



ANCILLARY GRANNY ANNEXE

Planning, Design and Access Statement

17 Mellis Road
Yaxley
Eye
IP23 8DB

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Document Ref: NAPC/JD/0955/JM



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Introduction

This planning statement is prepared by NAPC Ltd to support an application for the erection of a single-story timber prefabricated granny annexe, intended for ancillary residential use associated with the dwelling 17 Mellis Road, Yaxley, Eye IP23 8DB.

The proposed annexe will be for the applicants to move into, whilst their daughter will move into the main dwelling. This would allow the applicants to be on hand to provide support, such as childcare, and allow them to stay at their own home.

The erection of an annexe will provide the balance of independence while still having the care of the family on hand. A supporting personal statement has been provided to support the application which provides the background to the need.

Other supporting documents submitted as part of this application will include:

Location Plan

Proposed Elevations

Proposed Floor Plan

Proposed Block Plan

Proposed Site Plan

Existing Site Plan

Personal Statement

Community Infrastructure Levy (CIL) Forms 1, 2 and 8

Proposal

This application seeks approval for the erection of a single-story timber granny annexe within the curtilage of an established Class C3 dwellinghouse.

The purpose of the annexe is to serve as an ancillary space to the main dwelling, fostering strong functional connections between the two. The occupants will regularly engage in activities within the main dwelling, including preparing and consuming meals, relaxing, socializing with family, and utilising existing household facilities.

It is crucial to highlight that the annexe will not have any separate:

Address

Post box

Utility metres

Services (such as internet, phone line, and television)

Parking area

Garden area or curtilage

Independent access

In summary, this proposal is for an ancillary granny annexe situated within an existing residential curtilage. The functionality of the annexe is heavily reliant on the host dwelling. It is essential to underscore that this proposal does not constitute a standalone dwelling and it could not operate as such given the site constraints and reliance on the host dwelling.

Site Context

Application Site

The application site is situated on the southern side of Mellis Road, in the western part of the village of Yaxley. The dwelling itself is a sizable, detached bungalow, featuring a red brick and grey cladding façade and a pitched tiled roof. The property features ample private amenity space to the south and off-road parking to the north of the dwelling, facing Mellis Road.

The plot is bordered by neighbouring gardens to the east, south, and west. The curtilage is clearly defined with domestic fencing and mature vegetation, serving as an effective screen to minimise any potential impact on neighbouring amenity and the street scene.

The surrounding area is primarily residential, meaning it is therefore not out of character to find ancillary buildings located in gardens.

Site Designations

As per the adopted Babergh and Mid Suffolk Joint Local Plan – Part 1 (2023) policy map extract below, the application is not covered by any specific planning or landscape designations.



The Flood Map from the Environment Agency confirms that the site is categorised within Flood Zone 1, indicating a low risk of flooding.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions must be made in accordance with a Local Development Plan unless material considerations indicate otherwise.

The relevant policies for assessing this proposal are contained in the adopted Babergh and Mid Suffolk Joint Local Plan – Part 1 (2023) and the National Planning Policy Framework (NPPF).

Babergh and Mid Suffolk Joint Local Plan – Part 1 (2023)

- Policy SP03 – The Sustainable Location of New Development
- Policy LP02 – Residential Annexes
- Policy LP03 – Residential Extensions and Conversions
- Policy LP24 – Design and Residential Amenity

NPPF

- Paragraph 8 – Dimensions to sustainable development
- Paragraph 11 – Presumption in favour of sustainable development
- Paragraph 62 – Meeting housing needs for older people
- Paragraph 92 – A safe, secure, and enjoyable garden
- Paragraph 93 – Meeting the social and recreational needs of the community
- Paragraph 119 – Improving the living conditions of the applicant

Policy Analysis

Principle of Development

This proposal seeks to erect a granny annexe to provide ancillary accommodation for the applicants, whilst their daughter will move into the main dwelling (please see submitted Personal Statement).

The erection of the granny annexe would allow the family to have peace of mind knowing that they are close by and can provide the support now and into the future.

Need – As expressed at the start of this report, the annexe is required to provide additional living accommodation for the applicants.

The family will be able to support one another, such as providing childcare for the applicants' daughter, whilst she is able to provide additional care and support for the applicants, as they gradually become more dependent.

Multigenerational living is being supported and championed by central government, it releases the stress on state funded care and provides a form of sustainable development that must be supported at local level.

Relationship with dwelling – Whilst the annexe will not be physically attached, the annexe would have a clear dependency on the main dwelling for basic services. In addition to the clear use connections between the house and the annexe and the layout of the annexe within the site, clearly demonstrates that independent use would be difficult and undesirable.

To confirm, there will be no separate:

- Access
- Address
- Utility metres
- Garden
- Curtilage
- Septic tank
- Post box

The above points were a strong consideration in the landmark case *Uttlesford v SoS (Environment & White)*.

The Inspector acknowledged that the annexe contained all the facilities for day-to-day domestic existence and was capable of being used as a separate dwelling house.

However, the inspector also stated that this did not mean that it had been so used; Factors of significance were the lack of separate utility meters, postal address, and telephone line. He also mentioned the lack of any separate curtilage or access arrangements.

Future occupancy – The applicant would be happy to agree to an appropriate condition restricting the use of the annexe to only ancillary.

Whilst the National Planning Practice Guidance was published on 6 March 2014 and Circular 11/95 was cancelled, Appendix A of the Circular is currently retained. Therefore, such a condition continues to be promoted by the Government.

The circular states:

“It is possible that a 'granny annexe' which provides independent living accommodation, could subsequently be let, or sold off separately from the main dwelling. Where there are sound planning reasons why the creation of an additional dwelling would be unacceptable it may be appropriate, to impose a planning condition to the effect that the building permitted shall be used solely as accommodation ancillary to the main dwelling house.”

The applicant is happy to accept the below condition, taken from model condition 47 from Circular 11/95:

“The proposed building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling.”

If the LPA consider the use of a condition not to be a strong mechanism to control the use, the applicant would be happy to agree to a Section 106 to ensure the annexe is never separated off.

Given the above, we believe the principle of an ancillary annexe, subject to further assessment on; amenity, design, and visual impact, should be considered acceptable.

Layout and Siting

Local planning policy seeks to ensure that any new development is satisfactorily located and provides a high standard of design being compatible with the character of the surrounding area.

The annexe will be sited in the central-southern part of the garden. Careful consideration has been given to the positioning of the annexe to ensure that the development would not negatively impact on any of the surrounding land uses, whilst maintaining its ancillary relationship with the host dwelling.

We believe that the proposal would have no greater impact upon the surrounding area than any permitted residential paraphernalia. Overall, the annexe would assimilate within the garden and wider context and would visually corollate with the surrounding pattern of built development.

Scale and Amount

The size of the annexe has been carefully considered to provide comfortable accommodation whilst ensuring the impact on the surroundings and landscape remains minimal. The size has been considered to reflect the relationship of a traditional ancillary outbuilding, the single storey design will provide a clear subordinate appearance to the host dwelling and surrounding properties in terms of mass and scale. Due to the size of the host plot, the proposal does not out of place when viewed together.

We believe that the proposal would have no greater impact on the surrounding area than an outbuilding which would be permitted under Class E of the GPDO. It is a strong material consideration that if the height was reduced the applicant could build the physical structure itself under Class E Permitted Development Rights.

Therefore, we believe the proposed annexe in its current form and size is acceptable, and in accordance with local planning policies.

Annexe Access

The only access into the annexe will be through the existing arrangement, no independent access will be provided. There would be no separate highway access or need to make any alterations to the existing access point.

Appearance

A great deal of consideration has been given to the design and materials to ensure that the granny annexe appears subordinate to the main dwelling and reflects the local character and the host dwelling.

The following materials will be used for the construction of the proposed annexe:

Foundations – Screw Pile Foundation System

Roof Construction – Rustic Calderdale pitched roof

Fenestration – Foiled windows and doors (Anthracite external, White internal)

External Cladding – Untreated Oak cladding

We consider the proposed materials reflect the character of the area and integrates within the garden context.

CGI for illustration only



Sustainability

The National Planning Policy Framework (“Framework”) (Section 2 para 7) states that “the purpose of the planning system is to contribute to the achievement of sustainable development”.

This is done through three overarching objectives, economic, social, and environmental. This planning statement has clearly shown how the proposals are compliant with the social objective of sustainability. The environmental and economic objectives will be discussed further in this section.

At the heart of the iHUS annexe is sustainability, we believe in ‘doing our bit.’ By making conscious choices on materials, processes, and logistics we can help make an impact towards a better future.

Offsite Manufacturing

Most of the annexe is pre-constructed in the iHUS factory, this includes the floor cassettes, wall panels and roof panels or trusses, these kits are then transported from the central factory out to site.

Offsite construction offers many advantages over traditional on-site building methods. This includes:

Reduced environmental impact – Construction waste and emissions can be halved, by virtue of production efficiencies and increased recycling.

Reduced waste – Factory production brings about design consistencies to minimise the waste of components. WRAP believes this to be as much as 70-90% waste savings.

Environmentally friendly – The reduced time on actual building sites provides a less intrusive environment for surrounding businesses, households, and road networks.

Safety – The factory is a far more predictable setting than the physical construction site, which eliminates the variables of weather and visibility. Having the conditions be the same every time makes errors much less likely. Most of onsite construction’s most dangerous hazards: like fall from height and equipment accidents, are not an issue in the factory.

Less greenhouse gas – As well as the solid waste that goes to landfill, the machinery used in construction can’t avoid pumping various pollutants into the atmosphere. However, if air pollution can’t be avoided, it can at least be minimised. Reducing works traffic reduces noxious nitrates, which limits local air pollution but greenhouse gases like carbon dioxide are a more global problem that are already causing significant climate change around the world.

Materials

The materials used to build the annexe are sustainably sourced or are used due to their environmentally friendly qualities, such as:

Foundations – The foundations used are a screw pile system. This creates almost zero mess, removing the need for skips or other transport requirements for waste spoil a traditional foundation system would produce. Screw Piles are helping drive down carbon emissions against conventional methods. Concrete is now the second most consumed substance on Earth after water. On average, each year 3 tonnes of concrete are consumed for every person on the planet, with 10% of all global carbon emissions because of cement production.

Timber Frame – 95% of the timber used in the construction of the annexe is FSC grade certificate wood. FSC controlled wood is defined as: virgin wood or wood fibre which has been verified as having a low probability of including wood from any of the following categories:

1. Illegally harvested wood.
2. Wood harvested in violation of traditional and civil rights.
3. Wood harvested in forests in which high conservation values are threatened by management activities.
4. Wood harvested in forests being converted from natural and semi natural forest to plantations or non- forest use.
5. Wood from forests in which genetically modified trees are planted.

Forest management certification is awarded to forest managers or owners whose management practices meet the requirements of the FSC Principles and Criteria and the applicable FSC national forest stewardship standard.

OSB – OSB3 is an engineered, load-bearing wood-based panel product used to create the wall panels, free of knots and voids, and suitable for structural use in humid situations.

FSC certified OSB3 is a safe and sound choice for the construction industry and is used extensively in timber frame housing and for flooring, wall sheathing, roofing. OSB3 is sourced from locally managed forests that are independently certified to Forest Stewardship Council (FSC) criteria. Logs used to manufacture OSB3 are a natural bi-product of the thinning process that takes place in managed woodlands to help it thrive. Only the smaller trees are selected to make OSB3, leaving the larger, stronger trees to grow on for years and provide suitable raw material for the saw milling industry.

Electric Heating and Water – Electric heating is environmentally friendly because it does not create emissions and leaves the inside and surrounding outdoor air clear. Electric heating does not produce dangerous carbon monoxide and leaves no build-up of debris like other heating sources. Government figures released in 2018 show that electric heating is better for the environment than gas. This revelation is due to investments in renewable energy, plus a reduced reliance on coal-fired power stations. Another big influence is a re-think on how carbon emissions for new houses are measured.

Lighting – All LED used throughout the annexe. A+ rated and ninety percent energy saving vs Halogen with 25,000 Hr life.

Economic

This objective seeks to build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure.

The proposal provides an affordable unit of ancillary accommodation for the applicant’s family member, and in many cases releases a family home into the housing stock.

Multigenerational living also has great financial savings because households share common resources, such as food, childcare, eldercare, heat, electricity, transportation, and mortgage/rent, thereby reducing the cost of living relative to individual or single-family living arrangement.

The family will care for each other this will reduce the use of state funded social health services therefore reducing the burden on such provisions.

iHUS also employ over 50 staff members over both operations and construction sectors of the business, the coupled with using local builders' merchants and suppliers, each annexe that is constructed contributes to economy and bolsters the construction industry.

The proposal also uses brownfield land and in most case gardens that are underutilised, therefore, this makes efficient use of land within residential areas.



Material Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 establishes that planning applications should align with the development plan unless material considerations indicate otherwise. In the case of the proposed granny annexe, several material considerations are deemed significant in the decision-making process.

Appeal Precedents

Appeal Ref: APP/Q5300/D/16/3147827 (Appendix B)

Summary: The appeal, challenging the refusal of a granny annexe application by the London Borough of Enfield, was allowed. Despite concerns that the proposal might create a separate dwelling, the Inspector disagreed, emphasising the importance of a model condition to restrict use to ancillary purposes.

Relevance: This precedent underscores the Inspector's view that the presence of facilities for independent occupation doesn't necessitate such use, highlighting the enforceability of a condition restricting ancillary use.

Appeal Ref: APP/B3438/A/12/2188171 (Appendix C)

Summary: The appeal, against the decision of Staffordshire Moorlands District Council, resulted in permission being granted. The Inspector acknowledged that while the proposed annexe could contain independent facilities, its small size and basic amenities were indicative of ancillary use. The Inspector also recognised the enforceability of a model condition to maintain ancillary occupation.

Relevance: This case reinforces the notion that certain characteristics, such as size and amenities, support the ancillary nature of the proposed unit. It emphasises the enforceability of conditions outlined in national guidance.

Consistency in Decision Making

Importance: While recognising the uniqueness of each application, consistency in decision-making is crucial for instilling confidence in the planning system. This principle aligns with legal precedents and decisions by appeal Inspectors.

Legal Significance: Consistency is not only paramount for public confidence but has legal weight, as evidenced in High Court decisions and appeal Inspector statements.

Considering the above, it is argued that the proposed granny annexe aligns with established principles, emphasising the enforceability of conditions to restrict usage. These considerations should carry weight in the decision-making process to ensure a fair and consistent application of planning principles.

Personal Need

The personal circumstances surrounding the need for the proposed annexe, as detailed in the supporting documents, hold significant weight in the planning decision-making process. Lord Scarman's commentary in *Westminster City Council v Great Portland Estates plc* [1985] emphasises that personal circumstances, including personal hardship, are essential factors in the administration of planning control, as excluding the human factor would be inhuman pedantry.

The legal precedent set by *Great Portland Estates plc v Westminster City Council* [1985] A.C. 661 further supports the acknowledgment of personal circumstances as exceptional or special circumstances in the context of development control.

It is asserted that the personal circumstances of the applicants and their daughter constitute a strong material consideration that warrants due weight in the decision-making process. The documented personal statement outlines the significant need for the annexe, aligning with the 'relevant protected characteristics' under Section 149 of the Public Sector Equality Duty in the Equality Act 2010.

The proposed development is essential to cater to the specific needs of the applicants and their daughter, encompassing various aspects of daily life and health care that cannot be adequately addressed in their current accommodation. A refusal of the application would have severe and negative consequences on their day-to-day lives and overall health.

Considering the above, it is respectfully urged that the council recognises the compelling personal circumstances and the critical need for the proposed annexe, giving them due consideration in the decision-making process. This approach aligns not only with legal principles but also with a compassionate and human-centric perspective.

Conclusion

This statement has been prepared by NAPC Ltd in support of the application for the erection of a timber pre-fabricated single-storey ancillary granny annexe within the curtilage of 17 Mellis Road.

This statement has demonstrated that the proposals align with both national and local planning policies, particularly regarding amenity, design, and visual impact.

The proposal seeks to erect an ancillary granny annexe, to enable the family to stay together, while facilitating the provision of essential care and support. Beyond the familial context, the proposal also addresses a broader societal concern by alleviating pressure on our public healthcare system. Additionally, it is an extremely sustainable form of development which should be championed.

We therefore respectfully request that this application is granted without delay. Your prompt consideration is sincerely appreciated.

Appendix

Appendix A – Supporting Personal Statement



'Obblyonkers'
17, Mellis Road
Yaxley
Eye
Suffolk
IP23 8DB

Dear Sir/Madam,

Re Proposed 'annex' at the above address

We write this letter to support the planning application for the above project at our property.

We are now at a stage in our lives where we are lucky enough to be financially stable, whereas our two adult children are trying to start their own lives and families but with the added burden that our generation didn't have of university fees to repay and the very onerous challenges of trying to get onto the property ladder whilst paying very high rents.

We believe that it is the right time for us to downsize for the final quarter of our lives. Rather than downsizing to a property elsewhere and incurring the related costs involved, which are widely written about, we would like to build an annex on our existing land for us to move into and provide a family home in our existing property, for our daughter.

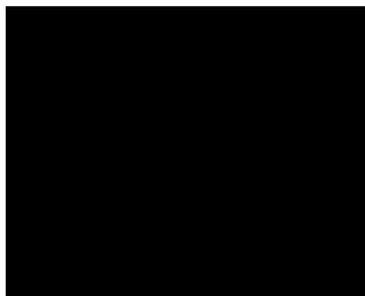
The building of the annex would allow us to be on hand to provide support with such things as childcare as needed and later it is hoped that we will be able to stay in our own home with the reassurance of support for ourselves in our twilight years.

We hope that the above explanation for our motive in wanting to build an annex will enable you to look on our proposed build in a favourable way.

Yours sincerely

Karen Watts

Tony Watts



Appendix B – Appeal Ref: APP/Q5300/D/16/3147827



Appeal Decision

Site visit made on 13 July 2016

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 August 2016

Appeal Ref: APP/Q5300/D/16/3147827
82 Perry Mead, Enfield EN2 8BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Leslie Ernest and Ella Blinko against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/00020/HOU, dated 5 January 2016, was refused by notice dated 1 March 2016.
 - The development proposed is the erection of an ancillary granny annexe.
-

Application for costs

1. An application for costs was made by the appellants against the Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for the erection of an ancillary granny annexe at 82 Perry Mead, Enfield EN2 8BS in accordance with the terms of the application Ref 16/00020/HOU, dated 5 January 2016, subject to the conditions set out in the schedule to this decision.

Main issues

3. The main issues are firstly, whether the proposal would constitute a separate unit of residential accommodation, rather than an ancillary use; and secondly, the effect of the proposal on the character and appearance of the local area.

Reasons

Whether a separate unit of residential accommodation

4. Although the Council considers that the proposal is tantamount to a new independent unit of residential accommodation that is not what has been applied for. The application forms lodged with the Council make clear that planning permission is sought for the erection of an ancillary granny annexe. The Council validated the application on that basis.
 5. The Council supports its opinion with reference to the intended occupier, which would be the appellant's daughter, the self-contained nature of the accommodation to be provided, the limited connection to the main house, and the ability to provide separate access and to subdivide the plot that is to be shared with No 82. With a bedroom, lounge, kitchen, bathroom and store, the
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new building would have adequate facilities and sufficient space within and around it potentially for independent use by a separate household. Therefore, the Council's concern is not unfounded.

6. However, the evidence is not conclusive that the proposal would actually be used in this way. The appellants contend and have repeatedly stated in writing that it would not. The new building would provide for the needs of the appellant's daughter, enabling her to be on hand to care for her elderly parents that reside within the main dwelling. From my inspection of the plans, the use of the site, in its entirety, would remain for single-family occupation. The proposal would not have a separate address nor would it have separate utility provision or garden. All of these matters consistently point towards the ancillary nature of the proposal.
7. The use of the new building as an annexe could also be controlled by a condition if planning permission were to be granted. The model condition for granny annexes put forward in national guidance is designed to prevent the creation of an additional dwelling. This condition is capable of being enforced in this instance because there is no obvious reason why the Council should not be able to investigate and take any action with regard to any alleged breach of the condition.
8. A request to use the new building independently could be made in the future. However, its location within the garden of No 82, away from the road, with only pedestrian access would indicate that the building would not be suitable for use as a separate dwelling. If such a proposal did come to pass, it could be resisted on the grounds that the building would be unsuitable for use as a separate residential unit with support from adopted planning policies.
9. With a suitably worded condition in place to restrict the use of the new building to an ancillary annexe, I conclude on the first main issue that the proposal does not constitute a separate unit of residential accommodation and that it would be ancillary to No 82. Therefore, I find no conflict with Policy DMD 12 of the Enfield's Development Management Document (DMD). This policy notes that proposals for outbuildings will only be permitted if its criteria are met, which include a requirement that the building is ancillary to the use as a dwelling.
10. As the proposal is not for a separate dwelling, it follows that Policies 3.5 and 3.8 of the London Plan and DMD Policy DMD 8 are not applicable.

Character and appearance

11. The new addition would be a single storey detached building with timber walls and a dual pitched tiled roof. It would stand to one side of No 82 within its side and rear garden. It would be a sizeable addition and larger than ancillary outbuildings and structures that are generally found in the gardens of residential properties. During the site visit, I saw no outbuildings there were comparable in size to the proposal.
12. Even so, the proposal would be clearly subordinate in relation to the more substantive 2-storey host building and the site. A good-sized garden would remain with the new built form in place. With appropriate external materials and a low profile due to its modest height and shallow pitched roof, the new building would not be obtrusive. While the full-length windows would give the

proposal a residential character, its design would be simple with a utilitarian appearance that would not look out of place in a residential garden setting. Consequently, the new building would not be incongruous in its context.

13. The proposed building would be partly screened from public view by the main house and the boundary fence around the perimeter of the back garden. Only a small part of the new building would be glimpsed from the road, between the existing buildings. From this direction, the new development would be inconspicuous and have no discernable effect on the character and quality of the street scene. The upper part of the new addition would be visible from some gardens and windows of nearby properties. In these views, it would be largely seen in the context of the more substantial 2-storey flank wall of an adjacent property. In that context, the appeal development would not appear excessively large or an overly dominant addition.
14. For these reasons, I conclude on the second main issue that the proposal would not be out of keeping with the character and appearance of the local area. Accordingly, I find no material conflict with CS Policy CP30 and DMD Policies DMD 7, DMD 12 and DMD 37 insofar as they aim to ensure that development is appropriate to, and reflects an understanding of, its context and does not harm the character of the local area.

Other matters

15. The Council is critical of the appellants for failing to provide sufficient evidence to demonstrate a need for the proposed accommodation. In this instance, the proposed annexe would enable the appellant's daughter to live close to but independent from her parents. In this way, the appellants could stay in their home, thereby providing continuity and stability, while enabling them to be cared for and supported as they become more infirm and dependent. The appellants have provided a cogent case that the proposal, when taken together with the main house, would meet a need that is particular to their personal circumstances. In those circumstances, the new annexe would not, in itself, satisfy a specialist housing need, to which DMD Policy DMD 15 refers, but the application was not promulgated on the basis that it would.
16. Reference is made to case law and several recent appeal decisions involving proposals for annexes elsewhere. From the limited information provided, none appear to reflect the particular circumstances of this case. In the absence of full background details, I am unable to attach significant weight to these decisions either for or against the appeal scheme. In any event, each proposal should be considered on its own merits, as I have done in this instance.

Conditions

17. I have considered the conditions suggested by the Council in the light of relevant advice contained within the Planning Practice Guidance. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. In the interests of the character and appearance of the area, a condition is necessary to require that samples of external materials are agreed before construction work starts. In addition, a condition is also necessary to ensure the proposed building remains ancillary to the main house.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 0392-12-15/1A, 0392-12-15/2A, 0392-12-15/3A and 0392-12-15/4A.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 82 Perry Mead, Enfield EN2 8BS.





Appeal Decision

Site visit made on 30 April 2013

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 June 2013

Appeal Ref: APP/B3438/A/12/2188171

Far End Cottage, Quarry Road, Hollington, Stoke-on-Trent ST10 4HP

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Mr Kevin Corkery against the decision of Staffordshire Moorlands District Council.

The application Ref 12/00578/FUL, dated 13 July 2012, was refused by notice dated 9 November 2012.

The development proposed is the replacement of existing garage to provide living accommodation for dependent relative.

Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing garage to provide living accommodation for dependent relative at Far End Cottage, Quarry Road, Hollington, Stoke-on-Trent ST10 4HP in accordance with the terms of the application, Ref 12/00578/FUL, dated 13 July 2012, subject to the conditions set out in Annex A:

Main Issues

2. The main issues of the appeal are:

Whether the proposed development would constitute a separate unit of residential accommodation rather than an ancillary use.

The effect of the proposed development on the character and appearance of the area.

Reasons

Whether an ancillary use

3. The appeal site is a detached house with a variety of outbuildings situated in a rural location on the edge of the village of Hollington, and in a Special Landscape Area (SLA). The proposed accommodation for the dependent relative would be built on the site of the existing double garage. It would therefore be separate from the main dwelling but would be directly facing and in close proximity to it.
4. The accommodation would comprise a bedroom, bathroom and living room that would include a small kitchen area. In the Council's view therefore because the accommodation is physically separate from the main dwelling and due to the range of facilities proposed within the unit, it could be used as an independent residential unit.

5. However, the appellant has stated that the accommodation is not to be used in this way but to provide accommodation for a dependent relative for whom they have to provide care. I have only been provided with limited evidence regarding the level of care needed by the relative, but the need to provide care for them has been corroborated by the local councillor. Furthermore given the nature of the illnesses suffered by the relative I consider that the need to provide care will increase with time.
6. Whilst I accept that the proposed accommodation would contain all the facilities required for it to be used as an independent unit, its overall size would be small and the level of facilities it would provide would be basic, which is what would be expected for accommodation that is ancillary to the main dwelling.
7. Furthermore the accommodation would be provided with no separate outdoor space of its own and would share the same access as the main dwelling. Given its proposed location adjacent to the boundary of the site and in close proximity to the main dwelling I cannot envisage any way that it would be possible to provide separate outdoor space for the property or a separate access either now or in the future. Consequently any occupiers of the accommodation would have to utilise the outdoor space and access associated with the main dwelling.
8. In addition it has been stated that the accommodation would not have a separate address nor would it have separate utility provision. These factors again indicate that it would be ancillary to the main dwelling.
9. I recognise that the grant of planning permission could result in pressure for the building to be used as a separate dwelling at the some point in the future. For the reasons set out above I consider that it is very unlikely to be occupied independently of the main dwelling. Moreover Circular 11/95 provides a model condition which could be attached to this permission to ensure that the occupation of this unit remains ancillary. The fact that such a condition is included in national guidance is an indication that it is capable of being enforced and I see no reason why the Council should not be able to investigate and take any action on any breach of the condition.
10. I note the concerns of the Council regarding whether adequate consideration has been given to either providing the required accommodation within the existing house or by extending the existing dwelling. However given the constraints of the site it is not clear to me that the extension of the house would be feasible. Furthermore, given the relative limited size of the current dwelling and the lack of any bathroom facilities on the ground floor I consider that it would not be possible to provide the required accommodation in the existing dwelling without extending it.
11. Overall therefore I conclude that the proposed development would be ancillary to the main dwelling rather than an independent residential unit. As an ancillary use the proposal represents a sustainable form of development and therefore accords with Policies D1 of the Staffordshire and Stoke on Trent Structure Plan (as amended) (adopted May 2001) (SSSP) and SS1 of the Staffordshire Moorlands Local Development Framework Core Strategy Development Plan Document (Revised Submission Document December 2011) (SMCS). Since I have concluded that the proposed development is not a separate dwelling Policies H11 of the SSSP, H7 of the Staffordshire Moorlands

Local Plan (adopted September 1998) (SMLP) and R2 of the SMCS are not applicable.

Character and Appearance

12. The existing garage is a concrete structure that is in a poor state of repair and is not in keeping with the stone buildings that are the predominant building type in the area. The proposed building which would be constructed with stone walls and a slate roof would therefore reflect the surrounding buildings and be more in keeping with the area.
13. Whilst I accept that the proposed building would have a greater height than the existing garage, as a single storey building I consider it would still appear subordinate to the main dwelling which is 2 storeys. Further, in terms of its visual impact on the wider area, when approached from Quarry Road the proposed building would be partially screened from view by the wall and vegetation that forms the boundary treatment at this point. In addition, given the local topography and the close proximity of the proposed accommodation to the existing house I am satisfied that the proposed building would not have an adverse impact on any views from the nearby public footpath.
14. The Council have argued that the demolition of the existing garage could result in additional outbuildings being constructed for the same purpose which could have an adverse impact on the countryside. In the short term the evidence before me indicates that it is unlikely that appellants would want to do this. Furthermore given a suitable condition can be used to ensure that this cannot be done under permitted development rights, the acceptability of any future outbuilding could be considered by the Council. Consequently I consider that this does not constitute a reason for refusing this current application.
15. As a result I consider that the development would respect the character and appearance of the area and it would not materially detract from the high quality of the SLA. As such it would accord with Policies D2, D4, NC1 and NC2 of the SSSP, Policies N8, N9 and B13 of the SMLP and Policies SS6c, SO8, SO9, DC1 and DC3 of the SMCS which seek to ensure that development respects the character, appearance and local distinctiveness of the area and protects the open countryside for its own sake.

Conclusions and Conditions

16. For the reasons set out above I conclude the appeal should be allowed.
17. In addition to the standard implementation condition, it is necessary for the avoidance of doubt, to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition is required to control the external appearance of the building. A condition is also necessary to ensure the proposed building remains ancillary to the main house.

18. I am not persuaded it is necessary to remove all the permitted development rights suggested by the Council. Circular 11/95 The Use of Conditions in Planning Permissions indicates that such restrictions should be exceptional. However, in order to protect the character and appearance of the area I have restricted rights relating to the development of outbuildings.

Alison Partington

INSPECTOR