



Appeal Decision

Site visit made on 14 October 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/D0840/W/25/3362768

The Elms, 80 Goonown, St Agnes, Cornwall, TR5 0XG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Jenny Quigg against the decision of Cornwall Council.
 - The application Ref PA25/00202 was approved on 14 March 2025 and planning permission was granted subject to conditions.
 - The development permitted is replacement of existing conservatory with a sunroom extension and the construction of a garden office.
 - The condition in dispute is No.7 which states that:
The proposed garden room as hereby approved reference drawing P568-08 REVA – Proposed Garden office Plans and Elevations – shall be installed with internal shutters and will be retained as such in perpetuity.
 - The reason given for the condition is:
To retain control over the appearance of the development in the interests of visual amenities of the locality and in accordance with the aims and intentions of Policies 12 and 23 of the Cornwall Local Plan Strategic Policies: 2010-2030 and paragraphs 187 and 192 of the National Planning Policy Framework 2024 (December), plus policy C1 of the Cornwall Climate Development Plan Document 2023.
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Decision

1. The appeal is allowed and the planning permission Ref PA25/00202 for replacement of existing conservatory with a sunroom extension and the construction of a garden office at The Elms, 80 Goonown, St Agnes, Cornwall, TR5 0XG, granted on 14 March 2025 by Cornwall Council, is varied by deleting condition 7.

Application for Costs

2. An application for costs was made by the Appellant against Cornwall Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is whether the condition is reasonable and necessary in the interests of protecting the living conditions of neighbouring occupiers.

Reasons

4. The appeal site comprises a detached bungalow on the western side of Goonown with similar detached bungalows and chalet bungalows to the north and south. The host property is set back from the road with its frontage used for parking and as a garden. The latter is laid to lawn with a clothes line. There are mature trees and planting to the road boundary and also on the common boundary with the property

- to the north, 79 Goonown. There are also various items of play equipment on the hardstanding area that forms part of the parking/driveway to the appeal site.
5. The approved garden office has already been built and is sited in the north eastern corner of the appeal site. As per the approval, it includes steps leading up to new decking in front of the office building. To its south a large area of the existing lawn remains. It was not clear from my site visit whether the rear sunroom extension, that also formed part of the same approval, has been built. Even so, that is not relevant to the issue raised by this appeal. I also noted that the frontage to the office building comprises sliding doors and not bi-folding doors as shown on the approved plan.
 6. The condition in dispute requires internal shutters to be installed to the office building as shown on the approved plan (drawing No. P568-08 REV A) and retained as such in perpetuity.
 7. Paragraph 57 of the National Planning Policy Framework (NPPF) states that *“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.”* This policy approach is reaffirmed in the Planning Practice Guidance chapter on the ‘Use of planning conditions’.
 8. It would appear from the Council’s Delegated Report (CDR) and its Statement of Case (CSOC) that the reason for imposing the condition was to protect the living conditions of the neighbouring occupiers at 78 Goonown (No.78), to the south of the appeal site. This differs from the ‘Reason’ given for the condition which refers to retaining control over the appearance of the development in the interests of the visual amenities of the locality. Even so, the inclusion of any shutters would not, in my view, have a harmful or material impact on the overall design and appearance of the office building or the visual amenities of the area.
 9. Turning to the issue of living conditions, the Council’s concern relates to the impact on a first floor window in the side elevation to No.78, which faces north over the appeal site. On my site visit, the curtains to this window were drawn and it’s unclear from the evidence as to what it serves and whether it is a secondary window to that room. No objections were received from the occupiers of No.78 and it appears more than likely that this window serves a bedroom. Even so, having viewed the said window from the office building and its decking, I am not convinced that there would be any harmful increase in the level of overlooking compared to existing.
 10. The window to No.78 is well above the eye level of anyone sitting or standing in the office building. Combined with the angle of view, the difference in ground levels and the distance that separates the two, I am satisfied that there would be no loss of privacy to the living conditions of the occupiers of No.78. There is some dispute between the parties as to the distance involved, varying from 18 to 20.5 metres, but both distances provide a reasonable level of separation to preclude any harmful overlooking, even vice versa. As such, the inclusion of the shutters is not, in my view, required or necessary.
 11. In addition, views from the office building would be no different to those that could have taken place previously from the occupiers sitting or playing within this part of the host’s garden. There would also be the ability for the occupiers to sit on the new decking, closer to the window of No.78 and where there are no restrictions or

control over those views. I accept that the shutters were included on the approved plan but as I have found they are not necessary to protect the living conditions of the occupiers of No.78. Moreover, the condition only requires the installation of the shutters. The ordinary meaning of shutters is hinged or sliding panels that can be open or closed for privacy or to protect a room from sunlight. They come in various forms and designs, and vary in terms of the degree to which they can open. There is no requirement in the condition for the shutters to be kept shut or to form a solid screen and when open they could still allow views out of the office building. There are also no details, on either the approved plan or in the condition, as to the type and design of shutters required.

12. As to whether the shutters are internal works and not development is not a matter that I have considered further given the above findings. Even so, the issue before me is whether the condition is necessary and reasonable and not as to whether the shutters constitute development. As I confirmed, my understanding is that the Appellant agreed to install the shutters in response to a concern raised by the Council and that the revised plan was submitted to address this.
13. The 'Reason' for condition 7 refers to policies 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) as well as policy C1 of the Climate Emergency Development Plan Document. However, these largely relate to the quality of design and conserving and enhancing the natural environment, as does paragraph 187 of the NPPF also referred to, none of which are relevant in this case. Reference is also made to paragraph 192 of the NPPF which relates to habitats and biodiversity.
14. I accept that part 2.a of policy 12 of the CLP seeks to protect individuals from an unreasonable loss of privacy and is thus relevant but as I have found the condition is not necessary to protect the living conditions of the occupiers of No.78. For the same reasons, the removal of the condition would not conflict with the guidance in the Cornwall Design Guide, referred to in the CSOC.
15. The CDR indicates that the appeal site is adjacent to the St Agnes Conservation Area (SACA). The plan I have been provided shows that the site lies well outside the SACA and the proposal would not, therefore, have any impact on its setting. I also note that the site lies within a World Heritage Site (WHS). However, there is no evidence before me to indicate that the proposal would have any harmful impact on the Outstanding Universal Value of the WHS.
16. Accordingly, I find that condition 7 is not necessary or reasonable and that there is no evidence before me to justify the installation of the shutters. I have, therefore, deleted condition 7.

Conclusion

17. For the reasons given above and having taken into account all other matters raised, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR