and the annexe was not used as proposed, or there was a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required and there would be a risk of enforcement action if such permission were not granted.
10. In reaching this decision I have had regard to the Council's Guidance Note¹ regarding residential annexes. This is not part of the adopted development

¹ Cornwall Council Annexe Guidance Note, 4 May 2020.

plan and it is not clear from the information provided whether or not it has been subject to any public consultation. As such, I can only assign the document limited weight in this appeal. Nonetheless, for the reasons given above, the proposed development would accord with the overall objective of the Guidance Note to avoid proposals which would be tantamount to the creation of a new dwelling in an unsustainable location.

11. I therefore conclude on this issue that the proposed annexe would be ancillary to the host dwelling. As the development would not lead to the creation of a separate dwelling, there would be no conflict with Policies 3, 7 and 9 of the Cornwall Local Plan² which relate to the construction of new dwellings in the countryside. Nor would there be conflict with the sustainable development objectives of Policy 1 in this particular regard.

Character and appearance

12. The annexe would be visible from public vantage points to the north west. However, due to its relatively small size, its low profile and its simple design, the building would not be a particularly noticeable feature. While the annexe would add to the quantity of buildings in this part of the countryside, its positioning next to the larger barn would help to consolidate development within the site, thereby helping to reduce its visual prominence. Overall, it seems to me that the proposed annexe would be compatible with character of the site and the surrounding countryside.
13. The Council says that the main house could instead be extended to accommodate ancillary accommodation, or the detached double garage could be converted. However, as I have found that the proposed annexe would be acceptable, I have not considered these alternatives any further.
14. I therefore conclude on this issue that the proposal would have an acceptable effect on that character and appearance of the area. There would be no conflict with Policies 12 and 23 of the Local Plan which seek appropriate standards of design within the countryside.

Conclusion

15. For the above reasons, the appeal should be allowed.
16. 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. There is also a condition to ensure that the annexe remains ancillary.

C Cresswell

INSPECTOR

² Cornwall Local Plan Strategic Policies 2010 - 2030