

## **Full planning application for the replacement of existing caravan with certificate of lawful use as a dwellinghouse (granted through PA18/10588) with a single dwellinghouse - Sues Field, Sparry Lane, Carharrack, Redruth TR16 5SJ**

### **Summary**

This outline planning application has been prepared on behalf of Sue Chenoweth for the construction of a detached dwelling in lieu of an existing self-contained caravan, presently used for residential purposes at Sues Field, Sparry Lane, Carharrack, Redruth.

The caravan has been used as an independent residential use for a number of years as confirmed through the approved certificate of lawfulness for existing use application PA18/10588.

Prior to the establishment of the approved certificate, there had been refused planning applications for residential use at the site, the key issue arising in these decisions linked back to the principal of new build housing development, without the formal establishment of an lawful use at the site, whereby the proposals were assessed as new build accommodation in the open countryside, without any of the special justifications to allow the development as highlighted in the development plan and national guidance.

The establishment of the certificate of lawful use, as was suggested in the earlier decisions, has fundamentally changed the acceptability of the proposals in terms of compliance with housing policies in the open countryside.

The certificate has formally established a lawful residential use at the site, and therefore this scheme is assessed on the basis of a replacement housing development as supported through the Cornwall Local Plan (CLP).

With this proposal, the development is a like for like replacement of one unit with one. Therefore, in principle the development is acceptable, and constitutes sustainable development, the presumption in favour of which is embedded in the adopted CLP and the National Planning Policy Framework (NPPF) as an overriding guiding principle.

### **The Site**

The application site relates to the western section of an irregular shaped field on the edge of Carharrack. To the north and eastern sides there is dwelling which has recently obtained planning permission through PA20/03488. To the south is the access lane leading into the site, and to the west is the southern corner of an adjacent field and thereafter is the public highway.

The application site concerns the replacement of the existing single storey caravan which has been used as a dwelling since 2005. It is of a relatively poor quality appearance and the

associated outdoor space is currently of a poor standard.

The site is set away from the public highway by an intervening field and associated boundaries, there are no nearby footpaths that provide views across to the site.

### **The Proposal**

This is a full planning application for a detached one and a half storey dwelling oriented fronting towards the west towards the public highway centrally within the plot.

Material finishes consist of a natural slate to the pitched roof, smooth render to the external walls, grey pvcu fenestration, granite chippings to the driveway and closed boarded timber fences. Access to the site will be as the existing vehicular entrance.

### **Assessment of the Proposal**

Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the Town and Country Planning Act 1990 and Paragraphs 2 and 47 of the NPPF dictate that '*applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.*'

The development plan covering the area is the CLP and the made Gwennap Parish Neighbourhood Development Plan (NDP). The NPPF represents a material consideration.

The key issues in this case relate to the principle of replacing the existing established unit with a single dwelling and the impact of such development upon the character and appearance of the area. Living conditions, highway safety and other material planning matters.

#### *Principle*

The application site is situated just outside of the settlement of Carharrack. Planning permission has been granted in the recent past for new build developments opposite the application site, elsewhere along Sparry Lane and directly to the north-east of the site.

Whilst these cases, and the fact that the site constitutes previously developed land, could support the argument that the proposal should be assessed against the settlement policies in the CLP, as this is a one for one replacement there is no need for this debate. Simply as a matter of principle the proposal is acceptable under policy 7 of the CLP which allows for such as an exception in terms of housing in the open countryside. This is the basis for the support of the dwelling to the north-east under ref PA20/03488.

#### *Effect Upon the Character and Appearance of the Area*

Policy 12 of CLP refers to '*Design*' and requires through all new development that the area's distinctive character is maintained and the existing context is considered; that new development be of an appropriate scale, layout, height and mass with a clear understanding and response to its setting; and that development should provide continuity with the existing built form and respect the natural environment.

This approach is consistent with Section 12 of the NPPF, with paragraph 127 requiring

development to be '*visually attractive as a result of good architecture, layout and appropriate and effective landscaping*' and '*sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*.'

Policy GQD2 of the NDP seek development to support a number of criteria, which includes the following: Have regard to the principles set out in the Gwennap Parish Design Guide; Make efficient use of land while respecting the density, character, landscape and biodiversity of the surrounding area (including, but not limited to, elements such as Cornish hedges, tree species, wildlife connectivity and burrows) and avoid the appearance of overcrowding/overdevelopment; Demonstrate how the proposals have appropriately responded to the natural or historic environment assets on and within the setting of the site, the surrounding landscape and the setting of the area or World Heritage Site; Ensure layout and design contribute to local distinctiveness and sense of place, being appropriate and sympathetic in terms of scale, height, massing and density, and in terms of relationship to adjoining buildings, spaces and countryside features; Ensure development makes a positive contribution to the overall appearance of an area, by using good quality materials of appropriate scale, profile, finish, colour and weathering ability; Be suitably designed for the context within which they are set and retain existing important landscape and natural features including trees, the natural and historic environment; and Ensure that the scale and massing of buildings relate sympathetically to the surrounding area.

The proposal incorporates a dormer style one a half storey design, which is similar to the form, massing and appearance to the dwellings to be positioned on either side of the application, as approved recently to the north-east and a recently constructed dwelling on the opposite side of the highway to the west. Further to use of materials is entirely consistent with these adjacent buildings. Furthermore, the replacement of the current structure, which has no particular visual merit, with the proposal which is coherent with its surroundings is a clear benefit from a visual amenity perspective and will lead to the general tidying up of the site.

Therefore, the proposal is acceptable from a visual amenity perspective. It is in full accordance with Policy 12 of the CLP, in line with the design policies contained within Section 12 of the NPPF and Policy GQD2 of the NDP.

#### *Residential amenity*

The NPPF through Paragraph 127 f) requires development to provide '*a high standard of amenity for existing and future users*.' Policy 12 of the CLP provides for a similar emphasis.

Replacing one dwelling with an alternative is acceptable in principle from a residential amenity perspective, resulting in an improvement in the living conditions for future occupiers of the site, in lieu of the existing arrangements. Further, the siting of the development and the positioning of windows avoid any significant adverse effects on neighbouring sites in terms of loss of light, privacy or an overbearing nature.

The development is therefore acceptable from a residential amenity perspective in line with paragraph 127 of the NPPF and policy 12 of the CLP.

### *Accessibility*

The existing vehicular entrance has good visibility in either direction and the traffic flows to and from the site will not result in any significant increase over the existing established uses. The highway safety implications will not exceed the existing through the redevelopment of the site.

The application additionally fully complies with all current Regulations and Good Practice making the scheme accessible in line with policies and legislative requirements.

### *Other material planning matters*

The application is supported by a land contamination report completed by ASI. There are no other planning matters that are considered material in this case.

### **Conclusions**

The development is clearly acceptable in principle and as a result constitutes the sustainable development for which the CLP, the NDP and the NPPF place a presumption in favour of.

Therefore, the development should be approved.