
Appeal Decision

Site visit made on 25 March 2025 by R Dickson BSc (Hons) MSc MRTPI

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/D0840/W/24/3357510

Land Adjacent to Boston Lodge, Broad Park Close, St Minver, Wadebridge, Cornwall PL27 6PY

- 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 Will Owen against the decision of Cornwall Council.
 - The application Ref is PA24/02460.
 - The development proposed is for a single building incorporating three light-industrial units (Class E(g) and B8) and a live/work unit.
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Decision

1. The appeal is allowed and planning permission is granted for a single building incorporating three light-industrial units (Class E(g) and B8) and a live/work unit at Land Adjacent to Boston Lodge, St Minver, Wadebridge, Cornwall PL27 6PY in accordance with the terms of the application, Ref PA24/02460, subject to conditions contained within 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.

Applications for costs

3. An application for costs was made by Will Owen against Cornwall Council. A separate application for costs was made by Cornwall Council against Will Owen. These applications have been dealt with individually and are the subject of separate decisions.

Preliminary Matters

4. I am in receipt of amended plans from the plans considered by the Council. The amended plans show an increase in the amenity space for the residential unit, with associated footpath and boundary treatment. This is within the original planning application boundary.
5. As these are minor amendments, and the Council's concerns on the original set of plans are clear in their evidence, I do not consider that their interests or those of any interested parties would be prejudiced if I take these amended plans into account. Additionally, the Council have considered the amended amenity space provision in their statement of case.

6. Therefore, having regard to the judgement in *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2018), which refined the “Wheatcroft principles” set out in *Bernard Wheatcroft v Secretary of State for the Environment* (1982), I shall therefore consider the appeal on the basis of the amended plans.

Main Issue

7. Whether the proposed development would provide acceptable living conditions for future occupiers, with regard to the provision of private amenity space.

Reasons for the Recommendation

8. The appeal site is situated at the edge of a development of existing light industrial units. The proposal is for a single building which would contain three light industrial units and one live-work unit. Beyond the red line boundary, the proposal would be bound by other light industrial units, an access road, an area which appeared to be used for car parking at the time of my site visit, and a grassed area with trees and a pond.
9. Paragraph 9.5.7 of the Cornwall Design Guide 2021 (CDG) and policy G1 of the Cornwall Council Climate Emergency Development Plan Document (2023) (DPD) set out the Council’s expectation that all homes should have access to a well-proportioned, well oriented, private and not excessively shaded garden to the rear of the property.
10. The live-work unit would have a small, grassed area to the rear of the unit accessible through the fire escape door of the work unit. While this area alone would provide insufficient outdoor amenity space for the family sized unit, a larger amenity area to the front of the live-work unit is also proposed. The CDG and DPD define a well-proportioned garden as being generally at least equal in size to the footprint of the house. The relationship between the uses of the live-work unit are unique, however from the evidence before me, it is clear that the outdoor amenity space to the front of the unit would be appropriately sized compared to the floor area of the residential part of the unit.
11. The proposed live-work unit would have three bedrooms and would therefore be able to accommodate a family. Given the size of the garden to the front of the unit, it would provide sufficient space for recreational activities, such as growing food, sitting out or playing. Despite the height of the units, the garden would be appropriately proportioned and oriented to not be excessively shaded throughout the day.
12. Eleven car parking spaces are proposed with a turning area, which would be adjacent to the amenity area to the front of the live-work unit. Despite the proximity of the car parking, it would not be intensively used given the number of spaces proposed. In any case, there would be a high fence separating the amenity area from the parking and turning area, which would reduce any harmful impact of noise from vehicle movements on the living conditions of the future occupants, providing privacy in accordance with the CDG and DPD.
13. The proposal does not provide separate cycle, refuse and recycling storage outside of the building. However, given the interlinked nature of the live work unit, and the floorspace available within the work unit, the safe and easy storage of cycles could be accommodated within the work part of the unit. Similarly, residential refuse and

recycling storage could also be accommodated within the unit or in the fenced garden area, while remaining easy to access.

14. Accordingly, the proposal would provide sufficient outdoor amenity space for future occupants of the live-work unit. The proposal is therefore in accordance with policies 2, 12, and 16 of the Cornwall Local Plan Strategic Policies 2010-2030 (2016), paragraph 9.5.7 of the CDG and policy G1 of the DPD, which collectively seek to ensure that developments contribute to health and wellbeing by providing well-proportioned gardens.

Conditions

15. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
16. The Council has suggested a number of conditions, which I have considered. Three conditions have been imposed that control the use of the unit, which are necessary in areas where an unrestricted dwelling would not normally be permitted, in accordance with policy 4.5 of the St Minver Parish Neighbourhood Plan (SMPNP) and policies 2, 5, and 7 of the Local Plan. The conditions were suggested as one single condition, however in the interests of precision, I have split them into separate conditions.
17. To ensure the development does not disturb areas of retained habitat, a condition requiring the development to accord with the recommendations set out in the accompanying Preliminary Ecological Appraisal has been imposed. Similarly, conditions relating to energy, water efficiency and renewable energy provision have been imposed to ensure the development is in accordance with the DPD.
18. A condition requiring the parking spaces and turning areas to be completed prior to occupation is necessary to ensure adequate parking and turning facilities are provided which do not negatively impact the adjoining highway.
19. Finally, I have imposed a condition restricting the uses of the commercial units to only classes E(g) or B8 in the interests of the living conditions of neighbouring occupiers.
20. The Council has suggested a pre-commencement condition requiring the development to achieve a minimum of 10% biodiversity net gain (BNG) on site. However, the development is exempt from the requirements for 10% BNG because the original application was submitted prior to 2 April 2024, as detailed in paragraph 3(1)(a) of the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The Appellant and Council have agreed that the proposal is therefore exempt from this requirement, and therefore the pre-commencement condition would not be necessary.

Conclusion and Recommendation

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

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

A M Nilsson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2023.037.01 Rev 0, 2023.037.02 Rev B, and 2023.037.04 Rev A.
- 3) The business floor space of the live/work unit shall be finished ready for occupation before the residential floor space is occupied, and the residential use shall not precede commencement of the business use.
- 4) The business floorspace of the live/work unit shall not be used for any purpose other than for purposes within Classes E(g) and ancillary storage function of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 5) The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed or last employed in the business occupying the business floorspace of that unit, a widow or widower of such a person, or any resident dependants.
- 6) The development shall be carried out in accordance with the recommendations and mitigation measures identified within the Preliminary Ecological Appraisal dated March 2024 and retained as such thereafter.
- 7) Prior to the first occupation of the development hereby permitted, the energy and water efficiency measures and renewable energy provision detailed in the approved Energy Statement prepared by Elmhurst Energy dated February 2024 shall be fully implemented and the photovoltaic panels/air source heat pump etc shall also be installed and completed in accordance with the details included on the plans hereby approved. The energy and water efficiency measures and renewable energy provision shall thereafter be retained and maintained as such.
- 8) The development hereby approved shall be designed and built to ensure the dwelling achieves the Climate Emergency DPD Policy SEC1 standard of 110 litres/person/day water efficiency prior to occupation.
- 9) Before the first occupation of any individual unit hereby approved, the car parking spaces and turning areas associated with the said development hereby approved shall be constructed in accordance with approved drawing Ref. 2023.037.04 Rev A and the said areas shall not thereafter be obstructed or used for any other purpose.
- 10) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the commercial premises hereby approved shall be used for classes E (g) or B8 only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

END OF CONDITIONS SCHEDULE