



Appeal Decision

Site visit made on 23 September 2025

by **Nick Davies BSc(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Appeal Ref: APP/D0840/W/25/3362394

Britannia Farm, Sunny Corner, Cusgarne, Cornwall TR4 8SE

- 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 Chris Phillips (deceased) against the decision of Cornwall Council.
- The application Ref is PA24/06261.
- The development proposed is renovation of an agricultural outbuilding to a domestic residential annexe for auxiliary accommodation to the main dwelling incorporating a bedroom and home office area for family use, retention and completion of parking area, domestic shed, change of use of agricultural land to domestic garden land and associated works.

Decision

1. The appeal is allowed and planning permission is granted for renovation of an agricultural outbuilding to a domestic residential annexe for auxiliary accommodation to the main dwelling incorporating a bedroom and home office area for family use, retention and completion of parking area, domestic shed, change of use of agricultural land to domestic garden land and associated works at Britannia Farm, Sunny Corner, Cusgarne, Cornwall TR4 8SE in accordance with the terms of the application, Ref PA24/06261, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Chris Phillips (deceased) against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application form described the proposal as “*The replacement over the same footprint of an agricultural outbuilding to a domestic residential annex for auxiliary accommodation to the main dwelling incorporating a bedroom and home office area*”.
4. The evidence indicates that, during the validation process, the scope of the application was broadened to encompass other development that had already taken place at the site, and which had not been approved through the original permission for the dwelling¹. Consequently, the description on the Council’s decision notice is “*Demolition of agricultural building and erection of residential annexe, retention and completion of parking area, domestic shed, change of use of agricultural land to domestic garden land and associated works*”.
5. The appellant’s appeal statement invited me to consider the proposal on the basis that the annexe would be provided through the conversion of the outbuilding,

¹ Local Planning Authority reference: PA20/02660

rather than demolition. Accordingly, the appellant suggests that the proposal should be described as *“renovation of an agricultural outbuilding to a domestic residential annex for auxiliary accommodation to the main dwelling incorporating a bedroom and home office area for family use, retention and completion of the parking area, domestic shed and associated works”*. I am mindful that this proposed description also omits the reference to the change of use of agricultural land to domestic garden land.

6. The submitted drawings identify that the outer blockwork of the outbuilding would be retained, so the appellant’s proposed description is more accurate, in this respect, than that on the decision notice. No party would, therefore, be prejudiced by my adoption of this part of the description. However, the outbuilding, car-parking area, and shed lie outside the red line that defined the original site for the dwelling, and a larger area of land to the north of the house is also now included. Consequently, omission of the reference to change of use of agricultural land to domestic garden land would conflict with the proposal shown on the plans. I have therefore retained this element of the proposal in the description that I have used in the banner heading.
7. For the purposes of clarification, I have taken the words “associated works” in the description to refer to the decking along the southern elevation of the house, and the retaining walls and fencing that run along the eastern side of the access drive and around the northern edge of the parking area and dwelling. These elements, the parking area, and the shed have already been constructed, so I am dealing with these aspects of the proposal retrospectively.

Main Issues

8. The proposal is described as annexe accommodation to the main dwelling, incorporating a bedroom and home office area for family use. However, the Council contends that, due to the scale and nature of the proposed accommodation, it should be considered as tantamount to a new dwelling. Consequently, I consider the main issues to be:
 - a) Whether the site is suitable for a new dwelling, bearing in mind the settlement policies of the development plan, and, if not, whether the proposed building could reasonably operate as an annexe to the main dwelling, and whether such occupation would overcome any policy conflict or other harm; and,
 - b) The effect of the development on the character and appearance of the area.

Reasons

Suitability of site for a new dwelling

9. Policy 2 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan) sets out the spatial strategy for development. It seeks to maintain the dispersed development pattern of Cornwall, providing homes and jobs based on the role and function of each place. Based on this strategy, Policy 3 defines how development will be accommodated, with growth focussed on identified main towns. However, it also supports housing growth within or adjoining smaller settlements through rounding off; development of previously developed land (PDL); infill schemes that fill a small gap in an otherwise continuous built frontage; or rural exception sites.

10. The appeal site is not within or adjoining a settlement, so an independent dwelling here would not comprise infill, rounding off, or the development of PDL in accordance with Policy 3 of the Local Plan. As the site lies outside the physical boundaries of any existing settlement, it falls within open countryside as defined by paragraph 2.33 of the Local Plan. Policy 7 says that the development of new homes in the open countryside will only be permitted where there are special circumstances. The only one of these that could apply in this case, is the reuse of a suitably constructed redundant, disused, or historic building that is considered appropriate to retain and would lead to an enhancement to the immediate setting. Whilst the proposal involves the retention of the outer blockwork, substantial rebuilding of the roof would be necessary. It has not therefore been demonstrated that conversion of the building to a new dwelling would accord with this strand of Policy 7.
11. The site lies about 1.5km from Carharrack, the nearest settlement that contains services. Access to this settlement is via narrow country lanes with no footways or street lighting. Consequently, occupants of a new dwelling would be heavily dependent on the use of private vehicles to access everyday services and facilities. The site is not, therefore, a sustainable location for a new dwelling, so is not supported by Policy 21 of the Local Plan.
12. I therefore conclude that the site is not a suitable location for a new dwelling, having regard to the settlement strategy of the development plan and the accessibility of services. A new dwelling here would, therefore, be in conflict with Policies 2, 3, 7 and 21 of the Local Plan, Policy H4 of the Gwennap Neighbourhood Development Plan 2019-2030 (the Neighbourhood Plan) and Policies C1 and T1 of the Climate Emergency Development Plan Document (February 2023) (the DPD). Taken together, these policies seek, amongst other things, to direct development to appropriate locations, based on their role and function, and to maximise the ability to make trips by sustainable modes of transport.

Whether occupation as an annexe would be reasonable/overcome any harm

13. Having concluded that the site is not suitable for a new dwelling, I now turn to consider the development as applied for. It has been proposed as an annexe to the existing house, to provide additional sleeping accommodation for a multi-generational family and visiting relatives, together with home office/meeting facilities. The Council contends that, in accordance with case law², the accommodation would have the distinctive characteristics of a dwellinghouse, as it would include all the facilities required for day-to-day private domestic existence. However, the submitted drawings show no kitchen facilities, and the appellant states that occupants of the annexe would use kitchen and dining facilities in the main house.
14. It has been suggested by the Council that kitchen fittings could be installed. However, even in this eventuality, case law³ clarifies that self-contained annexe accommodation does not necessarily result in a separate planning unit from the main dwelling. It is the manner of occupation and the degree of functional interdependence that is determinative. Notwithstanding the Council's concerns, I

² *Gravesham BC v SSE & O'Brien* [1983] JPL 306

³ *Uttlesford DC v SSE & White* [1992] JPL 171

have no reason to question the appellant's intended occupation of the accommodation as an annexe to the main house.

15. The Council's Annexe Guidance Note dated May 2025 (the Guidance Note) does not form part of the development plan, but it is a recent expression of the Council's policy, and provides a logical framework for dealing with such proposals. The Guidance Note identifies six general policy considerations.
16. As proposed, the occupants of the bedroom accommodation would rely on kitchen facilities in the main house. There would also be a functional link between the office space and the main dwelling, and the annexe would be in the same ownership as the main house in accordance with considerations a) and b). With regard to consideration c), the building would not be in the curtilage of the dwelling as defined by the red line on the original planning application for the house, but it would share vehicular access and parking facilities. Furthermore, it would only be about six metres from the house, and within a yard area that is visually associated with it, so it would be well-related, in accordance with consideration d).
17. The Guidance Note says that, in the countryside, annexes should be a physical extension to the main dwelling if possible. In this case, however, the proposal is to make use of an existing detached building. The building is loosely divided from the main house by existing boundary fencing, but the proposed layout shows that there would be unrestricted access from the annexe to the courtyard of the host dwelling, allowing the outdoor amenity areas to be readily shared. The annexe would be demonstrably subservient in floor area and scale to the main dwelling. Overall, therefore, the proposal would broadly accord with the general policy considerations set out in the Guidance Note.
18. I acknowledge that there is an alternative vehicular access that could be used to serve the annexe building, and that it would be possible to subdivide the curtilage, and to carry out internal works to the building to provide additional rooms. However, the proposal before me is for an annexe tied to the main house. Given its proximity and relationship with the existing dwelling, I see no reason why it could not be used in that way. Any future proposal to create an independent dwelling as a separate planning unit would be a change of use that would require a further planning permission. Occupation as proposed would not result in a new independent dwelling in the countryside, so would not conflict with the policies of the development plan relating to the settlement strategy or accessibility.

Character and appearance

19. The site lies in open countryside, and within the CCA15: Carnon Valley Landscape Character Area⁴. The surroundings display many of the characteristics of this landscape type, with historic undulating farmland of small fields divided by Cornish hedges cloaked in thorn, bracken, heather, and gorse. The site itself is not, however, particularly prominent within this landscape, as it is set below the level of the access road to the north. It is also screened from this road, and the road to the east by intervening fields and roadside hedging, so that from most viewpoints it is only the roof of the recently constructed dwelling that is readily visible.
20. The evidence indicates that planning permission was granted for the dwelling to replace pre-existing farm buildings. Both parties have submitted historic aerial

⁴ Cornwall Character Area Study - August 2023

photographs showing previous development on the site. It is, therefore, common ground that there have always been buildings in this location. The permission for the dwelling introduced a domestic presence into this countryside location. It is against this background that I must consider the effect of the additional proposals on the character and appearance of the area.

21. The shed is already *in situ*, and is of a domestic scale. I saw that it was in use for the storage of a mixture of agricultural and domestic items, including a ride on mower. It is very closely associated with the house, and clearly subservient in scale to it. I saw that a small part of its roof was just visible from the road to the east through the field access gate. However, from this viewpoint it is seen against the backdrop of the house, so has no harmful impact on the character of the surrounding landscape.
22. Decking has been provided along the entire southern elevation of the dwelling, so is more extensive than that shown on the originally approved drawings. Furthermore, guard rails have been installed along the edges to enclose the structure. However, it has been constructed from rough timber that is sympathetic to its rural surroundings, and it is not readily visible from any nearby public viewpoints. From any distant vantage points to the south, it would be seen against the backdrop of the house, so would not be prominent. In any event, it would have a negligible additional impact on the overall appearance of the approved dwelling.
23. The car-parking area is level and covered in dark grey stone chippings. It is hidden from most public viewpoints by roadside hedges and the house itself. In long distance views from the south, it would be seen in close association with the dwelling, and any vehicles parked on it could be successfully assimilated into the landscape through boundary planting. A very small part is visible through the access point from the road to the north, but it is seen from here as an extension of the approved driveway, so has little additional impact on the character of the surrounding landscape.
24. Construction of the dwelling has necessitated levelling the site, and has resulted in a low retaining wall to the north of the building. A timber fence has been installed atop this to avoid falls from the higher level. Parts of the fence are glimpsed in views through the two access points, and in long distance views from the south. However, it is always seen in close association with the house, and the rustic materials used do not conflict with the rural character of the area. Consequently, the impact on the landscape is not significant, and no more than may be expected in the environs of a dwelling in the countryside.
25. The proposed works to the outbuilding to provide annexe accommodation would improve the appearance of the existing unattractive block-built structure, and there would only be a marginal increase in its height. The resultant domestic appearance of the structure would not be out of character with its surroundings, as it would be seen immediately adjacent to the existing, much larger, dwelling.
26. The appeal site includes an area of land to the north of the house that was not included within the original application for the dwelling. This area has the appearance of an orchard, with rough grass and several mature apple trees, surrounded by natural hedgerows. At the time of my visit, it accommodated a timber chicken coop, a children's climbing frame, and a bird table. Otherwise, it retains a horticultural, rather than domestic character. I acknowledge that more

intensive domestic use could alter its character in the future, but this area of land is separated from public viewpoints by hedging and intervening fields. It is also closely associated with the approved dwelling, and would not create an excessively large garden. Consequently, subject to a condition limiting the exercise of permitted development rights for outbuildings and means of enclosure, the proposed use of this land as a domestic garden would not result in harm to the surrounding landscape.

27. Overall, the proposals would not harm the character and appearance of the area. The development would therefore accord with Policies 1, 2, 12 and 23 of the Local Plan, Policies GQD1 and GQD2 of the Neighbourhood Plan, and Policy C1 of the DPD. These policies seek, amongst other things, to preserve or enhance the character and quality of the area and to ensure that development respects landscape character.

Conditions

28. As parts of the development have already taken place there is no need to impose a condition limiting the time for implementation. I have, however, included a condition specifying the relevant plans, as this provides certainty. The Council has submitted a schedule of suggested conditions to cover other matters. I have considered these against the advice in the Planning Practice Guidance. Where I have agreed that they meet the relevant tests, I have altered them, in the interests of clarity and precision, to better reflect the guidance. As the development has already commenced, I am unable to impose conditions requiring the pre-commencement submission of details, as suggested by the Council.
29. The proposed external materials for the annexe building are included on the submitted drawings. As these proposed materials would be appropriate, a condition requiring their submission is unnecessary.
30. Conditions requiring the submission of a landscaping scheme for the car-parking area, and restricting the exercise of permitted development rights, are necessary to protect the rural character and appearance of the area. Details of appropriate drainage arrangements, and the means of ensuring that any contamination is appropriately dealt with, are necessary in the interests of pollution control and to protect the occupants of the proposed accommodation.
31. The proposal does not entail the creation of a new dwelling or a separate planning unit. Indeed, as proposed, the accommodation would lack the necessary facilities to make it capable of use as a separate dwelling. The proposed description specifies that the use would be auxiliary to the existing dwelling for family use. In these circumstances, a condition restricting the use is unnecessary. If the building is not used as proposed, or if there is a future material change of use to create a separate dwelling or an independent office, then another grant of permission would be required, and the building or use would be at risk of enforcement action if such permission is not granted.

Conclusion

32. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies
INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall be carried out in accordance with drawing nos PLAN 1 (Location Plan); PLAN 2 (Block Plan); PLAN 8 (Proposed Annexe Elevations); PLAN 9 (Proposed Annexe Floor Plan & Roof Layouts); PLAN 10 (New Proposed Ground Layout); PLAN 12 (Existing Garden Shed Plans).

2) Unless, within 3 months of the date of this decision, a scheme of hard and soft landscaping work is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented in accordance with the approved details within 12 months of the local planning authority's approval, the use of the parking area shall cease, and the land shall be returned to its previous condition.

The scheme shall include:

- proposed finished ground levels or contours;
- means of enclosure;
- hard surfacing materials;
- details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development;
- full schedule of plants;
- details of the mix, size, distribution, and density of all proposed trees/shrubs/hedges;
- cultivation proposals for the maintenance and management of the soft landscaping.

Any trees or plants which within a period of five 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 a similar size and species as those originally planted.

In the event of a legal challenge to this decision, or an appeal against a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge or appeal has been finally determined.

3) No construction work shall take place on the annexe hereby permitted until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:

- i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
- ii) the site has been remediated in accordance with the approved measures and timescale; and

iii) a verification report has been submitted to and approved in writing by the local planning authority.

4) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and

ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

5) The annexe hereby permitted shall not be occupied until the installation of a system to serve the development for the disposal of foul and surface water drainage has been completed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The details shall include a programme for maintaining the system if required. The system shall be retained and maintained thereafter in accordance with the approved details.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes E and F of Part 1 and Class A of Part 2 of Schedule 2 to the Order shall be undertaken.

END OF SCHEDULE