
Appeal Decision

Site visit made on 19 December 2016

by Neil Pope BA (Hons) MRTPI

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

Decision date: 20th December 2016

Appeal Ref: APP/D0121/D/16/3160448

West Hill House, West Hill, Wraxall, Somerset, BS48 1PH.

- 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 Hughes against the decision of North Somerset Council.
 - The application ref. 16/P/1267/F, dated 9/5/16, was refused by notice dated 20/7/16.
 - The development proposed is the conversion of an existing garage to provide guest accommodation at first floor.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing garage to provide guest accommodation at first floor at West Hill House, West Hill, Wraxall, Somerset, BS48 1PH. The permission is granted in accordance with the terms of the application ref. 16/P/1267/F, dated 9/5/16, subject to the following conditions:
 1. the development hereby permitted shall begin no later than three years from the date of this decision;
 2. the development shall be carried out in accordance with the details shown on drawings HGH3364.03- and HGH3364.04-;
 3. the materials to be used on the external walls, roof and steps of the converted building shall match those used in the existing garage;
 4. the guest accommodation hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwelling known as West Hill House.

Reasons

2. The appeal site comprises under-used space in part of a detached domestic garage. It lies within the countryside and the curtilage to the appellants' house. Outside settlements, the National Planning Policy Framework (the Framework) and the development plan¹ aim, amongst other things, to safeguard the character of the countryside and reduce the need to travel by restricting the provision of new dwellings.
3. One of the policies drawn to my attention is DMP policy DM43 (residential annexes). Where such annexes are not designed as an integral part of a house they will not be permitted. The supporting text to this policy refers to 'granny

¹ This includes the Development Management Policies Sites and Policies Plan Part 1 (DMP).

annexes' and other types of residential annexes for family members who need support to live independently.

4. The size of accommodation to be provided would be comparable to that of a small dwelling. However, the appellants' agent has made it clear that it is not his clients' intention now, or in the future, to use the accommodation as a dwelling. Whilst the appellants' agent has explained that the proposal would be "*for the use of family and friends*" it has not been advanced as an annexe where an element of support or independent living is planned. I note that the Council changed the description of the application and included the word "*annex*". As the proposal is not intended for use by a dependent relative DMP policy DM43 is not determinative to the outcome of this appeal.
5. Give the location of the site and the size of the accommodation to be provided I appreciate the Council's concerns that subsequent owners may deem the converted building to be suitable for use/adaptation as a separate dwelling. A planning condition could not be used to restrict the future sale or letting of the building nor could one be used to require a restrictive covenant.
6. However, a condition restricting the use of the accommodation for purposes ancillary to the existing house would meet the aims of the development plan as well as the tests set out in paragraph 206 of the Framework. A condition to this effect would be necessary to avoid undermining important national and local planning policies. The Council has suggested a similar condition if the appeal was to be allowed.
7. To safeguard the appearance of the area a condition requiring the use of matching materials would also be necessary. In the interests of certainty a separate condition would be necessary specifying the approved plans².
8. I concur with the Council that the proposed external alterations to the building would not comprise a disproportionate addition to the original building and would not amount to inappropriate development within the Green Belt. The proposal would accord with established policies for protecting the Green Belt.
9. The proposal would not offend established national or local planning policies for protecting the countryside and would not increase the need to travel. The development would entail the more efficient use of an existing building without harming the Green Belt. The appeal should therefore succeed.

Neil Pope

Inspector

² There is a very minor discrepancy in the plans with an existing 'blind' door in the east elevation of the building.