



Appeal Decision

Site visit made on 8 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/W/24/3343662

24 Cape Cornwall Street, St Just, Cornwall TR19 7JZ

- 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 Jon Olds against the decision of Cornwall Council.
 - The application Ref is PA23/03898.
 - The development proposed is use of the rear extension as a holiday let.
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Decision

1. The appeal is allowed and planning permission is granted for use of the rear extension as a holiday let at 24 Cape Cornwall Street, St Just, Cornwall TR19 7JZ in accordance with the application Ref: PA23/03898 subject to the conditions set out in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by Mr Jon Olds against Cornwall Council. This application is the subject of a separate decision.

Preliminary Matters

3. Whilst I note the description of development on the planning application form, based on the information before me, the proposal is for the use of the rear extension as holiday accommodation. I have determined the proposal on this basis as have the Council. I have taken the description of development from the Council's decision notice as it simply and accurately describes the proposals.
4. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework. I am satisfied that no interested party has been prejudiced by my approach.
5. The appellant has submitted a signed Unilateral Undertaking covenanting that the proposed holiday accommodation and main dwelling shall be treated as a single planning unit and shall not be sold, transferred or leased as separate entities. I have addressed this in my reasoning below.

Main Issues

6. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the St Just Conservation Area (CA) and the Cornwall and West Devon Mining Landscape World Heritage Site (WHS);

- Whether adequate amenity space would be provided for the main property and the proposed holiday accommodation;
- The effect of the proposal upon the living conditions of nearby occupiers with regard to noise and disturbance; and
- The effect of the proposed development upon the safe and efficient operation of the local highway network.

Reasons

The effect upon heritage assets

7. The appeal site is located within the town of St Just which expanded from a small hamlet to a town in response to tin and copper mining in Cornwall in the eighteenth and nineteenth century. The St Just CA covers much of the town with the immediate context comprising narrow streets and back lanes largely formed of terraced dwellings and rear outbuildings of a subservient nature. This arrangement is a legacy of trades and industry in the rear of plots with limited separation between domestic and working life and which has resulted in disparate patterns of development and a tight urban grain. In this regard Cape Cornwall Street and Chapel Street have a more regimented layout whereas Boswedden Road, in contrast, has the appearance of a narrow back lane.
8. The St Just mining district of the Cornwall and West Devon Mining Landscape WHS is a coastal area including submarine tin and copper mines and tin and arsenic processing sites. The Outstanding Universal Value (OUV) of the WHS is identified by the radical reshaping of the Cornish and West Devon landscape due to deep tin and copper mining. Given the above the significance of the CA and WHS is, in part, derived from historic tin and copper mining and associated industrial development.
9. 24 Cape Cornwall Street is a double fronted two storey three-bedroom cottage with a small rear yard area laid out to hardstanding that is broadly L shaped. At ground floor is a link to the former garage that has been converted into an annexe containing an open plan kitchen/ living area, bedroom and shower room. The annexe benefits from a separate amenity area leading off the living accommodation.
10. The Council's concerns relate to the potential severance of the main property and the outbuilding and the effect this could have upon the historic grain and form of the CA and WHS. The appellant on the other hand advises that they are not seeking to separate the property into two planning units.
11. The appellant advises that prior to the construction of the garage and its conversion into the annexe in 2020 his uncle ran a dairy from the outbuildings at the rear of No 24. He also advises that milk deliveries were received from the rear and customers would access the premises from both Cape Cornwall Street and Boswedden Road.
12. The available evidence indicates that the rear of the site historically exhibited a degree of functional and physical separation from the main dwelling and which appears to have been undertaken without any discernible impact on the form and grain of the local area. In my judgement the proposal would continue this legacy albeit in a different guise. Consequently, I am of the view the proposal would

preserve the character and appearance of the CA and would not harm the OUV of the WHS.

13. I note that the annexe has all the facilities necessary for independent living and could be occupied as a separate dwelling to the main house. With adequate restriction on its use I am satisfied that this would not occur in order to preserve the characteristics and significance of the CA and WHS.
14. As such, I conclude that the proposed development would preserve the character and appearance of the CA having a neutral impact upon its significance and the OUV of the WHS. It would, therefore, accord with Policies 1, 2, 12 and 24 of the Cornwall Local Plan (2016) (LP), Policy AD4 of the St Just in Penwith Parish Neighbourhood Plan (2021) (NP) and the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan which, amongst other things, seek to promote sustainable development, high quality design, proposals to reflect their context and local distinctiveness and to protect, conserve and enhance heritage assets of Cornwall.

Whether adequate amenity space would be provided for existing and future occupiers

15. The usable amenity space for the main dwelling comprises a courtyard area predominantly laid out to hard surfacing whilst the amenity area for the annexe would be sited to the rear formed of a small area located off the kitchen/ living area.
16. Policy G1 of the Climate Emergency Development Plan Document (2023) (DPD) sets out a requirement for well proportioned and well orientated, private amenity that is at least equal in size to the footprint of the house to enable a range of activities. Based on the available information the proposal would not fully accord with this policy.
17. That said, I find that the amenity space would be satisfactory for occupiers given the already constrained nature of the site and tight urban grain of the area. Given the modest size of the proposed holiday accommodation it is unlikely to be occupied other than by a single person or a couple who would not have the same amenity space requirements as a family. The external area for the holiday accommodation would be small, but adequate to accommodate outdoor seating providing a well-proportioned and private space for guests to enjoy during their stay.
18. The retained amenity space for the main dwelling would essentially remain unaltered and, on balance, I find that it would be usable and private providing reasonable space for relaxation, play and domestic chores and activities.
19. As such, in this particular instance the external amenity spaces proposed would be acceptable for both occupiers of the main property and the holiday accommodation. The proposal would therefore accord with LP Policy 12, Policy G1 of the DPD and Policy BD4 of the NP which, amongst other things, require high quality design and appropriate levels of private outdoor space.

The effect upon the living conditions of nearby occupiers

20. The immediate context has a tight urban grain with a close spatial relationship between properties. The proposal would increase vehicle movements and pedestrian comings and goings including along Boswedden Road and the alleyway involving occupiers walking close to front doors and habitable room windows.

21. That said, it is not an inevitable consequence that this would give rise to unacceptable levels of noise or disturbance. It would be occupied by a single person or couple given its small scale and it is unlikely that the holiday accommodation would be occupied all year round. The proposal would essentially be a further residential use compatible with neighbouring uses and is unlikely to generate excessive pedestrian and vehicle movements or noise that would be uncharacteristic of the surrounding area so as to demonstrably harm the living conditions of nearby occupiers.
22. I acknowledge the comments in respect of car headlights shining into nearby properties, car doors closing and vocal exchanges, however, there is nothing substantive to suggest that this would be materially different or intensive compared to the existing local environment.
23. I conclude that the proposed development would not demonstrably harm the living conditions of existing occupiers in respect of noise or disturbance. It would, therefore, accord with LP Policies 12, 13 and 16 which, amongst other things, seek to protect individuals and property from unreasonable noise and disturbance.

Safe and efficient operation of the local highway network

24. Parking in St Just comprises a mix of on street and on-site parking. The property does not benefit from off street parking and the proposal would not alter this arrangement. Whilst I acknowledge that I visited out of peak season and my observations are a snapshot in time I did not observe obvious signs of parking stress on Cape Cornwall Street and surrounding roads.
25. Whilst the proposed holiday accommodation would likely increase parking demand in the area given its modest size it is unlikely to generate significant additional vehicle movements or parking demand. Based on the evidence before me and my observations during the site visit, I am satisfied that any parking resulting from the proposal would be adequately accommodated on street or in the nearby public car park. Moreover, taking into account the nature of the use it is likely that occupiers would park more considerately rather than in an indiscriminate and inconsiderate manner.
26. The Framework at paragraph 116 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
27. I, therefore, find that the proposed development would not adversely affect the safe operation of surrounding roads. It would accord with LP Policy 27 and Policy BD5 of the NP which, amongst other things, require new development not to cause a significant impact on the local road network and not to add to existing traffic congestion.

Conditions

28. I have considered the imposition of conditions in accordance with the Framework and Planning Practice Guidance. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty. In order to protect the character and appearance of the CA and WHS I

have imposed a condition restricting the use of the annexe to holiday accommodation only and preventing occupation of the property as a sole or main residence.

29. Taking into account the imposed condition the UU is not necessary to make the development acceptable in planning terms and is of neutral consequence in coming to my decision.

Conclusion

30. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Proposed Location Plan Drawing Number P2.1 Rev 02; Existing Drawing Number P3.2 Rev 01; Proposed Roof Drawing Number P4.1 Rev 02; Proposed Drawing Number P4.2 Rev 02 and Proposed Drawing Number P4.3.
- 3) The annexe shall be occupied as holiday accommodation only and shall not be occupied as a sole or main place of residence or by any persons. An up-to-date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.