



Appeal Decision

Site visit made on 10 December 2024

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/D0840/W/24/3347387

Villaton Barton, Villaton, Hatt, Saltash, Cornwall PL12 6PP

- 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 Martin Pim-Keirle against the decision of Cornwall Council.
- The application Ref is PA23/07736.
- The development proposed is a new dwelling set within the private land ownership grounds of Villaton Barton. Intended for multi-generational family occupancy and to remain tied to the main host dwelling.

Decision

1. The appeal is allowed and planning permission is granted for a new dwelling set within the private land ownership grounds of Villaton Barton. Intended for multi-generational family occupancy and to remain tied to the main host dwelling at Villaton Barton, Villaton, Hatt, Saltash, Cornwall PL12 6PP in accordance with the terms of the application, Ref PA23/07736, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos 22.85 S_01 - Block Plan; 22.85 S_02 - Proposed Drainage Plan; 22.85 P_00 - Proposed Ground Floor Plan; 22.85 P_01 - Proposed First Floor Plan; 22.85 P_02 - Proposed South Elevation; 22.85 P_03 - Proposed East and West Elevation; 22.85 P_04 - Proposed North Elevation; 22.85-P_05 - Proposed Roof Plan; 1:1250 Scale Site Location Plan.
 - 2) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 3) The building hereby permitted shall not at any time be used other than as part of the residential use of the dwelling known as Villaton Barton.

Background and Main Issues

2. The proposal is described as a new dwelling that is intended for family occupancy and to remain tied to the host dwelling. However, much of the appellant's statement of case (SoC) promotes the location as being suitable for an independent dwelling in accordance with development plan policies. The Council's SoC contends that, due to the scale and nature of the proposed accommodation, it should be considered as a new standalone dwelling. Consequently, I consider the main issues to be:
 - a) Whether the site is suitable for a new independent dwelling, bearing in mind the settlement policies of the development plan, the accessibility of the site, and its impact on the character and appearance of the countryside, and, if not,

- b) Whether the building could reasonably operate as an annexe to the main dwelling, and whether such occupation would overcome any policy conflict or other harm.

Reasons

Suitability of site for an independent dwelling

3. Policy 2 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan) sets out the spatial strategy for development. It seeks to maintain the dispersed development pattern of Cornwall, providing homes and jobs based on the role and function of each place. Based on this strategy, Policy 3 defines how development will be accommodated, with growth focussed on identified main towns. However, it also supports housing growth within or adjoining smaller settlements through rounding off; development of previously developed land (PDL); infill schemes that fill a small gap in an otherwise continuous built frontage; or rural exception sites.
4. The proposal is not put forward as a rural exception site, so support for a new independent dwelling in this location is dependent on the site being within or adjoining a settlement. There is no definition of a settlement in Policy 3 or its supporting text, but the appellant has referred to the Chief Planning Officer's Advice Note (the CPOAN) titled Infill/Rounding Off. The CPOAN advises that *"Well-defined groups of dwellings with a collective name will normally be settlements"*. However, I am also mindful that paragraph 1.68 of the Local Plan says that *"in smaller villages and hamlets in which 'infill' sites of one-two housing units are allowed, the settlement should have a form and shape and clearly definable boundaries, not just a low-density straggle of dwellings"*.
5. The place name Villaton appears on Ordnance Survey maps, but this does not demonstrate that it is a settlement for the purposes of Policy 3 of the Local Plan. I note that West Park and Popham also appear on the maps, but these are individual dwellings/farms. The name also appears on a directional road sign on the roundabout on the A388 to the east of Hatt. Again, however, I do not find this to be convincing evidence that Villaton is a settlement, as it is not unusual for road signs to refer to individual buildings or places of interest. In this case, the sign may have been placed to avoid confusion for drivers seeking the similarly named Pillaton that is nearby.
6. There is a loose scatter of buildings in the vicinity of the appeal site, and the appellant has sought in his SoC to define a boundary for a settlement at Villaton. However, many of the buildings within this boundary are agricultural or equestrian, and the dwellings are widely spaced. The suggested boundary includes expansive areas of semi-natural open land that could be developed if I were to accept that Villaton was a settlement on this basis. Consequently, I find that Villaton Barton and its surroundings comprise an irregular and loosely spread collection of unrelated buildings in the countryside rather than a settlement.
7. Consequently, the appeal site is not within or adjoining a settlement, so cannot comprise rounding off or the development of PDL in accordance with Policy 3 of the Local Plan. Furthermore, as the proposed dwelling would not fill a small gap in an otherwise continuous built frontage, the proposal would not comprise infill. As the site lies outside the physical boundaries of any existing settlement, it falls within open countryside as defined by paragraph 2.33 of

the Local Plan. Policy 7 of the Local Plan says that the development of new homes in the open countryside will only be permitted where there are special circumstances, none of which apply in this case.

8. The site lies in the garden of a dwelling that is not in a built-up area, so it is not disputed that it comprises PDL. Policy 21 of the Local Plan says that encouragement will be given to sustainably located proposals that, amongst other things, use PDL or increase building density where appropriate.
9. The site lies within about 400 metres of the village of Hatt, which contains a limited range of services and a bus stop. However, access to these facilities is via a narrow country lane with no footways or street lighting, and the somewhat circuitous route would be approximately 1.4km. Whilst this route would not be particularly hazardous for pedestrians and cyclists during daylight hours, it would not be a safe option during hours of darkness. Furthermore, the distance involved would be a significant disincentive for regular pedestrian use. Consequently, occupants would be heavily dependent on the use of private vehicles to access everyday services and facilities. The site is not, therefore, a sustainable location for a new dwelling, so is not supported by Policy 21.
10. The site does not lie within a designated landscape, and, as it is within the garden of Villaton Barton, it already has a domestic character. The proposed building would also be on the site of an existing dilapidated barn, which is not an attractive feature. Although it would be considerably higher than the existing barn, it would be set into a bank, with existing hedging along the northern boundary. It would not, therefore, be readily seen from the road to the north, or the footpath to the northwest that runs along the access track leading to the site. It would be visible from the footpath as it extends to the south of the site, but only through the filter of a tall hedge. From here, the proposed building would be seen in close association with the existing, much larger house, so it would not appear as an isolated building in the countryside.
11. There would also be some more distant views from the higher land to the south. From here, the site is seen within a loose group of houses and agricultural buildings. Overall, therefore, due to the well-screened nature of the site, its existing domestic character, and its close association with other buildings, the proposed dwelling would not have a harmful impact on the character of the surrounding open countryside.
12. This does not, however, alter my conclusion that the site is not a suitable location for a new dwelling, having regard to the settlement strategy of the development plan and the accessibility of services. An independent dwelling here would, therefore, be in conflict with Policies 1, 2, 3, 7 and 21 of the Local Plan, and Policies C1 and T1 of the Climate Emergency Development Plan Document (February 2023) (the DPD). Taken together, these policies seek, amongst other things, to direct development to appropriate locations, based on their role and function, and to maximise the ability to make trips by sustainable modes of transport.

Whether occupation as an annexe would be reasonable/overcome any harm

13. Mindful of the Council's view that the scale and comprehensive nature of the accommodation means that it could be occupied as an independent dwelling, I have considered whether the site would be suitable for such a proposal. For the

above reasons, I have concluded that it would not. However, the proposal has been put forward as a dwelling intended for multi-generational family occupancy, and to remain tied to the main host dwelling. In effect, it is proposed that it would be an annexe to the existing house. Notwithstanding the Council's concerns, I have no reason to question the appellant's intentions and must now consider the proposal as applied for.

14. Both parties have referred to the Council's Annexe Guidance Note dated May 2024 (the Guidance Note). Whilst this does not form part of the development plan, it is a recent expression of the Council's policy, and provides a logical framework for dealing with such proposals. The Guidance Note identifies six criteria that annexes should normally comply with.
15. It is proposed that the accommodation would be occupied by the appellant's elderly parents. With family support on-site, the accommodation would enable them to live a relatively independent life for a longer period of time. As well as on-site support, the occupants would also share utility services with the main house, so there is a clear functional link to the main dwelling as described in criterion a) of the Guidance Note.
16. The annexe would be in the curtilage of the principal dwelling and would share its vehicular access. The proposal makes it clear that it would remain in the same ownership, and no boundary demarcation or subdivision of garden areas is proposed. So, the proposal would comply with criteria b), c) and e). The Council has questioned the subservience of the building, but it meets the Guidance Note's stipulation that an annexe should not exceed 50% of the footprint of the existing dwelling. It would also be demonstrably smaller in height and mass, so it would be of a scale subservient to the principal dwelling in accordance with criterion f).
17. The building would be within four metres of the existing dwelling so would be well-related to it in accordance with criterion d). Whilst the Guidance Note accepts that annexes may be separate buildings, criterion d) says that in the countryside they should be a physical extension to the dwelling where possible. The appellant has advised that the nature of the construction of the historic main house would make an extension challenging from an engineering perspective. However, little evidence has been provided to demonstrate why it would not be feasible, so there is some conflict with the Guidance Note in this regard.
18. Criterion d) also says that it should be demonstrated how the annexe can be incorporated into the main dwelling when it is no longer needed. In this case, however, a long-term plan for the accommodation has been set out whereby when it is no longer required by the appellant's parents, it would be occupied by the appellant's children, and then in turn, by the appellants themselves, with the now adult children in the main house. Consequently, the need for the accommodation would extend beyond the foreseeable future, so this requirement is somewhat redundant.
19. In addition to the six criteria, the Guidance Note says that annexe proposals that include more than one bedroom will normally be refused unless there is a specific and compelling reason for a second bedroom. In this case, the health conditions of the intended occupants dictate that they often require separate bedrooms, and that a live-in carer may eventually be required. The Guidance Note highlights this as a type of situation where a second bedroom may be

justified. In the particular circumstances of this case, therefore, the inclusion of a second bedroom does not conflict with the Guidance Note.

20. Overall, therefore, the proposal is in broad accordance with the Council's Guidance Note, but there is some conflict with the requirement that proposals in the countryside should be an extension to the main dwelling wherever possible. In this regard, the Council has concerns that the dwelling could easily be separated from the main house into an independent unit. However, this would not be straightforward, as there would be a considerable degree of mutual overlooking between the two buildings, which would need to be resolved through robust boundary treatments. Furthermore, the access arrangements to the new building would inevitably involve vehicle and pedestrian movements very close to the windows of the main house, so further work would be necessary to achieve a satisfactory solution. In any event, the proposal before me is for an annexe tied to the main house. Any future proposal to create an independent dwelling as a separate planning unit would be a change of use that would require a further planning permission.
21. I am therefore satisfied that the accommodation could reasonably operate as an annexe to the main dwelling. Such occupation would not result in a new independent dwelling in the countryside, so conflict with the settlement policies of the development plan would not arise. In arriving at this conclusion, I have had regard to the appeal decisions that the Council has drawn to my attention. However, none are so directly comparable to the proposal before me, particularly in regard to the proximity of the detached building to the main dwelling, that they lead me to a different conclusion.
22. I concluded above that the site is not a sustainable location for a new dwelling, due to the likely dependence of occupants on private vehicles to access services. Occupation as an annexe, in the manner proposed, would not generate the same level of vehicle movements as an independent dwelling. Indeed, it is likely that bringing the wider family together on one planning unit would reduce the overall number of car journeys undertaken in comparison with the existing two separate households. There would no longer be the need for regular car journeys to provide care and support to the appellant's parents, and it is likely that trips to shops and other facilities and services would be combined. Consequently, occupation of the building as an annexe would not give rise to an overall increase in private fossil-fuelled vehicles.
23. I have already concluded that the proposed building would not have a harmful impact on the character and appearance of the surrounding open countryside.
24. To conclude, in the particular circumstances of this case, the detached building could reasonably operate as an annexe to the main dwelling, and the proposal would be in broad accordance with the Guidance Note. Occupation of the accommodation as part of the existing residential planning unit would not result in an increase in car journeys, and there would be no harm to the character and appearance of the area. Consequently, the proposal for an annexe, as submitted, would accord with Policies 1, 2, 3, 7, 9, 12, 21 and 23 of the Local Plan and Policies C1 and T1 of the DPD, which seek, amongst other things, to limit new dwellings in the countryside, avoid dependency on private vehicles, and protect landscape character.

Conditions

25. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has suggested three conditions to cover other matters. I have considered these against the advice in the Planning Practice Guidance.
26. The site already has a large area for car-parking, which would not be affected by the proposal. Furthermore, as the proposal is for an annexe rather than a separate dwelling, there would not be any significant change to the level of off-street car-parking required. Consequently, a condition requiring car-parking details to be submitted for approval would fail the tests of necessity and reasonableness.
27. The proposed accommodation would be on the site of an existing building, so would not involve the removal of any trees or hedgerows. I have concluded above that the site is well-screened, such that the proposal would not have a harmful impact on the character of the surrounding open countryside. The proposal for an annexe would not require any subdivision of the plot. In view of these factors, a condition requiring submission of a scheme of landscaping would be an unnecessary and unreasonable imposition.
28. Case law¹ has held that there is no reason self-contained annexe accommodation should necessarily become a separate planning unit from the main dwelling. Rather, it is a matter of fact and degree, based on the way the accommodation is occupied. I am satisfied, on the evidence before me, that the appellant's intended occupation of the building would not create a separate planning unit. In these circumstances, the Uttlesford case indicates that the use would be living accommodation that is an integral part of the ordinary residential use of the site as a dwellinghouse. However, as the description of the proposal in this case is not entirely clear and precise on this issue, a condition limiting occupation of the accommodation is necessary and reasonable for the purposes of clarity and certainty. However, I have amended the wording to reflect the fact that occupation would be part of the overall residential use, rather than ancillary to it.

Conclusion

29. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR

¹ Uttlesford DC v SSE & White [1992]