
Appeal Decision

Site visit made on 17 August 2016

by J F Powis BA (Hons) MSc MRTPI

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

Decision date: 20 September 2016

Appeal Ref: APP/D0840/W/16/3150729

Higher Argal Farm, Budock, Falmouth, Cornwall TR11 5PE

- 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 and Mrs Jimmy George against the decision of Cornwall Council.
 - The application Ref PA16/00929, dated 27 January 2016, was refused by notice dated 7 March 2016.
 - The development proposed is the erection of a detached family annexe.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached family annexe at Higher Argal Farm, Budock, Falmouth, Cornwall TR11 5PE in accordance with the terms of the application, Ref PA16/00929, dated 27 January 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Existing site plan (received 29 January 2016)
 - Proposed site plan (received 29 January 2016)
 - Proposed section and elevations (received 29 January 2016)
 - Proposed plan (received 29 January 2016)

Main Issue

2. The main issue is whether the site would be a suitable location for the proposed development.

Reasons

3. The appeal site forms part of the rear garden of the substantial dwelling known as Higher Argal Farmhouse. The property is part of a small grouping of residential dwellings occupying former farm buildings in a rural location to the west of the village of Budock. The proposed development is a detached building to be used as a one bedroom residential annexe. The appellants state that the annexe would enable their adult daughter and her partner to live independently yet within the curtilage of the family home and to tend to their horses and small flock of sheep which are kept on the land.
 4. There is no development plan policy dealing specifically with annexe development and the Council's reasons for refusal refer only to paragraphs of the National
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Planning Policy Framework (the Framework). At the heart of the Council's case is paragraph 55, which seeks to avoid new isolated homes in the countryside unless there are special circumstances.

5. I note that the design of the annexe incorporates all the main facilities required for day-to-day living, specifically a bedroom, bathroom, kitchen/dining area, lounge and study. Consequently, it has the potential to function as a separate, self-contained residence without reliance on the main house. The annexe would share some facilities with the main house, such as access for vehicles and pedestrians via an extension of the existing driveway to the northern side of the main house. There is not intended to be any sub-division of the garden space and no boundary is marked on the plans. Foul drainage would be connected into the existing foul drainage system serving the main house. In respect of other services and utilities, the annexe would appear not to be wholly reliant on the main house.
6. With a gross internal floor area of approximately 95 sqm, the annexe would be a considerable size. Nonetheless, the accommodation would be significantly smaller than that provided within the main house. The building would be situated approximately 20 metres away from the main house and set at a slightly higher ground level. Between the two buildings would be the existing lawned garden space.
7. Whilst shown as a single storey building, the annexe has been designed to allow future expansion into the loft space, with sufficient height in the roof and space provided for a staircase. This is intended to provide flexible accommodation should the appellants wish in the future to occupy the annexe and allow their daughter to occupy the main house. The Council contends that the building would be capable of functioning as a substantial new three bedroom family home.
8. In light of the above considerations, I find that there is a realistic prospect that the annexe could be used as a separate residential dwelling at some time in the future which, in this rural location, would conflict with current national planning policy. I therefore consider that it would be necessary to restrict occupation of the annexe to that solely for purposes ancillary to the use of the main dwelling. The Council has acknowledged that it is possible to attach a condition limiting occupancy but has maintained that a separate residential unit could be created by the proposal and referred me to advice contained in paragraphs 98 and 99 of Circular 11/95. Given the Circular's cancellation and replacement by the Planning Practice Guidance, I afford this very little weight.
9. The appellants have provided a planning obligation in the form of a certified unilateral undertaking dated 12 July 2016 through which they undertake that firstly, the annexe would be occupied only as accommodation ancillary to the main house and secondly, that the appeal site would be retained in the same ownership as the main house. I note that the Council has subsequently submitted comments on the wording of the obligation. I have considered carefully the Council's suggestions and note that whilst they may have improved aspects of the wording of the undertaking, I do not find there to be any fundamental lack of clarity that would create uncertainty about the main provisions of the obligation. I am satisfied that the obligation before me would prevent the building functioning as an independent dwelling house in the future. I therefore give the planning obligation substantial weight in my consideration.

10. I note that the first of the obligation's provisions is capable of being secured by condition but the second is not. I consider that a mechanism to ensure that the appeal site would be retained in the same ownership as the main house would provide certainty that the creation of a separate residential unit would be prevented. Accordingly, I consider that the planning obligation is the most appropriate way of securing the necessary measures in this case. On this basis, I find that the measures in the obligation would meet all the tests in paragraph 204 of the Framework in terms of it being directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms.
11. I therefore conclude that, subject to the conditions above and having regard to the planning obligation, the site would be a suitable location for the proposed development. Consequently, I find no conflict with paragraphs 6, 7, 8, 10, 14, 17 and 55 of the National Planning Policy Framework 2012.

Other matters

The effect on character and appearance

12. I note the representations of neighbours in relation to the appearance of the proposed building and in particular whether the rendered finish on two of the exterior walls would be in keeping with the surrounding built form. The two walls in question would be the south west and north west elevations which would face the existing hedging and mature trees along the north west and south west boundaries of the site. As a result, they would be screened from most viewpoints. The north east and south east elevations, which would be partly visible from neighbouring properties and limited public viewpoints, would use materials sympathetic to the surrounding buildings including stone walls, granite quoin stones and lintels, and slate roof coverings.
13. The Council's statement refers to the need to recognise the intrinsic character and beauty of the countryside in line with paragraph 17 of the Framework. It does not, however, allege any specific harm to the rural character of the area as a result of the proposal. I also note the conclusion in the officer's report that the external appearance of the building would not have a significant adverse impact on the overall character of the area. Having viewed the site, I agree with this finding.

The effect on living conditions

14. I have had regard to the representations of the owners of 'Little Acres, Barn 1', the property adjoining Higher Argal Farmhouse to the south east, who have expressed concerns about the effect of the proposal on their privacy and outlook. Whilst the appeal site sits higher than Little Acres due to the rising land level in the rear gardens from east to west, the building would be sited in the north western corner of the garden and therefore a considerable distance from Little Acres. Furthermore, views toward the building would be well screened by the existing planting topping the wall that marks the boundary between Little Acres and the appeal site, as well as intervening trees and planting. I therefore do not consider that the proposal would be an overbearing presence for the occupiers of Little Acres.

15. For the same reasons, I do not find that the proposal would generate significant overlooking of the property. The Council officer's report concludes that the proposal would not give rise to unacceptable harm to the living conditions of the occupiers of neighbouring properties and I agree with the Council's assessment in this regard.

The effect on parking and access for emergency service vehicles

16. It has been submitted by neighbouring residents that the proposal would generate the need for additional vehicular parking which could create congestion in the access lane and restrict access for emergency service vehicles. The proposed site plan indicates with a dashed line an area which the design and access statement confirms would form an extension to the existing driveway for Higher Argal Farmhouse and provide a turning and parking area for the annexe. On this basis, and given the limited scale of the proposed use, I am satisfied that the proposal would not have an adverse effect on parking and access for emergency service vehicles in the area.
17. At the time of my visit there was a static caravan on the site. I do not have details of the planning status of the caravan but note that it is not marked on the proposed site plan and would appear to be currently sited on part of the land identified for the proposed parking and turning area. As such, I have considered the proposal on the basis that the caravan would not occupy the current position following construction of the annexe.

The need for a detached annexe

18. The Council submits that there is no evidence that an extension or adaptation of the main house has been explored as an alternative to a detached annexe. A neighbour representation has also sought to question the need for a family annexe, indicating that the appellants have a substantial separate unit of accommodation on the site which is marketed as a letting unit sleeping 10 people, although I do not have verification or further details in this regard. I am not aware of any requirement in current local or national policy or guidance that explicitly requires appellants to demonstrate the need for an annexe or to show that consideration has first been given to accommodating such use within the host property.

Conditions

19. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty. The Council suggested a condition restricting occupancy of the proposed development to purposes ancillary to the residential use of the main house. I have, however, also received a planning obligation that provides a mechanism for restricting occupancy to this end (paragraphs 9 and 10 refer) and have therefore not imposed the Council's suggested condition in this regard.

Conclusions

20. For the reasons given above I conclude that the appeal should be allowed.

Jessica Powis

INSPECTOR