



Appeal Decision

Site visit made on 27 January 2025

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/D0840/W/24/3346486

Trecara, West Polberro, St Agnes, Cornwall TR5 0ST

- 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 and Mrs Cohen against the decision of Cornwall Council.
 - The application Ref is PA23/09901.
 - The development proposed is use of self contained annexe/holiday let as unrestricted dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although not cited as a reason for refusal by the Council, the officer report concludes that the proposal would not provide sufficient internal space for future occupiers. Given that there is some dispute between the main parties in this respect, it needs to be considered as a main issue. Both parties have had an opportunity to provide comments which I have taken into account.
3. On 12 December 2024 a revised National Planning Policy Framework (the Framework) was published. The main parties have been given the opportunity to make comments on the implications of the updated Framework for this appeal.

Main Issue

4. The main issues in this appeal are:
 - whether the appeal site is an appropriate location for housing with particular regard to the development plan and access to services and facilities; and
 - Whether the proposed development would provide acceptable living conditions for future occupiers in terms of the provision of internal living space.

Reasons

Location

5. Policy 3 of the Cornwall Local Plan Strategic Policies 2010–2030 (the LP) seeks to provide for housing outside the identified towns through allocation in a Neighbourhood Plan, the rounding off of settlements, the development of previously developed land (PDL) within or immediately adjoining settlements and infill that does not physically extend the settlement into the open countryside. The appeal site is located beyond the defined settlement limit of St Agnes in the St Agnes

Parish Neighbourhood Plan 2018-2030 made August 2019 (NP). Accordingly, the starting point is whether the appeal site is located in a settlement.

6. The LP sets out that a settlement should have a form and shape and clearly definable boundaries. The Chief Planning Officer's Advice Note' (CPOAN)¹ states that well-defined groups of buildings with a collective name will normally be settlements. Although the CPOAN is not adopted policy, it does provide useful guidance for decision making purposes and as both parties have relied upon it in support of their case, I have given it moderate weight.
7. The appeal site is not isolated as there are a number of other houses close by. In total, the appellant states that there are in excess of 13 houses which have collectively been given the name West Polberro. I saw many of these on my site visit. They tended to be large properties in generous plots, set well back from the road. The majority of the dwellings are located to the north east side of the road and the evidence before me indicates that an unmade lane wraps around them, providing a physical boundary between the properties and the countryside beyond. I also saw that there were 4 large properties set back on the south west side of the road. Notwithstanding the reasons that the Council permitted these dwellings, they now form part of the cluster of houses in the vicinity of the appeal site.
8. Whilst there was no sign announcing arrival at West Polberro, and no obvious centre, feature or crossroads around which it had grown, I was in no doubt that I had arrived at a place with a collection of dwellings which had a recognisable form, shape and clearly definable boundaries. The appeal site is therefore located in a settlement for the purposes of Policy 3 of the LP and Policy 7 of the LP relating to housing in the countryside is not relevant.
9. Whilst the criteria in Policy 3 in terms of infilling, rounding off and development of PDL do not strictly apply as the building the subject of this appeal is already in existence, the policy indicates that a small amount of housing in settlements is appropriate. The CPOAN also states that where proposals do not entirely fit the definition of infilling or rounding off but are within the form and shape of a settlement, they will be acceptable where no significant harm arises.
10. This is reflected in Policy 21 of the LP which seeks the best use of land taking account of the character of the area and access to services and facilities. There would be no harmful effect on the character of the area arising from the use of the existing building. The nearest services and facilities are located in St Agnes where the village shop is approximately 1.3km from the appeal site. This somewhat exceeds the comfortable walking distance of 800m set out in Manual for Streets and much of the route between the appeal site and St Agnes is on a rural road which is unlit, does not have a footway and is subject to the National Speed Limit. Walking or cycling would not therefore be an option for everybody and even less so, in dark or inclement weather.
11. However, the building is already occupied by people needing to access some services and facilities. As an annexe, many of those trips would be shared with occupiers of the main house and occupation for holiday purposes does not require access to services such as schools, doctors or employment. Occupation as an unrestricted dwelling, would lead to an increased need to access services and

¹ dated December 2017 in respect of infill/rounding off

facilities for day-to-day living and therefore there would be small increase in the reliance on the private car resulting in some minor harm.

12. Other recent approvals to the east of the appeal site have been referred to by the appellant. I have been provided with very limited evidence on which to draw comparisons with the appeal proposal. However, I understand these are located in excess of 200 metres from the appeal site, meaning that they are also closer to St Agnes. I give this very limited weight in my consideration of the appeal.
13. Therefore, although I find no conflict with Policies 1, 3 and 7 of the LP which seek to provide housing within settlements, there would be some conflict, albeit limited with Policy 21 of the LP which seeks to locate proposals with appropriate access to services and facilities.

Living conditions

14. The appeal building is made up of a kitchen and dining area, two bedrooms, bathroom and a utility room on the ground floor with a mezzanine area at first floor level providing a living room. The appeal building should therefore be assessed as a two storey, two bedroom dwelling.
15. It has a good size garden with outbuildings. I also saw that there was on-site parking and provision for the storage of waste.
16. However, at just 52 square metres of internal floor area it falls well short of the minimum size of 70 square metres set out in the nationally described space standard (NDSS), a standard referenced in Policy 13 of the LP. Minimum floor areas for bedrooms and minimum built-in storage requirements also form part of the NDSS. In this case, both bedrooms fall below the minimum standard and no built-in storage is indicated on the submitted plans.
17. Policy 13 of the LP refers to affordable housing being required to meet NDSS to enable flexibility and adaptability, and this is not a proposal for affordable housing. However, it is clear on my reading of the policy that all new development is expected to achieve sufficient internal space in housing for everyday activities. The supporting text to the policy also makes this clear.
18. However, NDSS is just one factor I have considered in respect of my consideration of this main issue. I have also been inside the property. I found that the open-plan kitchen/dining area felt reasonably light and spacious. However, the single bedroom was particularly small with limited circulation space. The living room on the mezzanine level was within the roof space. Although there were dormer windows to part of it, the sloping ceilings elsewhere lead to it feeling cramped and confined. I have also been mindful that there would be a greater propensity for additional furniture and other household items throughout the property from permanent occupation by three people. This would lead to the available circulation space becoming more cluttered.
19. Whilst the appeal building seems to have been popular with holiday makers, and the appellant asserts that it complied with the NDSS for an annexe when it was originally granted planning permission, as a two bedroom dwelling for occupation on a permanent basis, it would not provide a good level of internal space for future occupiers.

20. The appeal in Falmouth² relates to a building which was just three square metres below the NDSS and the Inspector judged that other factors meant that the dwelling in that instance would provide adequate living conditions for future occupiers. I have set out above, why this would not be the case in respect of this appeal.
21. There is no robust evidence before me to support the appellants' case that there is a need for smaller dwellings. The Framework is clear that making effective use of land includes safeguarding healthy living conditions and providing a high standard of amenity for future users. The appeal proposal would not achieve this.
22. The appeal proposal would not provide acceptable living conditions for future occupiers of an unrestricted dwelling in terms of the provision of internal living space. This would conflict with Policy 13 of the LP which requires sufficient internal space in housing for everyday activities.

Other Matters

23. The appeal site lies within the buffer zone for the Penhale Dunes Special Area of Conservation (SAC). Had I been minded to allow the appeal, I would have had to consider the impact of the appeal proposal on the integrity of the SAC but as I am dismissing, those impacts will not arise.
24. I have considered other matters raised by interested parties including, but not limited to, the planning history of the appeal site and parking arrangements. Given that I have identified harm in respect of the main issues, these are not matters on which my decision turns.

Planning Balance

25. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be made in accordance with the development plan unless material considerations indicate otherwise. This is reflected in Policy 1 of the LP. The Framework is a material consideration in planning decisions.
26. The Council have indicated that since the publication of the revised Framework in December 2024, they are no longer able to demonstrate a 5 year housing land supply. The extent of the shortfall is calculated by the Council to be circa 3.8 years. Accordingly, Paragraph 11. d) ii) of the Framework is engaged.
27. The Government's objective is to significantly boost the supply of homes. Other provisions of the Framework give support to the development of land within settlements and observe that small sites can make an important contribution to meeting the housing requirement. The proposal would increase the supply of housing to a limited extent at a time when the current supply position is well below Government expectations, and I have given this moderate weight.
28. I have identified that the appeal site is located where occupiers would be reliant on the private car. However, given that the use of the building as an annexe and holiday accommodation also generates trips, I find that the harm which would arise would be minor and the conflict with the development plan in this respect would be limited.

² Appeal Ref: APP/D0840/W/23/3331838 The Old Shop, Waterloo Road, Falmouth TR11 3NU

29. However, the proposal would provide insufficient internal space for everyday activities. This would be harmful to the living conditions of future occupiers and I have given this significant weight. Therefore, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

30. The proposed development is contrary to the development plan as a whole and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is dismissed.

Alison Fish

INSPECTOR