



Appeal Decision

Site visit made on 9 January 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Appeal Ref: APP/D0840/D/24/3343835

Owls Cottage, Road from Lodge House to Killiganoon Farm Cottage, Killiganoon, Carnon Downs, Cornwall TR3 6JT

- 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 Daniel Lawrence against the decision of Cornwall Council.
 - The application Ref is PA24/00880.
 - The development proposed is alterations and additions to existing dwelling including first floor extension to original dwelling and construction of detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development includes a detached double garage as well as alterations to Owls Cottage. The reasons for refusal on the Council's decision notice indicate that the extensions to the dwelling are the matters in dispute. I have no reason to disagree with the Council's conclusion that the rest of the proposed development is acceptable in planning terms. My reasoning below therefore relates to the alterations to Owls Cottage.
3. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

Main Issues

4. The main issues are
 - The effect of the proposed development upon the character and appearance of the area and the host property as a non designated heritage asset; and
 - The effect of the proposal upon protected species with regard to bats.

Reasons

Effect on the host property and the character and appearance of the area

5. The appeal property is formed of a single storey groundskeeper cottage of a traditional design dating back to the early 1900s and a large modern two storey component. The dwelling is set within a generous plot located within a rural landscape with open fields and woodland extending to the north and east.

6. The cottage was associated with Grade II listed Killiganoon Manor located to the west although it appears that this functional and physical association has now been severed. On account of its age and historical association with the manor the Council consider the property to be a non-designated heritage asset. Based on the evidence before me I have no reason to come to a different view.
7. The cottage has been extended previously through a single storey link, a large rendered two storey element with a catslide roof and a conservatory extending off the south eastern elevation of the cottage. This has altered considerably the historic form and appearance of Owls Cottage and which is now understood as being formed of two architecturally distinct components with the modern component appearing as the more prominent feature.
8. The Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
9. I acknowledge that the proposals would further extend the scale and mass of the building through the replacement of the catslide roof with a two-storey gable element and single storey projection. However, despite its elongated form I find that it would be well proportioned and together with the hung slate cladding and contemporary glazing would result in a degree of visual cohesion and architectural interest improving the appearance and form of the modern component. The additional built form would be positioned at the opposite end to the historic cottage and, as such, I am not persuaded that it would subsume or further undermine the historic form and appearance of the original cottage.
10. Notwithstanding the above, the proposed alterations to the roof of the original cottage in terms of height and form would appear unduly bulky and prominent. As a result it would unacceptably disrupt the proportions of the property and the pleasant balance between the stone walls and slate roof that currently exists.
11. Whilst I note that the new oak framed sun room would replace an existing conservatory the solid form and mass of the gable roof results in an unduly prominent structure dominating the south east elevation of the cottage. Furthermore, the roof terminating part way up the roof slope would result in an awkward and visually confused design that would adversely affect the form and appearance of the cottage.
12. Whilst the proposals would increase the expanse of fenestration in the rear elevation facing open fields there is nothing substantive to indicate that it would unacceptably increase light spill so as to be harmful to the character of the local area.
13. Views of the dwelling would be localised particularly when considering views of Owls Cottage from the public realm are rather limited. That said, I still find that the alterations to the cottage would unduly affect the rural character and appearance of the surrounding area.
14. The appellant contends that the alterations to the roof could be carried out utilising their permitted development rights, but I have seen nothing to suggest that they would genuinely pursue this option if the appeal failed or that a Certificate of Lawful

Development has been approved for such a development. I therefore afford this matter only limited weight in coming to my decision and, furthermore, I have determined this appeal on its own individual planning merits.

15. As such, the proposed development would adversely affect the character and appearance of the area and the host property and its historical and architectural significance as a non-designated heritage asset. This would be contrary to Policies 12 and 24 of the Cornwall Local Plan (2016) (LP); Policies D1 and HE1 of the Feock Neighbourhood Development Plan (2017) (NDP); Policies C1 and SEC1 of the Climate Emergency Development Plan Document (2023) (DPD) and Section 4.2 of the Cornwall Design Guide (2021) which, amongst other things, seek high quality design that respects the cultural distinctiveness and significance of Cornwall's historic rural environment; proposals to conserve the design, character and historical significance of a building and extensions to a traditional building to be sensitive.

Protected species

16. Bats are a European Protected species (EPS). The Council contend that insufficient survey work has been provided to demonstrate the absence of brown long-eared bats. The appellant advises that between December 2021 and August 2023 Owls Cottage has been subject to two building surveys, a static recording survey and three dusk emergence surveys which have identified one Common Pipistrelle using the roof as a day roost. Whilst the presence of brown long-eared bat droppings have been found in the roof the appellant's ecologist suggests that brown long-eared bats are now likely absent on account of none being observed emerging from the roof.
17. The appellant's evidence indicates that as the cottage is used by a low number of common and widespread species and a non-breeding day-time roost it is of low conservation status and would meet the criteria for a Bat Low Impact Class License from Natural England (NE).
18. It is apparent that a number of surveys have been taken over a two year period and based on the evidence before me I am satisfied that they cover a sustained period, providing an accurate representation of the assemblage of bats using the site. Despite the Council suggesting otherwise the evidence is sufficiently complete and robust to understand bat activity at the property.
19. Developments that would result in a breach of the protection afforded to EPS require a mitigation licence to be obtained from NE under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations). NE make the decision whether or not to grant a license, but as decision maker I must be confident that there would be a reasonable prospect of the licence being granted by NE in order for me to grant planning permission.
20. A license can only be granted by NE if the development meets 3 derogation tests. In summary these are, that the development is necessary for imperative reasons of overriding public interest; that there is no satisfactory alternative that will cause less harm to the species; and thirdly that it will not be detrimental to maintaining the population of the species at a favourable conservation status in their natural range.

21. In terms of the first test - having regard to my conclusions in respect of the adverse effects of the proposal upon the area and host building as a non-designated heritage asset there would not be an overriding public benefit from the proposal.
22. In relation to the second test, the alternative would be to do nothing to renovate the existing building. However, this seems unlikely given the history of the site and the desire of the appellants to renovate the property. As such, based on the evidence before me there is no satisfactory alternative and thus the second test would likely be met.
23. Finally, in terms of the third test the appellant has indicated that they would be prepared to incorporate enhancement measures and subject to agreeing such measures favourable conservation status of bats would be maintained.
24. Taking into consideration the derogation tests and having had regard to my duties under the Regulations 9(1) and 9(3), based on the evidence before me, I am not satisfied that all three tests would be met. Therefore, I cannot be certain that there would be a reasonable prospect of a mitigation licence being granted by NE.
25. As such, the proposal would not meet the requirements of Part 3(d) of LP Policy 23; NDP Policy BIO1 and Policy C1 of the DPD which, amongst other things, seek to safeguard and enhance the natural environment and avoid adverse impacts upon European and UK protected species.
26. Even if the proposal did meet the terms of a licence, this factor would not alter my decision as I have found the proposal to be unacceptable in respect of the effect of the proposal on the area and the host building as a non-designated heritage asset.

Other Matters

27. The support of the Parish Council weighs neither for nor against the proposals and does not overcome the harm I have identified in relation to the main issues.
28. I appreciate that the appellant has attempted to overcome the concerns previously raised. However, the amendments would still result in a proposal that would be harmful to the character and appearance of the host property.

Conclusion

29. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR