



Appeal Decision

Site visit made on 16 August 2022

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 31 August 2022

Appeal Ref: APP/D0840/W/22/3294550

Polmenna Farm House, Lane from junction north west of Lower Polmenna Barn to Polmenna Farm House, Tregony, Truro TR2 5SR

- 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 Luke Gamble against the decision of Cornwall Council.
 - The application Ref PA21/10409, dated 17 October 2021, was refused by notice dated 1 March 2022.
 - The development proposed is described as the demolition of ruined outbuilding and proposed annexe ancillary to the main house including change of use of land to domestic curtilage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of consistency and accuracy, I have, in the banner heading above, used the site address and description of development as included on the Decision Notice.
3. The development plan comprises the policies of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) and the policies of the Roseland Neighbourhood Development Plan (2015 -2030) (the RNDP).

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area, having particular regard to the location of the site within the Cornwall Area of Outstanding Natural Beauty (the AONB).

Reasons

5. The appeal site comprises land and buildings at Polmenna Farmhouse. The appeal site is located outside of any settlement and is predominately surrounded by open agricultural land. In terms of its position, the appeal site is located within the open countryside of the AONB.
6. The appeal proposal seeks to demolish an outbuilding which, as I observed on my visit, was in a state of disrepair and which the evidence before me confirms is structurally unsound and not suitable for conversion. Following demolition of that outbuilding, the appeal proposal seeks to construct a two storey building which is intended to be used as ancillary annexe accommodation. The plans

submitted in support of the planning application show that the replacement building would have accommodation arranged over both floors.

7. It is established case law that the distinctive characteristic of a dwellinghouse was its ability to afford to those who used it, the facilities required for day-to-day private domestic existence. It would not lose that characteristic if it was occupied for only part of the year, or at infrequent intervals, or by a series of different persons.
8. The main parties have referred me to the Council's Annexe Guidance Note (the Guidance Note). The Guidance Note provides six general policy considerations to be applied, which assist in determining whether a particular proposal can be considered to be annexe accommodation or whether the development would effectively create a new dwelling.
9. In terms of the abovementioned six considerations, the proposed development would be in the same ownership as the host dwelling and, notwithstanding the description of development which includes reference to a change of use of land to domestic curtilage, would share its vehicular access from the nearest highway. Whilst there is no boundary demarcation proposed between the proposed annexe and the host dwelling, given the space and characteristics of the site, a form of boundary treatment could easily be erected and accommodated at the site.
10. However, the proposed annexe would be positioned some distance from the host dwelling and at a substantially higher land level. The appeal building would be separated from the host dwelling by a substantial area of hardstanding and by a stone built stable building. By reason of that separation distance, intervening features and given the substantial change in land levels, in my view the proposed development would not be well related to the host dwelling.
11. The proposed annexe would be subservient to the host dwelling in terms of scale. However, by reason of its separation from the host dwelling, its form, mass and design, the proposed building would appear as a dwelling in its own right and would not be of a form that would be subservient to the principal dwelling. The Appellant has put it to me that the purpose of the proposal would be so that extended family and friends can stay as there are not enough bedrooms in the house to accommodate everybody. However, whilst it is acknowledged that it is intended that the proposed building would share utilities with the host dwelling, circumstances could change and there is no substantive evidence before me which confirms or indicates that future visitors to the proposal would be reliant on the host dwelling or its occupants for facilities or any form of support.
12. In light of the above, in my view the appeal proposal could not be considered to be an annexe in terms of the Guidance Note and, for the above reasons and given that the proposed building would visually appear as a separate dwelling from its host and would provide all the facilities required for day-to-day private domestic existence, the proposed development would be tantamount to a new dwelling.
13. As noted above, the appeal site is situated outside of any settlement and is located within the countryside of the ANOB. Whilst the existing building is in a dilapidated state, the appeal proposal would appear as a visually and physically

separate new dwelling. Given the proposed design of the appeal scheme and by reason of the likely presence of domestic paraphernalia associated with occupation of the proposed building, the appeal proposal would result in the domestication and urbanisation of this remote rural site.

14. In terms of the Appellant's submissions with regards to public footpaths within the area, whilst I have considered all of the information before me, issues concerning maintenance of such paths would fall outside the scope of this appeal.
15. Nonetheless, whilst it is noted that views into the site from within the wider surrounding area would be restricted, even in the event that there exists only a remote chance of members of the public being able to see the appeal site from the nearby public footpaths, paragraph 176 of the National Planning Policy Framework (the Framework) requires that great weight is given to conserving and enhancing the landscape and scenic beauty within the AONB in all instances, irrespective of the prominence of the appeal site. In my view, and for the reasons given above regarding the urbanisation and domestication of the site, the proposal would be at odds with, rather than enhance, the prevailing rural character of the AONB in a location which the Framework highlights as having the highest status of protection in relation to landscape and scenic beauty.
16. In summary, I find that the appeal scheme would be harmful to the landscape and scenic beauty of the AONB, the conservation of which must be afforded great weight. The proposal would therefore conflict with Policies 2, 12 and 23 of the Local Plan and would fail to accord with paragraphs 130, 174 and 176 of the Framework, which, amongst other things, seek to ensure that local distinctiveness and the character and appearance of the area, including the scenic beauty of the AONB, is protected. For the same reasons, the appeal proposal would conflict with Policies LA1, GP2 and HO9 of the RNDP which seek to ensure that development, including in respect of annexes, conserve and enhance the special qualities of the AONB and respect the character and appearance of the local area.
17. The Council's decision notice also cites Policy HO3 of the RNDP within its reason for refusal. However, that policy concerns the reuse of redundant buildings and, as described above, the appeal proposal would not make use of the redundant building at the site, but rather would result in the demolition of that building. As such, I find no conflict with Policy HO3 of the RNDP.
18. The appeal scheme would remove a dilapidated, unsafe structure and would provide short term employment opportunities during the construction phase. However, the scope of those benefits would be very limited and would be outweighed by the identified harm to the AONB described above, to which I attach great weight in accordance with the provisions of the Framework.

Other Matters

19. The Appellant has referred me to a proposal for a replacement dwelling at Portloe, and has put it to me that the Council approved that application despite strong objections from the Cornwall AONB Unit. Whilst I have noted and have carefully considered the information provided by the Appellant, the details regarding that application are very limited. However, from the very limited information that is before me, it is noted that that nearby approved

development had the benefit of extant planning permission to replace the building at that site and, in light of the limited information before me, it appears that the appeal scheme is not comparable in those regards. I have not been provided with all the information regarding the circumstances of the nearby approved development and, accordingly, I have determined this appeal based on its own merits.

20. It is acknowledged that no objections were received from the Cornwall AONB Unit, the Parish Council or from other interested parties in respect of the appeal scheme. However, the absence of objections to the scheme would not overcome the harm identified above, and the consequent conflict with the policies of the development plan.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR