



Conversion of existing garaging to  
provide extended ancillary  
accommodation and associated  
works – revised scheme  
(resubmission of application  
33108/016)

Bury Court, Hole Lane, Bentley

[Design, Access & Planning  
Statement](#)

Client: Mr & Mrs Berry

Date: 27/06/2023

Ref: EH/616/1/JH.

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## 1.0 INTRODUCTION

1.1 This Design, Access & Planning Statement has been prepared in support of proposals for the conversion of existing garaging to provide additional ancillary accommodation at Bury Court, Bentley. An aerial photograph of the application site and its surroundings is shown below. This application is a resubmission of planning application 33108/016. The application has been amended to address the previous reason for refusal.



Application Site

## 2.0 DESCRIPTION OF THE APPLICATION SITE

- 2.1 As the photograph below shows, the application site currently comprises an existing ancillary domestic building with redundant garaging at ground floor level and a studio flat above. The building is attached to Bury Court at its eastern end



- 2.2 A photograph of the existing courtyard in front of the FoG is shown below

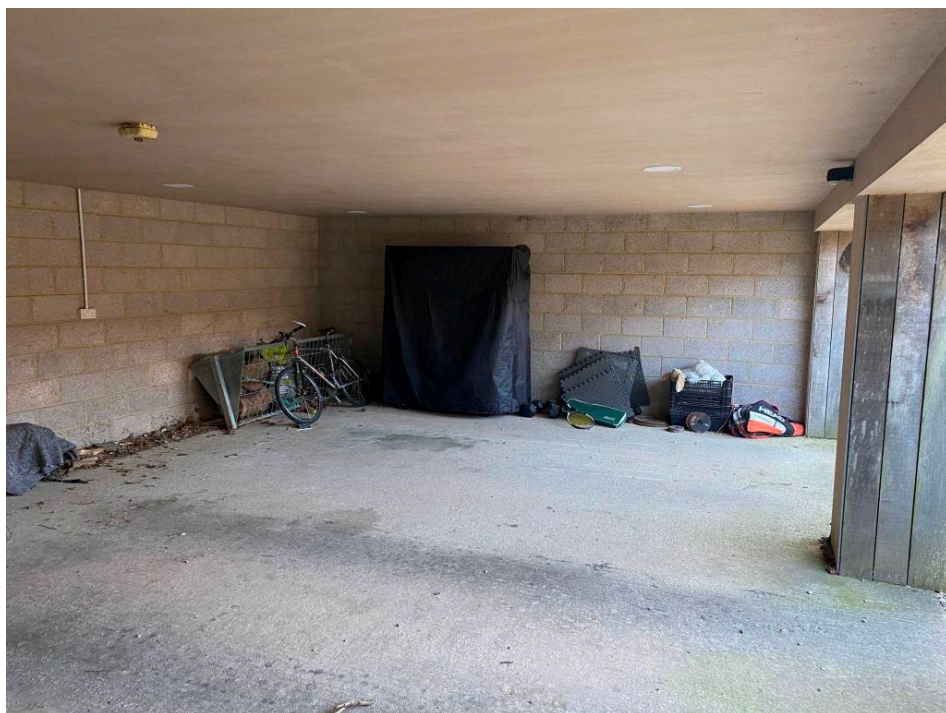




2.3 An internal photograph of the existing flat is shown below.



2.4 A photograph of the existing garage is also shown below.



- 2.4 The flat has independent living facilities, including sleeping accommodation, kitchen and Bathroom but, still remains physically and functionally related to Bury Court.

### 3.0 RELEVANT PLANNING HISTORY

- 3.1 There are two planning records of relevance to the current application.
- 3.2 Planning permission (ref F.33108/007/FUL) was granted on 17 June 2002 for the erection of an attached ancillary domestic building comprising garaging at ground floor level and living accommodation above. Consent was granted subject to 4 planning conditions.
- 3.3 Condition 2 of the consent states:
2. **Occupation of the first floor studio hereby permitted shall be restricted** to use as additional accommodation in connection with the existing dwelling at the site from which it shall not be let or sold separately or severed.
- Reason The site is located in an area where a new dwelling would not normally be permitted.
- 3.4 No conditions were imposed regarding the retention of the car parking at ground floor level.
- 3.5 On the 2nd of September 2022 a planning application (ref: 33108/016) was submitted for *“Conversion of existing garaging to provide extended ancillary accommodation and associated works.”* The application involved severing the internal link between the main house and annexe and create a new front door entranceway at ground floor level with additional accommodation. The case officer conducted a site visit where the close relationship between the annexe and main house was clearly apparent. Notwithstanding this the application was refused under delegated powers on 4th April 2023.
- 3.6 The decision notice cited a single reason for refusal, repeated below:
- “The proposal constitutes the unacceptable conversion of a building into a self contained unit that by virtue of its location, size and design can be used independently to the main house and is therefore tantamount to the creation of a new dwelling in the countryside, where there is no justification for its countryside location, contrary to the general strategy Policies CP2, CP10 and CP19 of the East Hampshire District Local Plan: Joint Core Strategy and Policy 1 of the Bentley Neighbourhood Plan.”*

## 4.0 RELEVANT PLANNING POLICIES / MATERIAL CONSIDERATIONS

4.1 Section 38(6) of the Planning & Compulsory Purchase Act, 2008, states that when determining planning applications, Local Planning Authorities should base their assessment on policies contained within the adopted Development Plan, unless other material considerations indicate otherwise. Other material considerations in this instance are considered to represent the policies contained within the National Planning Policy Framework (NPPF) and the current lawful use of the building.

### Relevant Development Plan Policies

4.2 The adopted development plan for the area in which the application site is located in is the East Hampshire District Local Plan: Joint Core Strategy. This plan was adopted in 2014 and the Council has failed to review it within 5 years of its adoption as the NPPF requires. In light of this the weight given to these policies is dependent on the degree to which they accord with the NPPF.

4.3 Policies in the development plan which are considered to be of relevance to the proposed scheme are policies:

- CP1 – Presumption in favour of sustainable development;
- CP2 – Spatial Strategy;
- CP19 – Development in the Countryside;
- CP 20 – Landscape, and
- CP 29 – Design

### Material Considerations

4.4 Material Considerations in this instance are considered to be the policies contained in the NPPF. Matters relating to the lawful use of the building are discussed in Section 6.

4.5 It is considered that the contents of paragraph 80 of the NPPF are also of direct relevance when considering the proposed scheme. This states:

*Planning policies and decisions should **avoid** the development of isolated homes in the countryside **unless** one or more of the following circumstances apply:*



- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;***

## 5.0 THE PROPOSED SCHEME

5.1 The proposed scheme has been revised in response to the previous refusal. Like before the proposal still seeks to convert the existing garaging to provide extended ancillary accommodation at ground floor level. Notwithstanding this, the scheme has been revised to retain the physical internal link with the main dwelling and remove the principal external entrance way / porch feature. The dwelling will not appear as an independent dwelling, nor function as one.

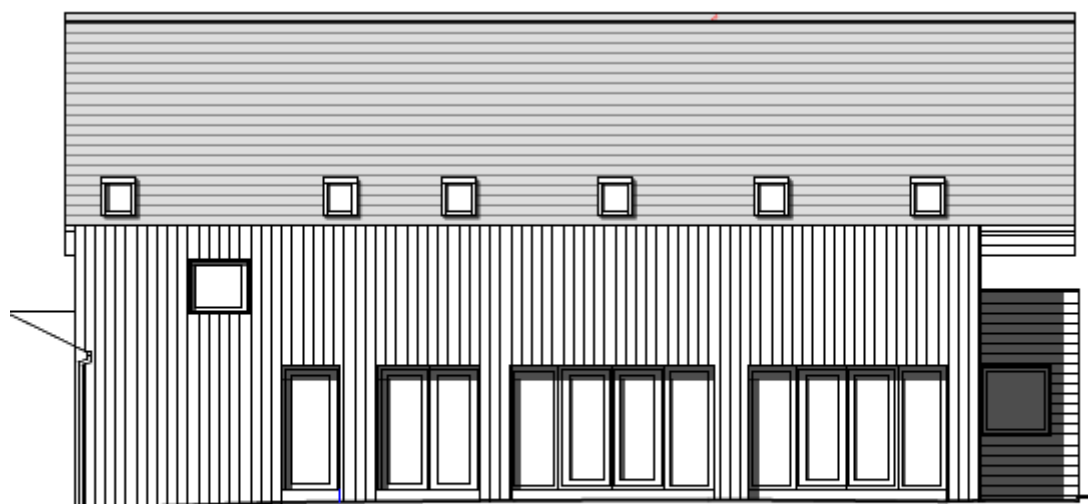
The amendments to the previous scheme include:

- Retention of existing internal link with the main house;
- Removal of new front door and external porch and new staircase;
- Rearrange accommodation to provide living, kitchen and dining space on ground floor and two bedrooms and a study at first floor.

5.3 Residents of the annexe will continue to share car parking facilities and external amenity space with the main dwelling.

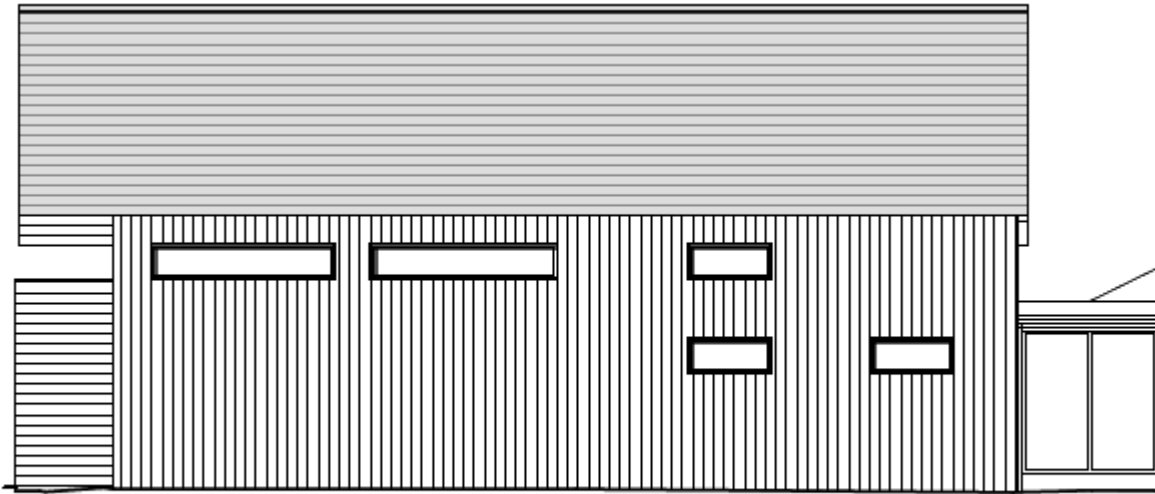
5.4 Images of the proposed scheme showing the above can be seen on the following pages.

### Proposed Front Elevation



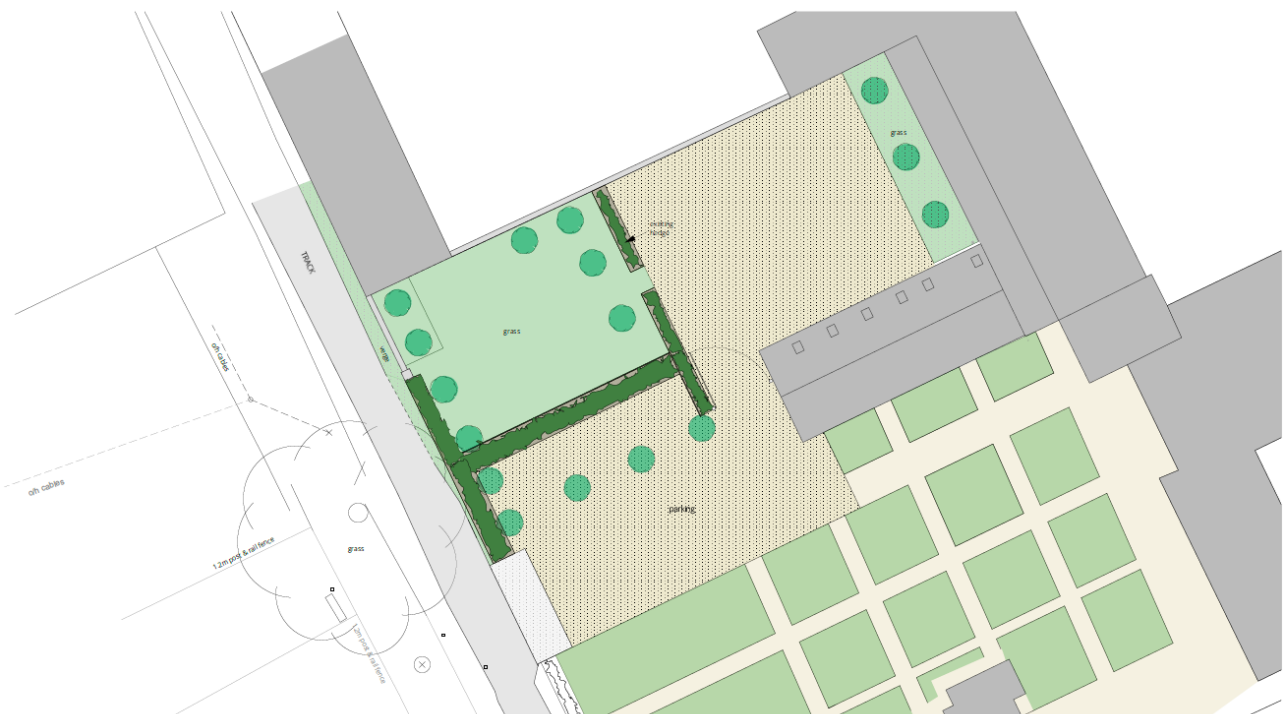
North West Elevation

Proposed Rear Elevation



South East Elevation

Proposed Site Layout plan



Site Plan as proposed  
Scale 1:200

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## 6.0 PLANNING ASSESSMENT

### The Need for the proposed development

- 6.1 Bury Court is a fully diversified estate, no longer reliant on agriculture, the holding derives income from a number of income streams including:
- Functions;
  - Weddings (and associated receptions with overnight stays);
  - Ornamental Gardens and associated 'Garden Events', and
  - Equestrian (training / exercising facilities and provision of livery).
- 6.2 The wedding business is intensively run. The estate hosted 130 weddings last year with 130 associated overnight stays, that equates to more than two weddings a week, every week.
- 6.3 With people staying on site there is a need for overnight supervision and with such an intensive calendar of events many staff remain on site late to ensure that everything is ready in time. Catering staff in particular require two full days to prepare for a wedding and will work in shifts through the day and night in the run up to a wedding.
- 6.4 The Annexe Flat is currently occupied by the manager of the wedding business and her husband (Francesca Berry and Max Berry) who are related to the occupiers of Bury Court and share living facilities with them. The current arrangement works well as it allows an essential 24 hour onsite presence for the manager whilst also allowing extended family to live in close proximity.
- 6.5 Whilst the accommodation is well situated, it does only provide a modest level of accommodation, which is not 'future proof' should Mr and Mrs Berry wish to grow their family. The flat also provides no home office facility. The proposals will involve the conversion of garage space that is currently surplus to requirements to provide an additional bedroom and study / home office. This additional accommodation will both help provide better domestic arrangements for Mr and Mrs Berry whilst also helping meet the needs of the business.



### **Existing lawful Use of the building**

- 6.6 The existing building was constructed pursuant to consent F.33108/007/FUL. The lawful use of the building is for ancillary domestic purposes and to be used in conjunction with Bury Court. The original approved scheme was for a studio flat at first floor level and a triple garage at ground floor level. Condition 2 of the consent restricts the use of the accommodation to that in connection with the existing dwelling. It also seeks to prevent it being let, sold, separately or severed from the main dwelling. There are no conditions applied to the consent seeking to retain the garage area for parking use or limiting the quantum of ancillary accommodation within the building. The studio flat has always been occupied in accordance with the restrictions of Condition 2 and the intention is to continue to occupy the building in accordance with those terms.

### **Principle of Development / Use**

- 6.7 The consented building was constructed for ancillary domestic purposes, specifically for use in conjunction with Bury Court. There are no planning conditions applied to the consent that would prevent the expansion of the existing ancillary accommodation into the ground floor area providing the occupation of the ground floor area continues to comply with the provisions of Condition 2. The building will remain in ancillary domestic use and no change of use is therefore proposed. The development should therefore be acceptable in principle.
- 6.8 Notwithstanding this, for reasons of practicality it will be necessary to undertake physical works to the building to enable the ground floor of the building to be occupied (as it is currently open sided). Given the existing use of the building and minor nature of the proposals it is considered that the proposal does not conflict with adopted policies CP2 (Spatial Strategy) and CP 19 (Development in the Countryside).

### **Proposed Works**

- 6.9 The revised scheme is considered to address the concerns previously raised by the LPA. The design of the proposal now ensures that the internal link with the main house is retained and that all parking and amenity space remains shared with the main house. The revised design will ensure that the proposal will not result in conversion to a self-contained unit.

- 6.10 All in all the proposed works are minor and will not result in any increase in the size of the building. There will be no changes to the height of the building or architectural character. No new first floor windows are proposed.

### **Addressing the previous reason for refusal**

- 6.11 The revised planning application has addressed matters relating to the design of the extended annexe to ensure that the building remains physically linked and ancillary to the main residential dwelling and not capable of being used as an independent unit of residential accommodation.
- 6.12 The previous reason for refusal also raised objections in relation to the 'location' and 'size' of the proposed development. It is unclear what the LPA's objection is to the location of the proposed development is as an annexe already exists in this location and it is physically internally linked to the main dwelling. It is true that the size of the proposed accommodation will increase but the proposal will not result in the creation of additional floorspace and the size of the ancillary accommodation is not disproportionate given the size of the main dwelling.
- 6.13 At it's most simple, the proposal simply involves swapping ancillary domestic floorspace used for parking for use as additional ancillary accommodation. The proposal will not be used as an independent dwelling. The internal link between the annexe and main house and the shared parking and private amenity space arrangements will always ensure that the annexe is occupied by a close family member and in accordance with the original condition limiting the use of the 'studio'. If this application is approved, it is accepted that a revised condition will need to be applied to make reference to the extended accommodation.

### **Other Material Considerations**

- 6.14 Whilst there are no adopted local policies that specifically concern proposals such as this, the NPPF at a national level seeks to encourage the reuse of redundant or disused buildings in the countryside. This proposal is entirely in accordance with that aim.

## 7.0 CONCLUSIONS

- 7.1 As before the application simply proposes the extension of existing ancillary accommodation into existing redundant floorspace. No change of use is proposed as the building is already in ancillary domestic use. The applicants will continue to abide by the provisions of Condition 2 of the 2002 planning consent. The accommodation will continue to be used in conjunction with Bury Court and will not be separated or severed from the main dwelling.
- 7.2 The proposed physical works have been amended to ensure that the physical internal link with the main dwelling is retained and that no additional floorspace is proposed.
- 7.3 The proposal will provide increased levels of accommodation but will not represent an intensification of activity on the site, nor the creation of a separate unit of living accommodation.
- 7.4 Given the above, the revised proposal is therefore considered to be a sustainable form of development and compliant with local and national planning policy. The proposed changes are considered to address the previous reason for refusal.