



Appeal Decision

Site visit made on 14 January 2025 by S Wilson LL.B. MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/D0840/W/24/3351964

Land North of Bone House, Heamoor, Penzance, Cornwall TR20 8UJ

- 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 & Mrs K Kearney against the decision of Cornwall Council.
 - The application Ref is PA23/09484.
 - The development proposed is the conversion & extension of existing garage to form residential dwelling.
-

Decision

1. The appeal is allowed, and planning permission is granted for the conversion & extension of existing garage to form residential dwelling, at Land North of Bone House, Heamoor, Penzance, Cornwall TR20 8UJ, in accordance with the terms of the application, PA23/09484, subject to the conditions set out in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. A revised National Planning Policy Framework (the Framework) was published December 2024. An opportunity was provided to the main parties to make further written comment over these changes. The decision is based on the current Framework and has taken account of the further representations made on this.

Main Issues

4. Although the Council has given two reasons for refusal on the decision notice, having reviewed the evidence and submissions I have considered it appropriate to identify a single main issue.
5. Accordingly, the main issue is whether the proposal would constitute an appropriate form of development with particular regard to the provisions of local and national policy in respect of the location of the development and its effect on the character and appearance of the surrounding area.

Reasons for the Recommendation

6. The Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) resists development in the open countryside, preferring to direct it, hierarchically, to within

settlements and thus sustainably related to services on which future occupiers would rely day to day. This strategic approach to the spread of new development in the plan area is established by Policies 2 and 3 of the Local Plan.

7. The appeal building is a double garage constructed with external natural stone walls and slate covering to the pitched roof. There are two garage doors and windows on the side elevations. Whilst the site is situated adjacent to a small group of dwellings, the appeal building is located outside of a settlement and in the open countryside.
8. Policy 7 of the Local Plan sets out that new dwellings in the countryside will be restricted to, amongst other things, reuse of suitably constructed redundant or disused buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting, and that the building to be converted should have an existing lawful use and be ten years old or greater.
9. The appeal building is evidently robust, and the structural survey sets out that it could perform well for conversion. By reason of its appearance and use of materials, I consider that the building is appropriate to retain. The appellants point to the width of the garage doors not being wide enough to accommodate modern vehicles and that vehicles park outside their respective houses. At the time of my visit, it was clear that vehicles were not parking in or outside the garage and the use of the wider site was for cars to park outside their respective houses located some distance away. There were a few bags of items strewn around the site, but the building was not storing any substantial items or any substantial number of items.
10. Given the above factors, I consider that the appeal building is redundant and is appropriate to retain. Furthermore, given the history of the site, it is apparent that the building has an existing lawful use and is over ten years old. In light of these matters, the proposal would gain support from Policy 7 of the Local Plan if the proposal would lead to an enhancement to the immediate setting. I shall therefore now turn to consider matters of character and appearance.
11. The Council has drawn my attention to several planning appeals, where the subject buildings are described as small utilitarian rural buildings and relate specifically to their conversion to a residential dwelling. Those buildings appear to be, amongst other things, stables, cow sheds or other such agricultural or equestrian buildings. The subject building differs from those appeal buildings in that it is a redundant residential incidental building. Whilst it has no substantial architectural significance, the appeal building is constructed using traditional natural stone, has residential like fenestration, and is part of a grouping of residential dwellings and other incidental garage buildings.
12. The current proposal would lead to some further domestication of the site. However, it is already a building incidental to a domestic residential dwelling and is clearly located amongst a grouping of residential dwellings and outbuildings. There is the feel of residential paraphernalia sprawled around the building and the appeal site. The land north of the subject building has an open feel, with a number of lightweight fences segregating grazing areas; however, there is sturdy wooden fencing that demarcates the subject appeal curtilage and is clearly separating this area from the open land beyond. The proposal would strengthen that boundary to the open land beyond and stop the existing sprawl of residential paraphernalia at

this location. I therefore find that the proposal would lead to an enhancement of the character and appearance of the area.

13. The Framework seeks to actively manage patterns of growth in order to make the fullest use of public transport, walking and cycling. The proposal is located approximately one kilometre from both the settlements of Heamoor and Penzance. The highway, which provides access to the appeal site, is a rural road without pavements or lighting. However, there is a bus stop approximately sixty metres south of the driveway that provides access to the appeal site which could facilitate sustainable transport for future occupiers.
14. For the above reasons, the proposal would comply with Policies 1, 2, 7, 12, 21 and 23 of the Local Plan, Policies C1 and T1 of the Climate Emergency Development Plan Document February 2023, Policy H1 of the Madron Neighbourhood Development Plan 2022 - 2030 and the relevant paragraphs of the Framework, insofar as they seek sustainable development that conserves the character and appearance of the area.

Conditions

15. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. In addition to the standard three-year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. A condition is also necessary to ensure details of sewage disposal works is agreed and implemented in the interests of the environment and in the interests of residential amenity.
16. The Council have suggested a condition requiring that a landscaping scheme be submitted in writing and approved prior to commencement. Given the open nature of the landscape beyond I believe it is necessary that such a condition be implemented to strengthen the existing distinction between the residential grouping and the agricultural open land beyond. The Council also suggest that the landscaping be conditioned to be implemented in the first planting season after occupation. I agree that such a condition is necessary in order to provide the distinction described above and to ensure that the development maintains the character and appearance of the area.
17. The Council have suggested that permitted development rights be removed in order to retain the rural character of the building. The Council have defined the scope of the suggested condition so that it would be precisely defined by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015. However, such a condition would be unreasonable given that I have found that the proposal would conserve the character and appearance of the area. The appeal site is limited by its curtilage, thus impeding the spread of incidental buildings and it is located in the built form of a cluster of residential dwellings. The development would strengthen the boundary between residential and open land, and I see no justifiable reason that the condition would be necessary.
18. The Council have suggested a condition requiring that the external materials to be used in the construction be approved prior to commencement. This would be unnecessary given the detail provided on the approved plans.

19. A pre-commencement condition relating to a scheme of landscaping is deemed necessary as discussed above. I have written to the appellants and the condition has been accepted.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed subject to the stated conditions.

Mr A Spencer-Peet

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 the following approved plans: Location Plans 001 Rev E, Existing Plans & Elevations 002A and Proposed Plans & Elevations 003.
3. No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. The development hereby permitted shall not be occupied until sewage disposal works serving the development have been completed in accordance with details that have been submitted to and approved in writing by the local planning authority. These works shall be implemented in accordance with the approved details and shall not thereafter be altered or removed.