



Appeal Decision

Site visit made on 5 November 2024

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2025

Appeal Ref: APP/D0840/W/23/3326944

Drakewall House, Drakewalls, Gunnislake, Cornwall PL18 9EG

- 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 Ken Smyth against the decision of Cornwall Council.
 - The application Ref is PA22/11252.
 - The development proposed is workshop/garage conversion to residential annexe for supported living of elderly parent.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed works on the application form submitted to the Council refers to “conversion of existing store/garage into annexe/dwelling”. However, it is apparent from the appellant’s evidence that the intention is for the appeal building to be used as an annexe, not a dwelling. I have therefore used the description adopted by both parties in subsequent submission documents and reflected that in the banner heading above. I am satisfied that in doing so neither party would be disadvantaged.
3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the matters relied on by the main parties are unchanged. Therefore, I did not need to consult with the main parties regarding the revised Framework.

Main Issues

4. The main issues are whether or not the proposed development would be annexe accommodation and its effect on the character and appearance of the area.

Reasons

5. The appeal site is located in the settlement of Gunnislake and consists of the main house, known as Drakewall House, and a separate building to the rear of Drakewall House that was the subject of a planning permission for it to be used as residential accommodation in conjunction with the main house¹. Attached to that annexe building is a single storey garage. The garage is the subject of the appeal.

¹ Cornwall Council application reference 5/88/00641/F

6. It is apparent from the evidence that the building to the rear of Drakewall House has been let out as a separate and independent unit of residential accommodation. At the time the Council refused the planning application, there appeared to be no formal confirmation that the above use was lawful. However, I have now been provided with a certificate of lawfulness, dated 16 January 2024, confirming that the building has a lawful use as a dwelling (the Coach House).
7. My attention has been drawn to the Council's Annexe Guidance Note (May 2020) (the Guidance), which establishes that annexes can be acceptable where it would not result in the creation of accommodation that is tantamount to a new dwelling. The annexe would need to be functionally linked to the main house, either through the sharing of facilities in the main house or the support of its occupants or vice versa. The main house and annexe should not be physically separated off from each other. The annexe should be of a subservient scale to the main house.
8. Whilst the two buildings are physically and visually separate from each other, the annexe is in the curtilage of the main house and the buildings would share the same vehicular access and parking area, and a separate outdoor space would not be formed as part of the proposal. There is also no apparent demarcation of the curtilage shown on the submitted plans. The proposal would therefore partially meet the criteria of the Guidance.
9. However, the appeal building would be substantially enlarged as a result of the construction of an additional storey on top of the existing building. The increase in height would lead to the building being significantly taller than the adjoining Coach House and together with the addition of a porch and the layout of fenestration in the principal elevation, the building would appear as a dwelling, not an annexe that is subservient to Drakewall House.
10. The living accommodation would consist of an open plan kitchen, living and dining area, an office/storage room, two double bedrooms with one of the bedrooms having an en-suite bathroom, and a wet room. The level of facilities on offer within the building would further undermine the case that the proposed accommodation would be subservient to the main house. Moreover, the proposed facilities indicate that there would be no reliance by the occupant of the building on the facilities in the main house. Whilst the appellant asserts that the accommodation would be occupied by an elderly family member, there is limited evidence to demonstrate that the relative would need the level of support to establish the accommodation as ancillary to the main house.
11. Taking into account all of the above factors, the proposed development would fail to meet the majority of the criteria in the Guidance and it has not been sufficiently demonstrated by the appellant that the proposal would constitute annexe accommodation.
12. The Guidance also sets out that proposals for annexe accommodation should comply with the Council's design standards. The existing built form at the rear of the site is a modestly proportioned dwelling, the Coach House, with an attached single storey garage. The proposal would result in a significant increase in the massing and bulk of the garage building and it would be substantially taller and greater in depth than the Coach House. It would therefore lead to an overtly noticeable change to the built form at the rear of the site where the enlarged building would visually dominate the existing adjoining dwelling and form an

incongruent addition to the street scene. The proposal would therefore not constitute good design in accordance with the design standards set out in the development plan and the Chief Planning Officer's Advice Note: Good Design in Cornwall (March 2023) and would materially harm the character and appearance of the area.

13. For these reasons, I conclude that the proposed development would not constitute annexe accommodation and it would have an unacceptable effect on the character and appearance of the area. Consequently, the proposal would conflict with Policies 1 and 12 of the Cornwall Local Plan Strategic Policies 2016 – 2030, which collectively seek, in part, to achieve the enhancement and reinforcement of distinctiveness, raise the quality of development and achieve high quality design. The proposal would also conflict with the Framework's promotion of good design.

Other Matter

14. I note the appellant's comments regarding the Council's handling of the planning application, but that is not determinative in my consideration of the appeal and is a matter for the parties.

Planning Balance and Conclusion

15. The proposal would result in accommodation for an elderly relative and therefore meet the social needs of the family. It would also potentially open up a bed in the social care sector and therefore provide a wider social public benefit. The future uses could include additional accommodation for the bed and breakfast business in Drakewall House. However, the small scale of the proposal means that these benefits would be limited and therefore not outweigh the conflict with the development plan and the associated harm that I have identified.
16. For the reasons given above, the proposed development would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. As such, the appeal should be dismissed.

K Reeves

INSPECTOR