



Appeal Decision

Site visit made on 24 October 2023

by Colin Cresswell BSc (Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2024

Appeal Ref: APP/D0840/W/23/3320704

Charleston Cottage Polcoverack, Coverack, Cornwall, TR12 6SW

- 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 Taylor against the decision of Cornwall Council.
 - The application Ref PA22/10202, dated 15 November 2022, was refused by notice dated 17 March 2023.
 - The development proposed is change of use of land to garden and siting of a caravan with associated decking to be occupied ancillary to the main dwellinghouse known as Charleston Cottage.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 27 November 2023.

Decision

1. The appeal is allowed and planning permission is granted for a development described as "change of use of land to garden and siting of a caravan with associated decking to be occupied ancillary to the main dwellinghouse known as Charleston Cottage" at Charleston Cottage, Polcoverack, Coverack, Cornwall, TR12 6SW, in accordance with the terms of the application, Ref PA22/10202, dated 15 November 2022, subject to the conditions set out in the Schedule at the end of this Decision.

Procedural Matters

2. The Council agreed to change the description of development from that shown on the original Application Form. The description of development in the heading above is based on the revised description.
3. The Council has withdrawn the second reason for refusal on its Decision Notice concerning the Fal and Helford Special Area of Conservation.
4. The planning application was made retrospectively. The caravan has already been placed on the site.

Main Issues

5. The main issues in this case are:
 - whether the caravan is ancillary to the main dwelling.
 - the effect of the caravan on the character and appearance of Cornwall Area of Outstanding Natural Beauty (AONB).

Reasons

Weather ancillary

6. Charleston Cottage is a detached house which is situated in the open countryside. There is a caravan positioned away from the main house which the appellants intend to use as a residential annexe. I saw on my site visit that it contains bedrooms, a bathroom, a living room and kitchen facilities. It also appears to have water and electricity connections.
7. While there is little dispute that the caravan 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. I turn firstly to the matter of whether the caravan is situated within the residential curtilage of the main dwelling.
8. Although there is a garden lawn immediately next to the cottage, the caravan is positioned on a separate lawn further to the south. There is a low stone wall and row of trees running between the two areas of lawn which makes it difficult to see the caravan from the cottage. According to the Council, this is a historic field boundary and the land does not form part of the residential curtilage of the cottage, even though it is used as a garden. My attention has also been drawn to a 2009 planning application for a conservatory¹ which appears to exclude the land in question.
9. However the two areas of lawn are physically linked by a pathway which passes through a gap in the vegetation. The lawn on which the caravan is situated has similar domestic characteristics to the lawn nearest the house. Both are mown, contain ornamental plants and are distinctly different from the agricultural land which surrounds the site. When walking from the cottage to the caravan, both areas of lawn appear as different components of the same garden even though they are partially separated. Hence, in my view, both areas of lawn are intimately associated with each other. They form part and parcel of the same domestic curtilage.
10. Therefore, while the site may have had different characteristics in the past, it seems to me that the caravan is situated within the residential curtilage of the property as it exists today. Indeed, photographs provided by the appellant suggest that this has been the case for some time.
11. Although the caravan is a self-contained unit, its occupiers would nonetheless be functionally dependent on the cottage. For instance, I understand that the caravan is reliant on the cottage for its water and electricity connections. Furthermore, the only way to access the caravan is to walk through the private driveway and rear garden of the cottage. While there is a separate farm gate near the caravan which opens out onto the roadside verge, this does not appear to be in regular use and there is no access track which leads directly from the road to the caravan.
12. Taken as a whole, the above considerations lead me to conclude that the caravan is capable of being occupied as an annexe to the main dwelling. I am also mindful that if planning permission was granted and the caravan was not used as a residential annexe as proposed, or there was a material change of use in the future to create a separate dwelling, then a separate grant of planning

¹ Council Reference: W2/PA09/00294/F

permission would be required and the caravan would be at risk of enforcement action if such permission were not granted.

13. The Council refer to a Guidance Note² which contains criteria for assessing residential annexe proposals. This does not form part of the statutory development plan and therefore carries limited weight. That said, I have determined that there is a functional link between the caravan and the cottage (criterion a of the guidance) and that it is situated within the residential curtilage (criterion c). The caravan is also subservient in scale to the main dwelling (criterion f) and is in the same ownership (criterion b).
14. Although there are boundary features between the caravan and the cottage (prohibited by criterion e) the land is part of the same continuous garden with a path connecting it to the house. Similarly, while the guidance states that annexes should be a physical extension to the principal dwelling wherever possible (criterion d) I have found that the caravan is capable of functioning as ancillary accommodation. Hence, even though the proposal is at odds with these aspects of the guidance, the caravan does not result in an independent dwelling in the countryside. This is the overarching objective of the guidance as stated in its introduction paragraph.
15. I therefore conclude on this issue that the caravan is ancillary to the main dwelling. There is no conflict with Policies 1, 2, 3 and 7 of the Local Plan³ which seek to control new housing in the countryside. Nor is there conflict with Policies C1 and T1 of the Climate DPD⁴ which, amongst other things, aim to achieve sustainable patterns of land use.

Character and appearance

16. Views of the caravan from public vantage points are limited as it is surrounded by trees and mature hedgerows. However, the caravan can be seen from the road immediately outside the site where there is a farm gate. Even so, the caravan is not a particularly prominent feature given its low height and modest size and it is mainly seen within the context of the main dwelling. A condition could be imposed to narrow the gate, limiting visibility further.
17. I therefore conclude on this issue that the caravan has an acceptable effect on the character and appearance of the Cornwall AONB. There is no conflict with Policies 12 and 23 of the Local Plan which seek appropriate standards of design and aim to protect landscape quality.

Conditions

18. For clarity, a standard condition requiring the development to be carried out in accordance with the plans has been imposed. There is also a condition which ensures that the caravan is used as ancillary accommodation. This is to prevent it becoming a separate dwelling in contravention of the development plan. In the interests of character and appearance, a condition is also imposed to reduce the width of the access gate nearest the caravan.

² Annexe Guidance Note, Version 4: May 2020, Cornwall Council.

³ Cornwall Local Plan Strategic Policies 2010–2030, adopted November 2016

⁴ Cornwall Council Climate Emergency Development Plan Document, February 2023

Conclusion

19. For the above reasons, the appeal is allowed.

C Cresswell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 22/01/02.
- 2) The development hereby permitted shall only be occupied by members of the family or non-paying guests of the occupiers of the dwelling known as Charleston Cottage and shall not be used at any time as a separate residential unit of accommodation.
- 3) The gate to the north west of the caravan which provides access to the public highway shall be reduced in size to a maximum of 1.8 metres in length within three months of this decision.