
Appeal Decision

Site visit made on 4 April 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 26th April 2017

Appeal Ref: APP/P2114/W/16/3163449

South Barn, Horringford, Hale Common, Arreton PO30 3AP

- 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 P Kaye against the decision of Isle of Wight Council.
 - The application Ref P/00963/16, dated 12 July 2016, was refused by notice dated 5 September 2016.
 - The development proposed is ancillary accommodation/granny annex for family member.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area.
 - Whether this would be a suitable location for the proposed building, having regard to the settlement strategy.

Reasons

Character and appearance

3. 'South Barn' is part of a group of former farm buildings converted to dwellings around the late 1990s. The group is situated in an area of scattered development in a rural setting. 'South Barn' has a generous garden largely laid to grass, sandwiched between the A3056 and the shared private drive to the dwellings.
4. The proposed building would be situated around 45 metres away from 'South Barn', on part of its garden separated by a driveway shared with the adjoining dwelling ('West Barn'). The proposed building would be of a similar form, scale, materials and siting to a garage and store recently permitted by the Council ('the approved building')¹.
5. The approved building would have appeared subservient to 'South Barn', due to the simple, functional rural aesthetic in its design. However, the proposed building would have additional window openings with more extensive areas of glazing on the north and south elevations in comparison. The windows on the

¹ Council reference P/00330/16.

south elevation might allow for natural light and passive solar heating, but as a whole the extent of glazing would give the proposed building a more obviously 'residential' appearance. Notwithstanding its modest scale, this would draw attention to use of the proposed building as living accommodation.

Consequently, the proposed building would not have a subservient relationship with '*South Barn*'. When the substantial distance separating the respective buildings is also taken account the overall effect is that proposed building would have the appearance of a separate dwelling, as opposed to an ancillary outbuilding. This would be entirely at odds with the rural characteristics of the surroundings even if, as the appellant suggests, the amount of external residential paraphernalia would be limited.

6. I acknowledge that the appeal site is reasonably well screened from the A3056 by boundary trees and vegetation. Views of the proposed building would therefore mainly be limited to persons using the adjacent private drive. Nevertheless, as a result of the above factors the proposed building would appear as an incongruous feature in its surroundings, significantly eroding the rural character and appearance of the area. Any additional landscape planting would not successfully mitigate the visual harm caused. In any event, to allow a residential building in the countryside on the basis that would be unobtrusive could be repeated too often, leading to the progressive undermining of rural character.
7. Therefore, the proposal would not accord with Policy DM2 of the adopted Island Plan Core Strategy (CS), as it would not achieve a high quality and inclusive design that provided an attractive built environment, complementing the character of the surrounding area.

Whether the location is suitable

8. The Council's settlement strategy is set out in CS Policy SP1. The appeal site is outside of and not immediately adjacent to any defined settlement, where development proposals are not supported unless a specific local need is identified.
9. The proposed building would provide accommodation for the appellant's elderly mother, who I am given to understand is registered as disabled. Information was supplied with the appeal concerning her medical needs. According to the appellant, his mother would be reliant on the occupiers of '*South Barn*' for her care, including clothes washing, provision of meals and shopping and she would share the existing garden.
10. Nevertheless, the proposed building would provide all of the facilities required for day-to day living. It is physically separate from '*South Barn*' and it would thus be capable of occupation as a separate dwelling. When account is also taken of the substantial distance between the proposed building and '*South Barn*', any future occupier could therefore potentially lead a life which was largely independent from that of the occupiers of the existing dwelling.
11. The above factors suggest that in planning terms, the proposed building would be physically and functionally separate from '*South Barn*'; unlike the approved building it could not appropriately be described as being 'ancillary' to the existing dwelling as it would not form a part of the same residential planning unit. Therefore, the proposed building would effectively amount to a new dwelling.

12. In reaching the above conclusion, I have considered the details supplied of instances where the Council has accepted that ancillary accommodation can be located at a significant distance from the host dwelling. I accept that these examples exhibit some similarities with the appeal scheme. Even so, from the limited details I have been provided there also appear to be differences in terms of the physical context and the severability of the accommodation compared with the appeal scheme. Consequently, and bearing in mind that the circumstances can vary between cases and that each case falls to be determined on its individual planning merits, the appeal scheme would not compare favourably with those examples. Whilst the appellant has also referred to an inconsistent approach being undertaken in relation to the appeal scheme and other developments, in the absence of further details I am unable to examine this matter further.
13. I acknowledge that the appellant does not intend to use the proposed building other than as ancillary accommodation and that he would accept a planning condition restricting its use as a separate dwelling. The physical location of the proposed building in relation to 'South Barn' might make any future breach of an occupancy condition more straightforward to detect. Ultimately however, such a condition would fail the test of reasonableness at paragraph 206 of the National Planning Policy Framework, as it would not make the proposed building acceptable in planning terms having regard to the range of facilities provided and its severability from the existing dwelling.
14. Whilst I can fully sympathise with the appellant's reasons for seeking to provide ancillary accommodation at the appeal site, planning permission runs with the land. The Government's *Planning Practice Guidance*² states that granting permission on grounds of personal circumstances will scarcely ever be justified in the case of erection of a permanent building. This is because the effects of a development will endure long after the personal circumstances of individuals have ceased to be relevant.
15. A sketch plan was supplied with the appeal showing two alternative sitings of the proposed building, closer to 'South Barn'. Whilst either alternative could potentially reduce severability, I have to deal with the proposal on the basis of the plans considered by the Council. I note that the appellant has sought advice from Council officers and says he did not receive a positive endorsement of any the suggested alternatives. However, the Council says that it does not object to the principle of an annexe at the appeal site. Consequently, it is not clear to me that all of the alternatives for providing annexe accommodation at the appeal site have been fully explored. Ultimately, although I appreciate the appellant's position in relation to the further time and uncertainty that this would involve, the only way to properly test the merits of alternative proposals would be to apply for planning permission.
16. Therefore, and whilst I fully acknowledge the appellant's need for an annexe, the proposal would not accord with CS Policy SP1, as a specific local need for what would be tantamount to a new dwelling has not been identified.

Other matters

17. I accept that the proposal could free up an under-utilised property, possibly for family occupation. Whilst this weighs slightly in favour of the proposal, it

² 'Use of Planning Conditions' Paragraph: 015 Reference ID: 21a-015-20140306.

would not justify setting aside my conclusions on the main issues. I have also taken the local support for the proposal into account.

18. Further, I acknowledge that there would be no unacceptable harm to the living conditions of occupiers of adjoining residential properties arising from the proposal or harm to the setting of the barns, which are listed by virtue of their association with the Grade II listed Horringford House. Even so, the absence of harm in respect of the above matters does not weigh in favour of the proposal.
19. The appellant has also questioned whether possible future alterations to the fenestration and or use of the approved building following its erection would require planning permission. However, those are not matters for me to consider in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990 (as amended). It is open to the appellant to apply to have that matter determined under Sections 191 of 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Conclusion

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

Stephen Hawkins

INSPECTOR