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Old Trecarne Farmhouse  
Trecarne  
Cornwall

Our reference: 263/2020  
25<sup>th</sup> January 2021

Planning and Sustainable Development  
Cornwall Council - Planning  
PO Box 676  
Threemilestone  
Truro  
TR1 9EQ  
(sent by email)

Dear Sir/Madam,

**Covering explanatory letter to support a planning application submission to Cornwall Council;**  
on behalf of Stephen Crowder.

**For the conversion, with minor external alterations, of first floor of existing detached outbuilding for use as an ancillary residential annexe to existing dwellinghouse; relating to the residential property located at: Roseland House Roseland Menheniot Liskeard Cornwall PL14 3PQ**

**1 Introduction and relevant background information:**

- 1.1 This explanatory letter is submitted in support of a full planning application which proposes the creation of a residential annexe at a residential property near Liskeard.
- 1.2 After being commissioned by Stephen Crowder, this submission has been prepared by Keith Rolfe, Principal Partner within Rolfe Planning Partnership. I am familiar with the application site and surrounding locality, the applicant's justification for the proposals and with the national and local planning policies and legislation/guidance applicable.



1.3 Whilst I appreciate the local planning authority will wish this application lodged as a full application (hence full application form has been completed not a householder) and allocate it to the General DM team, I am treating the submission more like a householder type submission and hence I am not submitting a full Planning Statement; but rather this covering explanatory letter instead, which I believe is both proportionate and sufficient.

1.4 From experience I am also aware of the Cornwall Council's helpful attitude towards genuine annexe proposals such as this and I am also familiar with the Council's approved Annexe Guidance Note revision 4 dated May 2020, which includes within its introduction, *inter alia*, the following:

*Residential annexes are a common form of development that are generally proposed in order to allow relatives to live with their family with a degree of independence. In many cases, such proposals are considered to be acceptable by the Council. However, caution needs to be exercised to ensure that this does not result in proposals which are effectively the same as creating a new dwelling, which may be in an inappropriate location and represent unsustainable development.*

1.5 The property known as Roseland House is situated within the small hamlet of Roseland, which is located about equidistance between the south-eastern boundary of the town of Liskeard and the village of Menheniot.

1.6 The site is situated within a part of Cornwall without any special landscape designations, but the dwellinghouse located on the application site does contain Listed buildings, namely "ROSELAND HOUSE AND GARDEN WALL TO WEST AND NORTH. RAILING TO WEST Reference : DCO2518 Grade : II". (from Cornwall Council online mapping services).

1.7 The application site is near to the River Seaton, but not shown within the defined floodplain shown on the available flooding maps. It is thus at very low risk of either river flooding or surface water flooding.(from <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map?easting=227578&northing=63157&map=SurfaceWater>).

1.8 In terms of applicant's intended use and family circumstances, the applicants provided me with the following information which explains the current objective behind this specific proposal for a residential annexe:

*"Permission is sought to repurpose our existing barn first floor, currently an Architects studio, but in reality, used to store furniture etc, to provide accommodation for our son, his wife and his growing family on annual holidays. We have lived in Roseland House for over 20 years and with a young family to now accommodate in suitable accommodation this provides the ideal solution."*



## 2 Relevant planning history:

- 2.1 Discussions with the applicant and a search of the Cornwall Council online Planning Register reveals there is planning history relating to the application site:

E2/03/00271/FUL | Construction of double garage and workshop with studio/store over ancillary to dwelling house | Roseland House Roseland Liskeard Cornwall PL14 3PQ

PA16/08074 | Erection of a wooden summer house | Roseland House Roseland Menheniot Liskeard Cornwall PL14 3PQ

- 2.2 The first of the above planning permissions is of course very relevant to the current proposals as the proposed annexe use is proposed within the first-floor element of that now implemented permission. The decision notice issued on 13<sup>th</sup> January 2005 was subject to both planning conditions and the prior completion of a S106 planning obligation.

- 2.3 Condition 2 stated as follows, with its reasoning:

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, the double garage hereby permitted shall be used only for the garaging of private motor vehicles and shall not be used for any other purpose including use as ancillary residential accommodation in connection with the main dwelling.

Reason: In order to ensure that adequate off-street parking is available to serve the property.

- 2.4 The minutes of the Planning Control Committee West held on 13<sup>th</sup> June 2003 reveal that the S106 was needed to:

**302.03/00271/FUL: S. Crowder**

**Construction of Double Garage and Workshop with Studio/Store Over Ancillary to Dwelling house. Roseland House, Roseland, Liskeard (51500410 XR 356)**

**RESOLVED: That planning permission be granted, subject to appropriate conditions and a section 106 legal agreement, and in accordance with the resolution of Minute No 1645 (1975/76) as amended by Minute No PS 75.1 (1996/97).**

The Principal Planning Officer commented that a Section 106 legal agreement would be required to tie up the development to ensure that the garage not be separated from the main house at any future date.



**Figure 1: the land/property covered by S106 controls**



2.5 The obligations/restrictions contained within the Second Schedule to the S106 Planning Obligation dated 13<sup>th</sup> January 2005 firstly related to no subdivision of the site (see Figure 1 above) and then clause (ii) stated:

- (ii) not to permit the buildings to be constructed pursuant to the Planning Permission to be used other than as an annexe to Roseland House.



- 2.6 The relevance of the said conditional planning permission and further control imposed by the S106 planning obligation will be covered below in section 5. The wording “used other than as an annexe to Roseland House” is obviously very relevant indeed.

### **3 The Proposal:**

- 3.1 The proposal is firstly for some minor external alterations, including the enclosure of the existing external stairs at the eastern end of the application building, with roof light above. Also, a proposed dormer window in (the position to serve the bedroom element of the proposed annexe accommodation) on the proposed SW elevation. Readily described on the submitted elevations.
- 3.2 The first-floor annexe would encompass a generally open plan form, like the existing approved studio/store (2005 planning permission) with an enclosed bathroom and areas designated bedroom, kitchen, living room and store. There is no change proposed to the ground floor uses which includes garaging for motor cars.
- 3.3 As highlighted in the introduction, the proposed small annexe is intended to be used initially only intermittently for living accommodation, separate from the ‘parent’ house, by visiting relatives.
- 3.4 The details of the proposal are fully described in the following drawings and documents:
- completed planning application form/ ownership certificate.
  - Covering letter by Rolfe Planning Partnership
  - Drawing 105 Roseland House Barn SW & SE Elevations Existing
  - Drawing 106 Roseland House Barn NE & NW Elevations Existing
  - Drawing 107 Roseland House Barn Ground Floor Plan & Section AA Proposed
  - Drawing 108 Roseland House Barn 1st Floor Plan & Section CC Proposed
  - Drawing 109 Roseland House Barn SW & SE Elevations Proposed
  - Drawing 110 Roseland House Barn NE & NW Elevations Proposed
  - Drawing 101 Roseland House Barn Location Plan & Block Plan Existing
  - Drawing 102 Roseland House Barn Location Plan & Block Plan Proposed
  - Drawing 103 Roseland House Barn Ground Floor Plan & Section AA Existing
  - Drawing 104 Roseland House Barn 1st Floor Plan & Section BB Existing.



- 3.5 No CIL AIR Form is being submitted as no additional floorspace is being created (apart from enclosing an existing external stairway) and no new dwelling is being created. The site is anyway in Zone 5 where no CIL payments are required.
- 3.6 The building works will be done to habitable standards and application under Building Regulations will be made once planning permission is obtained.
- 3.7 The foul drainage system exists on site already and includes an existing septic tank which was approved under building regulations during 2011. Officer Mike Ronayne inspected the WC and associated foul drainage whilst works were carried out under a building notice. Mains connection was and still is not practicable as the nearest connection available is 1.1km to the east at Old Scawns Lodge where the mains pipework route runs from Menheniot to the treatment works at Trouts Mill.

#### **4 Planning policy and guidance applicable to residential annexe accommodation proposals:**

- 4.1 This covering letter has been prepared to outline the development proposed and to show that the proposals follow the adopted development plan for the area, the Cornwall Local Plan. This minor development proposal is also considered to be acceptable 'sustainable development' within the meaning set out in the National Planning Policy Framework (NPPF).
- 4.2 Looking at assessment by officers on similar recent annexe applications, planning policies will be given a very light touch in this submission due to this proposal being very small scale; the accommodation is to be infrequently used and always ancillary to the principal 'parent' dwellinghouse.
- 4.3 In fact, the proposal is more akin to a householder application (being only excluded from the householder definition within the Cornwall Council 2016 Annexe Guidance Note as the annexe is detached and self-contained). Furthermore, all the floorspace for habitable purposes already exists and can be used currently for all types of incidental uses in association with the applicants dwellinghouse, Roseland House.



## Cornwall Local Plan Strategic Policies 2010-2030

- 4.4 The Cornwall Local Plan (CLP) which was adopted on 22nd November 2016 and obviously now has full weight in decision making. However, there is no development plan policy which deals specifically with proposals for annexe development.
- 4.5 Menheniot Parish Neighbourhood Development Plan Submission Draft was sent to Cornwall Council during January 2021 but contains no specific policy on annexe accommodation.
- 4.6 It is considered officers will look briefly at CLP Policies 1, 12, 13 and 24 of the CLP in making their assessment. Policy 7 in respect of new housing in the countryside is asserted to be of no relevance.
- 4.7 Cornwall Design Guide at 4.11 seeks to ensure developments maintain both privacy and outlook when there are neighbouring residences nearby.

## National Planning Policy Framework (NPPF)

- 4.8 The National Planning Policy Framework is the higher-level policy framework in which decisions on development proposals should accord, and of some relevance are Paragraphs 2, 7, 8, 11, 108, 124 and 127.

## Cornwall Council - Annex Guidance Note (V4. May 2020)

- 4.9 The said guidance note was drawn up following several appeals being allowed in Cornwall where it was found that the stance of the local planning authority ( lpa) towards such proposals was far too strict.
- 4.10 As mentioned in the introduction above the revised guidance note now being used by officers to assist consistent decision making, it states that:

*Residential annexes are a common form of development that are generally proposed in order to allow relatives to live with their family with a degree of independence. In many cases, such proposals are considered to be acceptable by the Council. However,*



*caution needs to be exercised to ensure that this does not result in proposals which are effectively the same as creating a new dwelling, which may be in an inappropriate location and represent unsustainable development.*

- 4.11 The said guidance note also importantly recognises the fact that in recent years central government has increasingly encouraged the concept of extended families living together to support the housing construction industry in providing affordable housing.

- 4.12 Under the heading "General Policy Considerations" of the said Guidance Note it is stated that:

*In planning terms annexes should normally;*

*a. Have a functional link with and be ancillary to the principal dwelling. This means that the occupants of the annexe would rely on facilities within the main dwelling or would require the support of its occupants or vice versa.*

*b. Be in the same ownership as the principal dwelling and remain as such.*

*c. Be within the curtilage of the principal dwelling and share its vehicular access.*

*d. Be well related to the principal dwelling and could be an extension to the principal dwelling, a detached new building or the conversion of an existing building. In the countryside, annexes should be a physical extension to the principal dwelling wherever possible. If it is not possible to extend the dwelling then clear justification must be provided to demonstrate why the annexe needs to be within a separate building. As a guide, the annexe should not exceed 50% of the footprint of the existing dwelling and it should be demonstrated how it can be incorporated into the main dwelling when there is no longer a need for the annexe.*

*e. Have no boundary demarcation or sub division of garden areas between a curtilage annexe and principal dwelling.*

*f. Be of a scale subservient to the principal dwelling and comply with the Council's normal design standards.*



- 4.13 Each of these guidance points will be commented upon in respect of the current proposals below in section 5.

## **5 Planning Analysis of the proposals**

- 5.1 It is considered that an assessment of the application, which would initially introduce a residential annexe for occasional use by relatives of the principal dwelling, within the context of constraints/policies outlined above, and based on the various plans and supporting documents lodged with the application, will conclude that the proposals constitute sustainable development within the meaning of the NPPF. I consider the proposal to be in accord with policy and guidance and to be worthy of support and approval by the local planning authority.
- 5.2 There are several considerations that need to be considered in assessing proposals such as these and I suggest the main ones in this case to be:
- the principle of the proposed development;
  - other material considerations including potential impact upon amenities of existing local residents; potential impact upon the character and appearance of the area and the Statutorily Listed status of Roseland House; and highway safety considerations, access and car parking.

### **The principle of the proposed development:**

- 5.3 The principal consideration in the determination of this application is whether the principle of the proposed development, within the context of the policy framework outlined above, is acceptable or not.
- 5.4 Furthermore, the wording/meaning of clause (ii) of the 2005 Planning Obligation “used other than as an annexe to Roseland House” is obviously very relevant indeed to the assessment of this current application, although it is recognized reference to “annexe” does not itself grant planning permission for a residential annexe. The proposal also includes two minor extensions.
- 5.5 As mentioned previously there is no development plan policy which specifically relates to annexe developments. However, as set out above the Council have an Annexe Guidance Note for use by applicants and which is being kept up to date by revisions.



- 5.6 At paragraph 4.12 above are set out a number of criteria under the heading "General Policy Considerations" that annexe proposals should normally comply with. Each of these will be commented upon with specific reference to the current proposal.

***Have a functional link with and be ancillary to the principal dwelling.***

- 5.7 It will be obvious to the planning case officer that the initial planned use of the annexe, for occasional use by the applicant's children and grandchildren on trips to Cornwall, is not probably strictly speaking an 'annexe' as it will not be occupied as a full-time home. But the accommodation shown on the drawings does include the facilities that would normally be found in a dwelling. Family circumstances are of course dynamic, and the annexe could become more permanently occupied in the future; but always ancillary to Roseland House (and it is tied to it by the 2005 Planning Obligation).
- 5.8 The access from the public highway; the car parking area; and the existing garden will all functionally be shared with the principal dwelling. The floorspace is limited within the annexe and the occupants will likely rely on certain facilities of the parent dwellinghouse.
- 5.9 The intended use as described above is for the annexe accommodation to be ancillary to the principal dwelling; and such can be ensured by the imposition of an appropriate, simple planning condition like the one set out in the Council Guidance Note. It should be noted, as referred to above, the application building is tied in terms of ownership to the wider Roseland House property by way of the said 2005 S106 Planning Obligation.

***Be in the same ownership as the principal dwelling and remain as such.***

- 5.10 The proposed annexe will be sited on land in the ownership of the applicant and they have no intentions other than keeping the property all in one ownership. The Annexe Guidance Note makes no reference to the need for planning obligations to control ownership, but the facts of this case include that the application building is tied in terms of ownership to the wider Roseland House property by way of a S106 planning obligation.



***Be within the curtilage of the principal dwelling and share its vehicular access.***

- 5.11 The proposed ancillary annexe within the first floor of the existing building can reasonably be argued to be now within the curtilage of Roseland House since the date that the 2005 planning permission for the building was implemented. The access to the highway and parking space would be shared. Furthermore there is a legal argument that the 2005 Planning obligation had the effect of putting these two pieces of land, separated by the public highway, into the same curtilage.

***Be well related to the principal dwelling and could be an extension to the principal dwelling, a detached new building or the conversion of the existing building***

- 5.12 All proposals for annexes will have variable circumstances, and in this specific case and as fully described herein and on the application plans/drawings, the intention is to form the annexe within the first floor of the existing detached garden building, which was completed about 10 years ago. Both buildings and their uses are very well related to each other currently and will continue to be so.

***Have no boundary demarcation or subdivision of garden areas between a curtilage annexe and principal dwelling.***

- 5.13 There is no subdivision of garden areas involved; the annexe will not be provided with its own garden but rather will share that of the principal dwellinghouse. External spaces will remain as existing.

***Be of a scale subservient to the principal dwelling and comply with the Councils normal design standards.***

- 5.14 The proposals have been fully explained in the application submission drawings and documents and it is anticipated that the lpa will not find the annexe to be of a scale, in floorspace terms, that will be unacceptable.



- 5.15 The project's architectural designer, in this case the applicant himself, considered the Cornwall Design Guide and the status of the parent dwellinghouse as a Statutorily Listed Building. The external changes to the existing appearance are very minor and of a good design standard.
- 5.16 It is considered that the proposal has taken account of the revised Annex Guidance Note and accords with advice and guidance contained therein. It is a genuine proposal for an ancillary annexe to the principal dwelling and it is anticipated the lpa will find the principle of what is being proposed acceptable sustainable development.
- 5.17 It is furthermore anticipated, with reference to what is said under 'Conditions' at the end of the said guidance note, that there will be a suitable planning condition controlling future use attached to any approval decision notice. Again, it should be noted that the application building is tied in terms of ownership to the wider Roseland House property by way of a S106 planning obligation. And the said S106 agreement says the building approved in 2005 can be used as an annexe!
- Other material considerations including potential impact upon amenities of existing residents; potential impact upon the character and appearance of the area; and highway safety considerations, access, and car parking; etc.**
- 5.18 It is appreciated that following normal due process there will be several assessments under various subject headings the planning case officer will examine this minor application under.
- 5.19 Looking at local and statutory designations I cannot foresee any significant hurdles for this proposal, whether it be landscape, natural or historic heritage; or living conditions of existing or future residents; nor any other material consideration subject. No Heritage Impact Assessment is considered necessary as the external changes to the existing two storey outbuilding are so minor that the setting of the Listed Building will not be affected in any way.
- 5.20 However, if the planning case officer following consultations and assessment considers there are matters of significance that hinders planning permission being granted, once these are brought to my attention, I will respond accordingly following involvement with my clients and other professionals if needed.



## 6 Conclusion

- 6.1 It is considered that an assessment of the application, which introduces a residential annexe for use by close relatives and ancillary to the principal dwelling, within the context of constraints/policies outlined above, and based on the various plans and supporting documents lodged with the application, will conclude that the proposals constitute sustainable development within the meaning of the NPPF.
- 6.2 Furthermore, it is considered that the proposal has fully taken account of the revised Annexe Guidance Note and that this letter explains how the application accords with advice and guidance contained therein.
- 6.3 The proposed building/use would cause no impact upon the amenities of any nearby residential properties.
- 6.4 The proposed annexe will be subservient to the principal dwelling and external changes so minor that the setting of the adjacent Listed Building will not be affected at all.
- 6.5 Notwithstanding the existing controls on the application building which the existing S106 provides, if officers consider it necessary, it is considered that an appropriate occupancy condition will suffice to ensure that this annexe is occupied for its proposed intended purpose.
- 6.6 I can see no valid planning related reason why this application should not be approved.

Yours sincerely,

Keith Rolfe.

Principal Partner. Rolfe Planning Partnership.