



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: 20 October 2025

Appeal Ref: APP/D0840/W/25/3368052

2 Rookery Cottages, Mile Hill, Porthtowan, Cornwall TR4 8TY

- 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 Alex McCheyne against the decision of Cornwall Council.
 - The application Ref is PA24/07924.
 - The development proposed is a timber structure used as an annexe.
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Decision

1. The appeal is allowed and planning permission is granted for a timber structure used as an annexe at 2 Rookery Cottages, Mile Hill, Porthtowan, Cornwall TR4 8TY in accordance with the terms of the application, Ref PA24/07924, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos PP-13394386v1 – Location Plan; 01 – Elevations; 02 – Floor Plan; Land Registry Plan showing location of annexe and septic tank.

Preliminary Matters

2. The timber structure was already in position at the time of my site visit. I am therefore dealing with the appeal retrospectively.

Main Issue

3. The proposal is described as an annexe. However, the Council contends that, due to the scale and nature of the proposed accommodation, it is tantamount to a new dwelling. Consequently, I consider the main issue to be whether the site is suitable for a new dwelling, bearing in mind the settlement policies of the development plan, and, if not, whether the structure could reasonably operate as an annexe to the main dwelling, and whether such occupation would overcome any policy conflict or other harm.

Reasons

Suitability of site for a new dwelling

4. The spatial strategy for development is set out in Policy 2 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (the Local Plan). 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 proposals identified through Neighbourhood Plans; housing growth within or adjoining smaller settlements

- through rounding off and development of previously developed land (PDL); infill schemes that fill a small gap in an otherwise continuous built frontage; or rural exception sites.
5. Policy 1 of the Portreath Neighbourhood Development Plan (the Neighbourhood Plan) says that new housing development will only be supported within the settlement areas of Portreath, Bridge, and Porthtowan.
 6. 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, and would not be supported by Policy 1 of the Neighbourhood Plan. Furthermore, the proposal is not promoted as a rural exception site.
 7. 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, none of which apply in this case.
 8. The site lies about 1km from Porthtowan, 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.
 9. 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 1 of 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

10. As I have concluded that the site is not suitable for a new dwelling, I must now consider the development as applied for, as an annexe to the existing house. I am mindful that the structure includes a kitchen/living space, two bedrooms and a shower/wc, so would have all the facilities required for day-to-day private domestic existence. It would, therefore, have the distinctive characteristics of a dwellinghouse as held in case law¹. However, case law² has also held that a self-contained annexe 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. In this regard, the appellant's evidence states that its intended use is not as a separate dwelling, but to accommodate teenage children, elderly relatives, and as office space, all in connection with the main house. I have no reason to question that this is how it will be used.

¹ *Gravesham BC v SSE & O'Brien* [1983] JPL 306

² *Uttlesford DC v SSE & White* [1992] JPL 171

11. My attention has not been drawn to any development plan policies relating to the provision of annexe accommodation. However, I have been provided with a copy of the Council's Annexe Guidance Note dated May 2025 (the Guidance Note). This does not form part of the development plan, so only carries modest weight in my decision. However, 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.
12. In accordance with criterion a), there would be a functional link with the main dwelling, as teenage children or elderly residents would need support from occupants of the main house. Indeed, the evidence provided by the appellant indicates that a high degree of care would be required for the older occupants. In relation to b) and c), the structure is in the same curtilage and ownership, and shares its vehicular access. Being single storey, it is subservient in scale to the existing house in accordance with f). There is some subdivision of the large curtilage between the relatively small formal garden to the rear of the existing house, and a larger more informal area to the west and south. The structure is in this less formal area, but I was able to walk freely between all parts of the curtilage at my visit, so there is no significant conflict with e).
13. The structure is immediately adjacent to the existing gravelled parking area, and within close sight of the main dwelling. So, although detached, it is reasonably well-related to the principal dwelling having regard to criterion d). Overall, therefore, the proposal would generally accord with the policy considerations set out in the Guidance Note.
14. The Guidance Note does not prohibit detached new buildings, but it says that, in the countryside, annexes should be a physical extension to the main dwelling if possible. No explanation has been provided to demonstrate why the desired accommodation could not be provided by an extension to the house. However, from what I saw at my visit, this would involve significant disruption of the current arrangement of car-parking/circulation, and outbuildings. In any event, the Guidance Note recognises that no two proposals will be the same. In this case, I am satisfied from the appellant's evidence that the proposed use of the annexe will be ancillary to the host dwelling, notwithstanding its detachment from the existing house.
15. The Guidance Note also says that annexe proposals that include more than one bedroom will normally be refused unless there is a specific and compelling reason for a second bedroom. One such example given is where the occupants of the annexe require live-in care which the occupants of the host dwelling are unable to provide. The appellant's evidence indicates that this is likely to be the position for one of the intended occupants. Consequently, there is no conflict with this aspect of the guidance.
16. I acknowledge that the particular reasons for requiring the annexe accommodation may not be permanent. However, future owners of the house may be attracted to the property because they have similar needs. In the meantime, it would remain available to the current owners for other purposes associated with the main dwelling, such as the accommodation of visiting relatives, or for home office purposes.

17. The Council contends that it would not be difficult to subdivide the curtilage to provide separate parking and garden areas for the structure. Whilst this may be the case, 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. The proposal before me is for an annexe 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.
18. Occupation of the structure 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. I concluded above that the site is not a sustainable location for a new dwelling, due to the likely dependence of occupants on private vehicles to access services. Occupation as an annexe, however, would not generate the same level of vehicle movements as an independent dwelling. Indeed, it is likely that bringing the wider family together on one planning unit would reduce the overall number of car journeys undertaken, as there would no longer be the need for regular car journeys to provide care and support to elderly relatives. Consequently, occupation of the building as an annexe would be likely to reduce dependence on private vehicles.
19. The Council's reason for refusal does not refer to harm to the character or appearance of the countryside. However, it does refer to Policy 12 (Design) of the Local Plan. In this regard, I saw that the structure is surrounded by mature screening on all sides, and is set well away from any roads or footpaths. Consequently, it is not readily discernible from any public viewpoints. In any event, its low profile and dark-stained timber cladding gives the building a recessive appearance, such that even if it is glimpsed in any long-distance views, it would not be a prominent feature, so does not cause any landscape harm.
20. To conclude, in the particular circumstances of this case, the detached structure could reasonably operate as an annexe to the main dwelling, and the proposal would be in broad accordance with the Guidance Note. Occupation of the accommodation as part of the existing residential planning unit would not be in conflict with the settlement policies of the development plan, and would not result in an increase in car journeys. The structure does not harm the character and appearance of the area. Consequently, the proposal for an annexe, as submitted, would accord with Policies 1, 2, 7, and 12 of the Local Plan, Policy 1 of the Neighbourhood Plan, and Policies C1 and T1 of the DPD, which seek, amongst other things, to limit new dwellings in the countryside, avoid dependency on private vehicles, and protect landscape character.

Conditions

21. As the development has 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 suggested two further conditions, which I have considered against the advice in the Planning Practice Guidance (the PPG).
22. The proposal does not entail the creation of a new dwelling or a separate planning unit. The proposed description specifies that the structure is an annexe. 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, 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.

23. The Council has suggested a condition removing householder permitted development rights for the appeal site. However, I have not been provided with any justification for such restrictions, or evidence as to why the limitations imposed by the legislation on the exercise of these permitted development rights would not be sufficient to avoid any significant harm. The PPG advises that blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity³. For these reasons, I have found the proposed condition would fail the tests, so I have not imposed it.

Conclusion

24. For the reasons given above, the appeal should be allowed.

Nick Davies

INSPECTOR

³ Paragraph: 017 Reference ID: 21a-017-20190723