
Appeal Decision

Site visit made on 25 April 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 22 May 2017

Appeal Ref: APP/K0235/W/16/3161668

Hall End House, 66 Hall End Road, Wootton MK43 9HP

- 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 Glen Moore against the decision of Bedford Borough Council.
 - The application Ref 16/02268/FUL, dated 3 August 2016, was refused by notice dated 6 October 2016.
 - The development proposed is the change of use of a small part agricultural land to domestic use with proposed 'log cabin' for use as playroom/storeroom and convert existing building to be used as family annexe.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's documentation has considered the proposed change of use to relate to land between some industrial units and the side of an existing annexe building on the site. In absence of any comments to the contrary, the appeal has been considered on this basis.

Main Issue

3. The main issue is whether the development proposed would amount to a dwelling in the countryside and if so, would a countryside location be acceptable, having regard to national and local planning policy.

Reasons

4. The appeal site comprises an area of land, including an outbuilding, around Hall End House which is a two and half storey dwelling. Adjacent to this dwelling, there is a garage building, which has been converted to a residential annexe. Residential dwellings fronting onto the highway lie to the north and industrial buildings lie to the south of the site. To the west and east of the site, there are fields. To the north-east, there are residential dwellings further up and on the opposite side of the road. The settlement of Hall End lies outside the settlement policy boundary area of Wootton as defined in the Bedford Borough Council Development Plan Document Core Strategy and Rural Issues Plan (CS) 2008 and therefore the site lies in designated countryside.
 5. The proposal relates to the conversion of the outbuilding to a family annexe and construction of a log cabin single storey building for a playroom and storeroom. As previously indicated, the proposal also relates to a change of
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- use of a frontage land. Despite the description of the proposal, the Council has objected that the proposal would constitute an unjustified dwelling in the countryside.
6. Policy H26 of the Bedford Borough Local Plan (LP) 2008 restricts housing in the countryside, subject to some permissible exceptions for agricultural dwellings, replacement dwellings, and housing for local needs. CP policy CP14 indicates that where there is a proven need for development in a countryside area, most new development should be focussed in or close to key service centres. CP policy CP13 indicates development should be restricted in the countryside unless it is consistent with national policy. The National Planning Policy Framework (the Framework) case, at paragraph 55, states that housing should be located where it will enhance or maintain the vitality of rural communities. Isolated dwellings should be avoided in the countryside unless there are special circumstances as set out in paragraph 55.
 7. The Appellant has indicated that the log cabin would be used by grandchildren whilst the proposed converted annexe building would be used by family members. Nevertheless, personal preferences cannot guarantee the building will put to the purposes put forward, however well intended. Other considerations including the siting and size of buildings, and relationships to the host dwelling are material.
 8. Here, both the log cabin and annexe would be located considerable distances from Hall End House, being separated by the grounds of the house and the existing annexe building. Given the log cabin would be for a games room and garden shed (store room), it would cover an extensive footprint area of some 126m². It would also have an overly elaborated domestic appearance given significant areas of glazed doors and windows would enclose the garden shed part of the building. In relation to the main house, the entrance to the games room would also be either from the west or east elevations and not the closest north orientation further limiting its relationship with the house on the site.
 9. The converted annexe building would consist of a bedroom, bathroom and lobby accommodation but its connection with the host dwelling is unclear given the existing large annexe building adjacent to the Old Hall House, which itself is of considerable size and floorspace. No detailed explanation has been provided to explain this and why another annexe building including bedroom accommodation is required given these circumstances. Therefore, it would be unreasonable to consider the log cabin and annexe as ancillary or incidental accommodation. Furthermore it would be unreasonable to impose a condition to control the nature of accommodation for this reason.
 10. Within the context of the above proposals, the change of use of land on the road frontage would further add land in domestic use giving scope for a new planning unit/separate dwelling. In this regard, the frontage location of this land could provide opportunity for separate vehicular access. Consequently, the weight of evidence points to the proposal constituting a new dwelling in designated countryside.
 11. On this basis, the proposal would be contrary to LP policy H26 because it would not fall with any of the permissible exceptions. Under CP policy CP14, no proven need has put forward and the site would not be located in or close to a key service centre. Neither Hall End nor Wootton are identified key service centres, and from what I saw on my site visit, Hall End is limited in its facilities

and services so the proposal would conflict with this policy. In terms of CP policy CP13, the proposal would represent an isolated dwelling in the countryside in terms of its facilities and services for which no special circumstance has been put to satisfy paragraph 55 of the Framework. Accordingly, the proposal would conflict with LP policy H26, and CS policies CP13 and CP14.

12. In terms of the impact of residential development, there would be harm on the rural character and appearance of the area by reason of a new building, domestic paraphernalia on the site, for instance, sheds, bins, etc, and activity, for instance the comings and goings of vehicles. As a result, there would be visual intrusion into the area, including from the road and a public footpath to the south of the site. Accordingly, the proposal would have an adverse visual impact given its context, and the buildings would not make a positive contribution to the townscape and landscape qualities of the area in conflict with LP policy BE30.
13. My attention has been drawn to some appeal decisions in 2007, 2015 and 2016. The 2015 dismissed appeal was for a new dwelling and garage in Wootton and so has no direct relevance by reason of its different context. Although the Inspector considered a change in use of some agricultural land on the site to be acceptable in the 2007 decision, every proposal has to be considered on its particular planning merits. In this regard, the change of use of land has to be considered within the overall context of the proposal, as I have done so here. In the 2016 decision, an appeal for a proposed change of use of a small part of agricultural land to domestic use with proposed triple garage and annexe above at the site was dismissed. Similarly, the Inspector found the change of use to be acceptable but again for the reasons given, I have found otherwise.
14. The positioning of the log cabin and annexe would prevent interference of the grounds of the main dwelling to which the Appellant has come to enjoy. Nevertheless, this consideration is an expression of personal preference and would not be sufficient to override the conflict with development plan policies to which full weight has to be applied.

Conclusion

15. Conflict with development plan policies has been identified by reason of the proposal constituting a separate dwelling by reason of its size and nature. There are no material considerations to indicate that the proposal should not be determined in accordance with the development plan and refused.
16. For the reasons given and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR