



Appeal Decision

Site visit made on 3 April 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2024

Appeal Ref: APP/D0840/W/23/3327966

Land West Of 4 Parc An Peath, St Buryan, Penzance TR19 6EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr D Hosking against the decision of Cornwall Council.
 - The application Ref is PA23/03553.
 - The development proposed is extension of domestic curtilage, retention of converted stable as annex to principle dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above has been taken from the appeal form and decision notice as this more clearly identifies the site than that given on the application form.
3. I have taken the description of development as set out above from the application form as neither party has provided written confirmation that a revised description has been agreed. I have however removed reference to 'Principle Dwelling Approved PA18/08350' as this is not a proposed act of development.
4. During the course of the appeal, Areas of Outstanding Natural Beauty became 'National Landscapes'. Therefore, in relation to this appeal, reference to the National Landscape refers to the Area of Outstanding Natural Beauty as referred to by the main parties.

Main Issues

5. The main issues are whether the proposal would be ancillary to the existing dwelling or form a separate dwelling, and, if it were to be regarded as a separate dwelling, whether the proposal represents an appropriate location for housing having regard to the settlement hierarchy within the development plan including the effect on the character and appearance of the area.

Reasons

Ancillary or separate dwelling

6. The proposal relates to an existing single-storey stable building and surrounding land. Although its access off the highway would be shared with the existing dwelling, the building is beyond the rear consented garden of number 5 Parc An Peath (the main dwelling) further separated by an existing hedge. As

a result, the appeal includes the change of use of the land to extend the garden of the main dwelling and to incorporate the stable building within it. At the time of my site visit, number 5 Parc An Peath was under construction.

7. The application is made on the basis that it would provide an annexe occupied by the appellant's elderly parent. It would allow the appellant to provide an element of care to the dependent family member.
8. The Council have produced a Guidance Note in relation to annexe development and both parties have referred to it. The Guidance Note is not part of the adopted Development Plan, but it is used for development management purposes. The six points under the General Policy Considerations section provide a good outline of the factors to be considered when assessing whether this proposal would be considered as ancillary to the existing dwelling or forms a separate dwelling.
9. In relation to land being in the same ownership and sharing a vehicular access with the existing dwelling, there is no dispute between the main parties that the guidance note is complied with. The areas of dispute in relation to the guidance are whether the proposal has a functional link with the principal dwelling, the location outside of the curtilage, its scale and relationship to the main dwelling and the effect of a boundary demarcation. I will address these points below.
10. While I note that the annexe would provide accommodation for a dependent family member who requires treatment, care and help accessing shopping and appointments, I have limited information in relation to the level/nature of treatment and care, what facilities in the main dwelling they would rely on, or details of any other functional link to the main dwelling. As a result, a functional link has not been adequately demonstrated. I further note the presence of rooms of a size and layout that could enable independent living.
11. Although the land forming part of the proposal is in the ownership of the appellant, and curtilage does not relate to land use, the stable building is outside of the consented garden of the main dwelling. The appeal building is a considerable distance from the rear boundary of the main dwelling, separated visually and physically by the adjacent land and further separated by the existing hedge that screens the majority of the building from the main dwelling. The degree of separation is reflected in the considerable extent of agricultural land proposed to be changed to garden to relate the stables to the main dwelling.
12. While I acknowledge that the proposed annexe would be well designed in itself and considerably smaller than the main dwelling, this does not adequately justify its location. Furthermore, large outbuildings to dwellings on Parc An Peath are not commonplace. I further acknowledge the preference for the appellant to re-use the stable building and the associated effort and costs involved to enlarge the main dwelling to incorporate an annexe. However, limited evidence has been submitted to demonstrate that the main dwelling could not be used/enlarged or would cause harm to the area or living conditions of neighbouring occupiers. This is particularly relevant given the size of the main dwelling and its plot, its detached form and the building works being at the early stages of construction.

13. Considering the above, I find that the development would comprise a separate dwelling. In light of this, it would not be reasonable or appropriate to condition that the building remains ancillary to the existing dwelling.
14. Accordingly, in relation to this matter, the proposal would not be ancillary to the existing dwelling and would represent a separate dwelling. I have determined the appeal on this basis.

Location of housing

15. The site does not fall within the hierarchy of locations under Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) outlining where new development will be accommodated. Policy 7 of the LP is relevant in setting out the approach for housing in such locations. Policy 7 seeks to ensure that the development of new homes in the open countryside are only permitted where there are special circumstances. The Policy sets out five special circumstances that apply.
16. I acknowledge that the appellant states that the building is redundant, but criterion 2 to Policy 7 of the LP also requires that the proposal would lead to an enhancement to the immediate setting.
17. In relation to this, the appeal site is located within the National Landscape, an Area of Great Landscape Value (AGLV) and area identified as part of the Heritage Coast. While the dwellings on Parc An Peath are fairly close to the stable building, they are physically separated from it and provide a rear boundary line that clearly delineates them from the adjacent countryside that contributes to the area due to its greater sense of openness and verdant appearance.
18. With the stables being detached from these dwellings and their rear boundary line, and due to the lawful use of the stables, smaller scale and materials, it appears as a separate built form more akin to the countryside than the nearby dwellings. As a result, the stable building, and other approved physical structures under reference PA19/01149, are more closely viewed as part of, and in association with, the countryside and rural landscape than the residential dwellings.
19. While I acknowledge that there is new tree planting to the south-west of the site with a substantial hedge screening views of the site from a distance and from the nearby public right of way, the site is visible from the properties on Parc An Peath. Given this and given the associated paraphernalia likely within the extended garden, the proposal would encroach into the countryside at odds with, and harmfully disrupting, the layout of the area. Furthermore, landscaping would not adequately screen the proposal. As a result, the development would not lead to an enhancement to the immediate setting and does not gain support from paragraph 84 of the Framework.
20. Even if I were to conclude that the proposal resulted in an enhancement to the immediate setting, the building proposed to be used as the annexe is not 10 years old as required by Policy 7 of the LP. Although I acknowledge the need and benefit from the accommodation for the appellant and his family, this is not a circumstance that is particularly unusual or special.
21. For the reasons stated above, the proposal would fail to conserve the landscape and scenic beauty of the National Landscape to which I am required

to give great weight. It would also fail to maintain the character and distinctive landscape qualities of the AGLV and Heritage Coast.

22. In conclusion, the proposal would lead to the creation of a new dwelling in an open countryside location. In light of the above analysis, the appeal proposal would conflict with the settlement hierarchy for the location of housing outlined in the development plan and harm the character and appearance of the area. It is therefore contrary to Policies 1, 2, 3, 7, 12 and 23 of the LP and saved policy CC-5 of the Penwith Local Plan (2004). Amongst other things, these seek to ensure high quality safe, sustainable and inclusive design, sustain local distinctiveness and character and protect and where possible enhance Cornwall's natural environment, and ensure that development does not cause significant harm to the character and amenity of the Areas of Great Landscape Value. The proposal would also be contrary to Policy C1 of the Climate Emergency Development Plan Document (February 2023) and the Framework that seek to conserve and enhance the natural environment and achieve well-designed and beautiful places.

Other Considerations

23. The appellant references two other appeal decisions¹. However, they are a considerable distance from the current appeal site with slightly different visual, functional, and physical relationships with the main dwellings and surrounding land. The appeals are not therefore directly comparable to the current appeal that I am required to consider on its merits. Furthermore, the conclusions reached in those decisions involved the exercising of planning judgement, which is what I have done in this case.
24. I have had regard to the proposal not resulting in a harmful effect on the living conditions of nearby residents and provision of a suitable access and new and retained landscaping. Nevertheless, these matters are neutral in my consideration as they are requirements of local and national planning policies.
25. I have had regard to the appellant stating that there would be a benefit from the re-use of the stable building that they no longer require, and to the benefit from an additional dwelling to the supply of housing. Nonetheless, I see no reason why the stables could not be used by others and do not consider that the small benefit to the supply of housing from one dwelling, or re-use of the building as a dwelling, justifies the proposal or outweighs the harm outlined above.
26. I have taken into account the close location of the site to the St Buryan Conservation Area. However, the site does not fall within the Conservation Area or impact upon its setting. It is noteworthy that the Council came to a similar conclusion in this regard.

Conclusion

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

C Rose

INSPECTOR

¹ APP/D0840/D/22/3296848 and APP/D0840/W/21/3287400