



Appeal Decisions

Site visit made on 6 December 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 December 2022

Appeal A Ref: APP/D0840/W/22/3300711

Studio, Ralph's Cottage (aka Ralph's Barn), Trenowth, Grampound Road, TR2 4EH

- 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 Peter Parks against the decision of Cornwall Council.
 - The application Ref PA22/02125, dated 28 February 2022, was refused by notice dated 29 April 2022.
 - The development proposed is use of existing property as a dwelling.
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Appeal B Ref: APP/D0840/Q/22/3303894

Studio, Ralph's Cottage (aka Ralph's Barn), Trenowth, Grampound Road, TR2 4EH

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to discharge a planning obligation.
 - The appeal is made by Mr Peter Parks against the decision of Cornwall Council.
 - The development to which the planning obligation relates is Lifting of condition 9 of decision notice Ref. No. PA15/1478/96/S to allow a studio to become a detached annexe.
 - The planning obligation, dated 13 April 1999, was made between the former Carrick District Council and Alan Charles Blake and Wendy Elaine Blake and Cheltenham and Gloucester PLC.
 - The application Ref PA22/02161, dated 1 March 2022, was refused by notice dated 29 April 2022.
 - The application sought to have the planning obligation discharged.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Appeal A follows the Council's refusal to grant planning permission to use the existing studio as a dwelling. Appeal B follows the Council's refusal to modify or discharge a planning obligation that restricts the use of the same building, so that it cannot be used as an independent unit of residential accommodation. Both appeals relate to the same building and the appellant's intention to use it as a separate dwelling.
4. I have used the address entered on the application form for appeal B as it appears to best identify the location of the building.

Main Issue – Appeal A

5. Whether the site is suitably located for the development proposed with regard to the development plan.

Main Issue – Appeal B

6. Whether the planning obligation continues to serve a useful purpose.

Reasons – Appeal A

7. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) establishes the Council's hierarchy for delivering new development in its area. Outside the main towns it states that new development shall be delivered by rounding off and by developing previously developed land (PDL) within or immediately adjoining that settlement, and development that fills a small gap in an otherwise continuous built frontage. The main disagreement between the parties is whether Trenowth can be considered a settlement for the purpose of applying this Policy.
8. Supporting text to Policy 3¹ suggests that a settlement should have a form and shape and clearly definable boundaries, not just a low density straggle of dwellings. When travelling along the road to the north one does not get the impression of arriving or passing through a settlement. The dwellings and associated buildings at Trenowth are arranged in a loose and low density manner. They are accessed via a seemingly unplanned arrangement of private driveways and many sit in large self contained grounds with no logical connection with nearby buildings. None of the buildings face towards a shared space such as a road junction or look out in a single direction where they can be easily appreciated together, sufficient to give them an identity as a defined settlement.
9. Supporting text to the Policy refers to definable boundaries. The dense woodland to the north extends into the area and means that its boundary on this side is not well defined. To the south it is also not clear, with garden curtilages extending out towards areas of paddock that extend up to the railway line.
10. I note that 'Trenowth' appears on OS maps. However, it is clear that many other places are also marked on OS maps with similarly sized text and some of these are no more than single dwellings or farmsteads. Whilst I do not dispute the early origins of Trenowth, many places grow or contract over time and I need to make my assessment based on the current characteristics that I observed on site, the evidence before me, and the guidance set out in the LP.
11. Therefore, I do not find that Trenowth has the form, shape or clearly definable boundaries that mean that it should be considered a settlement for the purposes of Policy 3. As such it cannot accord with this Policy and the site should be considered open countryside in terms of the LP.
12. Policy 7 of the LP relates to housing in the countryside. It establishes that the development of new homes in the countryside will only be permitted where there are special circumstances. A number of exceptions are set out, which include the reuse of suitably constructed redundant, disused or historic

¹ Paragraph 1.68

buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting.

13. The appellant no longer has need of the building and therefore suggests that it is redundant. Even if I accept this position, the proposal would not comply with this Policy as there would be no enhancement to the immediate setting. The existing building is in a good state of repair, and no external changes are proposed that could be considered to enhance its appearance.
14. Policy 21 of the LP covers the best use of land and existing buildings and could offer some support for the proposal. It refers to sustainably located proposals. There are no services or facilities that could meet the day to day needs of the future occupiers of the building at Trenowth. I am advised that some of the residents of Trenowth walk and cycle along the road to the west that provides access to Grampound Road, where some basic services are available. It is suggested that the route is accessible and pleasant.
15. I agree that the route along the country road is attractive. However, it is unlit, relatively narrow and without a dedicated footway. It is likely that it is mainly attractive for recreational purposes only and that most residents would not choose to make such a journey on a day to day basis by means other than a private car. Furthermore, given the provision of limited services at Grampound Road, the journeys that future occupiers of the building make could be much longer to reach larger conurbations with a wider range of services, facilities and employment opportunities. For these reasons I cannot conclude that the existing building is sustainably located.
16. In summary, the site is not suitably located for the development proposed. It does not accord with Policies 2, 3, 7 and 21 of the LP, which together set out the Council's hierarchy for the delivery of new housing, to manage growth and facilitate the delivery of well located housing.

Reasons – Appeal B

17. The planning obligation ties the main dwellinghouse and studio building so that they can only be sold, let, assigned a mortgage charge, or otherwise disposed of except as a whole. It also requires that the studio shall only be occupied by owners of the main dwelling, their family, non paying guests or as holiday accommodation; thus preventing its use as a separate and independent dwelling.
18. On this basis and taking into account my findings in relation to the first main issue I am satisfied that the obligation still serves a useful purpose.

Other Matters

19. I am mindful of the owner's position, and that the building no longer serves a useful purpose for them. It is however likely to be an asset to a future owner of the property, with the potential to be put to a variety of ancillary uses. The building is modestly scaled and, aside from painting joinery, is unlikely to present a significant ongoing maintenance burden.
20. I note that the proposal would deliver a new modest unit of housing. The provision of additional housing is a benefit, however in the context of the Council's housing supply position and the small scale of the proposal I am of the view that this benefit should only be given limited weight. Therefore, these

matters should only weigh modestly in favour of the proposal and are not sufficient to outweigh my findings on the main issue.

21. The site lies within the zone of influence of the Fal and Helford Special Area of Conservation. The addition of a dwelling within this area has the potential to have an adverse impact on its features of importance. This matter forms the basis of the Council's second refusal reason. The appellant has submitted an undertaking pursuant to Section 111 of the Local Government Act 1972 to secure a habitat mitigation contribution. However, as I am dismissing the appeal for other reasons, the impact will not occur in any event, and this matter does not therefore need to be considered further.

Conclusion

22. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including the National Planning Policy Framework, that outweigh this conflict. Therefore, both appeals should be dismissed.

A Tucker

INSPECTOR