



Appeal Decision

Site visit made on 5 August 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/D0840/W/24/3356154

The Cows House, Clowance Wood Farm, Clowance Wood, Praze An Beeble, Camborne TR14 0NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr M Wills against the decision of Cornwall Council.
 - The application Ref is PA24/05213.
 - The application sought planning permission for retention of garage/storage building with variations to condition 2 of PA20/01918 and provision of hard standing area without complying with a condition attached to planning permission Ref PA22/03041, dated 24 November 2022.
 - The condition in dispute is No 2 which states that: *'The garage/storage building hereby permitted shall be kept available for the parking of motor vehicles/cycles and for domestic storage purposes only. The building shall be used solely for the benefit of the occupants of the dwelling of which it forms part (as shown outlined in red on plan number 02A) and their visitors and for no other purpose and permanently retained as such thereafter.'*
 - The reason given for the condition is: *'To ensure that the building remains linked to the dwelling which it forms part of due to the close proximity and location in the open countryside and in accordance with policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraph 130 of the National Planning Policy Framework 2021.'*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The original planning permission¹ (the original permission) granted the demolition of a building and replacement with a garage/store. The approved plans show the building within the same red-line site as Clowance Wood Farm. Following this, and to regularise differences between the original permission and construction on site, a subsequent application² (the subsequent application) was submitted and approved. This subsequent application included a new access and showed the building within a different red-line associated with a newly created dwelling forming The Stables. This permission was subject to Condition No.2 restricting the use of the garage/storage building for the parking of vehicles/cycles and for domestic storage solely for the benefit of the occupants of that dwelling.
3. The application the subject of this appeal³ seeks to change the wording of the condition to remove reference to a link between the garage/store and The Stables.

¹ PA20/01918

² PA22/03041

³ PA24/05213

4. In light of the above, the main issue is whether the condition is reasonable and necessary having regard to the location of the appeal site.

Reasons

5. At the time of the original permission, the building the subject of the appeal formed part of the planning unit at Clowance Wood Farm and Barn. At this time, The Stable building, whilst in the same ownership, had not been converted to a separate dwelling and did not form part of the red-line defining the application site.
6. From the evidence before me, the original barn and the one permitted under the original permission would have been incidental to the wider planning unit. This would have been the case even considering that the replacement building may have represented a planning gain due to its appearance.
7. In any case, the building was not constructed in accordance with the approved plans resulting in the submission of the subsequent application to regularise the situation. I acknowledge that the original permission did not include a condition similar to the one the subject of this appeal. However, the building was incidental to existing buildings, within a single planning unit, and development was not carried out in accordance with the approved plans being more domestic in style and resulting in the need for a new application. In light of this, and as I am required to consider the merits of the condition before me that formed part of a new separate planning permission, I give the lack of condition in that instance limited weight.
8. The plans comprising the subsequent application show the garage/store forming part of the red-line site associated with The Stables and a newly proposed vehicular access. This red-line site excludes the buildings forming Clowance Wood Farm and Barn. To my mind, this indicates that the garage/store was to be used in association with/incidental to The Stables that had recently been converted to a dwelling. Furthermore, given the location of the garage/store in the open countryside a considerable distance from a range of services and facilities and public transport off a narrow unlit lane with no pavements, access unrelated to a nearby dwelling would be reliant upon the use of the motor vehicle representing unsustainable development.
9. Given that the subsequent application showed the garage/store within the same red-line site as The Stables in the open countryside, it is reasonable and necessary for the garage/store to be linked to the dwelling to reduce reliance on the motor vehicle. In the absence of any other suggested nearby alternative dwellings to link the building to and given that I have been advised that the appellant is living in accommodation that is not within close proximity to the site and subject to enforcement action, I find it appropriate for the building to be related to The Stables.
10. It has been put to me by the appellant that the condition could be reworded such that the building can only be used for domestic storage and not for any agricultural or commercial purposes. However, this would not overcome my concerns above with regard to the location and accessibility of the garage/store.
11. With regard to the location of the garage/store and any effect on the living conditions of the occupiers of The Stables in isolation, I note that the garage/store sits within a group of buildings serving The Stables, Clowance Wood Farm and Clowance Wood Barn. In light of this, given the detached nature of the building,

condition limiting it to domestic use and given that the Council determined that it was in a location that was suitably separated from other buildings at the time of the consideration of the original permission and subsequent application, I do not find any harm from the domestic use of the garage/store on occupiers of The Stables. As such, in relation to living conditions the proposal complies with Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) and paragraph 135 of the National Planning Policy Framework (the Framework) that seek to protect individuals and property from unreasonable noise and disturbance. Nonetheless, this does not outweigh the need for the building to be tied to a nearby dwelling for the reasons stated above.

12. I have had regard to the appellant having sold off The Stables. However, given that planning is concerned with land use in the public interest, this does not outweigh the harm I have identified above or in itself justify the proposal. This is the case regardless of the time it took the Council to determine the subsequent application.
13. I have had regard to the lack of objection to the design of the garage/store and new access by the Council. Nonetheless, the lack of harm in these regards is not a benefit as this is what is expected of all development in order to be acceptable. As such I give these matters neutral weight in my consideration.
14. It follows from the above that despite the proposal not resulting in harm to the living conditions of nearby occupiers, I conclude that the condition is reasonable and necessary having regard to the location of the appeal site. The condition therefore accords with CLP Policy 1 and the provisions of the Framework that seek to secure sustainable development taking into account location.

Conclusion

15. For the reasons given above the appeal is dismissed.

C Rose

INSPECTOR