



Appeal Decision

Site visit made on 9 December 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2024

Appeal Ref: APP/Q1153/W/24/3344421

The Tollhouse, Greystone Bridge, Launceston, Devon PL15 9PD

- 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 A Grose against the decision of West Devon Borough Council.
 - The application Ref is 0351/24/FUL.
 - The development proposed is described as 'to regularise the established use of a detached garage associated with the Tollhouse as a self-contained annex.'
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note that the site is already in residential use. I must determine the appeal based on the submitted plans and information considered by the Council.

Main Issues

3. The main issues in this appeal are:
 - whether the proposal is an annex or a self-contained residential unit;
 - if the proposal is a self-contained residential unit, whether this is appropriate having regard to the accessibility of services and facilities and the spatial strategy in the development plan; and
 - the effect of the proposed development on the character and appearance of the area, having particular regard to conserving and enhancing the landscape and scenic beauty of the Tamar Valley National Landscape.

Reasons

Annex or dwelling

4. The appeal site is located near to Greystone Bridge, bisected by a public highway leading onto the B3362 Old Greystone Hill, a classified road between Launceston and Milton Abbot. It comprises a detached dwelling known as The Tollhouse on one side of the road, and, on the opposite side of the highway, a building originally constructed as a garage but since converted and now known as Rose Cottage.
5. Policy DEV10 of the Plymouth & South West Devon Joint Local Plan 2019 (JLP) supports residential annexes where they are within the same curtilage and ownership as the principal dwelling. Annexes should be clearly ancillary to the principal dwelling via a functional link, with no separate demarcation or

boundary. Further guidance is set out in the JLP Supplementary Planning Document 2020 (SPD).

6. The SPD states that whether an annex is ancillary relates to the use and degree of dependence on the main dwelling. In considering whether an outbuilding is capable of being occupied independently, it outlines that regard will be given to its relationship to the main dwelling, and the extent to which facilities are shared. It sets out several criteria for the assessment of annexes.
7. The SPD criteria include the requirement for annexes to be sited within the garden of the main dwelling, functionally related to and only used in conjunction with it, in the same ownership, and accessed via the main dwelling or its garden. The criteria also set out the need for annexes to be reliant on facilities provided by the main dwelling, including having shared outdoor amenity space with no boundary demarcation, and to be designed to allow the annex to be used as an integral part of the main dwelling later on.
8. Rose Cottage comprises a freestanding building on a separate parcel of land separated from The Tollhouse by a public highway. The building and garden are long established, with main service connections and having previously been the garage and garden for The Tollhouse. However, the cottage now has a separate access, parking area and garden from the original house, which are enclosed by hedges, fences and walls. The two properties are in the same ownership, but as they are unconnected buildings with their own accesses and grounds, it would be possible to sever the ownership of the two properties in future.
9. Further, the converted building includes a kitchen-dining room, sitting room, bedroom and bathroom and all the other facilities needed for independent day to day occupation. The occupants of the two buildings can live quite separately from one another and there is no need for the occupants of Rose Cottage to enter the space around The Tollhouse. Whilst the converted building is occupied by the elderly parents of the current owner of The Tollhouse, there is nothing of substance before me demonstrating that the occupants of the converted outbuilding are dependent on the occupants of the original dwelling. Thus, the proposal fails to meet most of the criteria for residential annexes outlined in the SPD.
10. Therefore, I conclude that the proposal is a self-contained residential unit which fails to accord with Policy DEV10 of the JLP. As such, it should be assessed as an entirely separate unit of accommodation.

Suitability of the location

11. Policy TTV1 of the JLP sets out a hierarchy of settlements for the distribution of development in the plan area. The appeal site is in the countryside where development will only be permitted if it meets the principles of sustainable development and sustainable communities set out in Policies SPT1 and SPT2 and the provisions for development in the countryside outlined in Policy TTV26, amongst other things.
12. Policies SPT1, SPT2, DEV29 and TTV2 of the JLP require developments to have access to services and non-car transport modes, with those in this area having access to sustainable transport that is appropriate to the context. In addition, Policy DEV32 seeks to deliver low carbon development.

13. In a previous appeal for a dwelling on the site¹, the Inspector found that other than the Tollhouse, there is one other residential property nearby, located on the opposite side of the B3362. A group of properties is situated some distance from the site on the opposite side of the River Tamar. The appeal site is both physically and visually separate from any settlement, and the nearest one of any size is the town of Launceston, approximately 3 miles away. Therefore, it was found that the site is an isolated location in the countryside. The village of Milton Abbot is also over 2 miles away and, as the circumstances have not changed, I have no reason to disagree with the previous findings.
14. JLP Policy TTV26 seeks to avoid isolated development in the countryside and only permits development in exceptional circumstances. Policy 9-4 of the Milton Abbot, Chillaton and Kelly Neighbourhood Plan 2022 (NP) also includes a presumption against residential development outside the Milton Abbot settlement boundary unless the proposal meets the requirements of JLP Policy TTV26, amongst other things. No case is made that the development meets any of the permissible types of development listed in Policy TTV26. As such, the proposal conflicts with Policy TTV26 of the JLP and Policy 9-4 of the NP.
15. The Inspector considering the previous scheme outlined that due to the considerable distance of the site from the facilities and services in a settlement, walking or cycling to those settlements is not achievable or practical. The nearest bus stop is approximately 200m from the site, but the walk to this is unattractive and potentially unsafe due to the need to walk down a road where there is no pavement or street lighting. From the evidence before me, it appears that bus services are limited. Therefore, consistent with the previous appeal decision, the occupiers of the proposed dwelling are likely to be reliant on private vehicles to access services and facilities.
16. Consequently, I conclude that the proposal is not appropriate having regard to the accessibility of services and facilities and the spatial strategy in the development plan. This is contrary to Policies SPT1, SPT2, TTV1, TTV2, TTV26, DEV29 and DEV32 of the JLP and Policy 9-4 of the NP.

Character and appearance

17. The appeal site is enclosed by trees which are protected by an area Tree Preservation Order (TPO). It lies within the Tamar Valley National Landscape (formerly an Area of Outstanding Natural Beauty) (TVNL) where JLP Policy DEV25 requires great weight to be given to conserving landscape and scenic beauty. The diverse landscape of the TVNL is defined and shaped by the rivers Tamar, Tavy and Lynher, and by the human activity focused around them. It represents a relatively unspoiled valley and water landscape.
18. In considering the previous scheme, the Inspector found that the red line boundaries shown on the location plan would potentially establish a residential use and the potential for domestic paraphernalia in the wooded area beyond the appeal building and its immediate surroundings. This was considered to result in over-domestication of the appeal site as a whole and the spill of a residential use into the undeveloped countryside.
19. In contrast, the current proposal shows the site boundary around the area immediately surrounding the converted building, including the parking area,

¹ App/Q1153/W/22/3312802 'the previous scheme/appeal decision'

sheds and patio. It avoids the trees protected by the TPO. Thus, the proposal does not result in any change to the domesticated appearance of the space around the building or have an adverse effect on landscape character.

20. Therefore, I conclude that the proposed development does not harm the character and appearance of the area and conserves the landscape and scenic beauty of the TVNL. In this respect, it complies with Policies TTV26 and DEV25 of the JLP where they seek to conserve landscape and scenic beauty in nationally protected landscapes and avoid degradation of the landscape.

Other Matters

21. The Council did not find harm or development plan conflict in relation to several other matters, including access, parking, and impacts on trees and ecology. However, even if I were to agree with the Council on these points, the absence of harm is a neutral matter which does not carry weight in favour of the proposed scheme.
22. The site adjoins a grade II listed drinking fountain and horse trough. Its special interest and significance derive in part from it being a 19th century dressed stone and granite semi-circular horse trough with a carved stone lion's head at the water spout and a gabled front. As the proposal does not alter the existing building or the domestic area around it, it preserves the setting of the listed building, and its significance is not harmed. I note that the Council raised no objection in this regard either. Nevertheless, this lack of harm weighs neutrally and does not amount to a consideration in support of the appeal or alter my conclusions on the main issues.
23. There were no objections to the proposal in response to the consultations, but this does not alter my conclusions on the main issues.
24. The proposed development is likely to have a significant effect, either alone or in combination, on the Plymouth Sound and Estuaries Special Area of Conservation and Tamar Estuaries Complex Special Protection Area. This is due to its location within the 12.3km recreational zone of influence. The appellant is willing to pay the required contribution towards mitigating the impacts of the scheme. However, there is no need to consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.

Conclusion

25. For the above reasons, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

A Wright

INSPECTOR