



Planning Services
Uttlesford District Council
Council Offices
London Road
Saffron Walden
CB11 4ER

28th September 2022

Dear Planning Services,

Planning Statement

Certificate of Lawfulness for the conversion of the upper floors of the existing garage from an ancillary residential space to an ancillary residential annexe.

This Planning Statement has been produced to support a Certificate of Lawfulness application to confirm that the conversion of the ancillary residential space above the exiting garage to form an ancillary residential annexe would be permitted development.

Planning History

Planning permission [Ref: UTT/0130/96/FUL] was granted March 1996 for the raising of the roof and a first-floor front extension over the existing garage.

Condition 3 of this permission is particularly relevant as it states:

The use of the garage extension hereby permitted shall remain ancillary and subservient to the dwelling known as Broomhill, and shall not become separated from that dwelling by use or tenure without the express permission of the local planning authority.

Background

The proposed conversion of the upper levels of the garage building to form a residential annexe will be for the applicant's daughter. Due to her existing health conditions and the anticipated future care needs, the proposed conversion of the garage to form a residential annexe will provide a living space that can provide a balance between independence and care, now and in the future for all the family.

The existing garage is located within the established curtilage of Broomhill. The boundaries of the property and its curtilage are well defined by mature vegetation. This provides an effective screen and helps protect the visual character of the countryside beyond the property.

The use of the garage as a residential annexe will be ancillary to the main dwelling with strong functional links between them. It is intended that the applicant's daughter will:

- Regularly prepare and eat and eat meals in the main dwelling;
- Watch television, socialise with family members and relax in the main dwelling;
- Use existing household facilities in the main house, for example laundry;
- Share use and enjoyment of the garden; and
- Share use of the main garage for parking and household storage.

Furthermore, there will be no separate address, post box, utility meters, garden area or access.

Planning Commentary

Planning permission is only needed, if the work being carried out meets the statutory definition of 'development' which is set out in section 55 of the Town and Country Planning Act 1990. The definition of development includes the material changes of use of land and buildings.

As evidenced by the 1996 planning permission [Ref: UTT/0130/96/FUL], the garage has planning permission for ancillary residential use. This permission was implemented. The proposed use of the garage as a residential annexe would be ancillary to the main dwelling.

This principle was confirmed in *Uttlesford DC v SSE & White (1992)*. The judge in this case considered that, even if the accommodation provided facilities for independent day-to-day living it would not necessarily become a separate planning unit from the main dwelling. In that case, permission had been granted for the garage for incidental use. The accommodation now gave the occupant the facilities of a self-contained unit, but it was intended to function as an annexe only, with the occupant sharing her living activity in company with the family in the main dwelling.

The key issue to consider is therefore is whether a separate planning unit has been created. If an outbuilding with is used as living accommodation, and collectively with the main dwelling continue to function as a single household and single family occupation, no material change of use are occurred.

As the upper floors of the garage already fall within residential use, and given that this building would be used in connection with the main dwelling, as part of a single family unit, no material change of use would have occurred.

Moving Forward

I trust that you have sufficient evidence to determine this case, should you require any further details, please do not hesitate contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A Ransome'. The signature is written in a cursive style with a large initial 'A'.

Andrew Ransome MRTPI

Planning Director