

Appeal Decision

Site visit made on 20 June 2017.

by G Powys Jones MSc FRTPI

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

Decision date: 05 July 2017

Appeal Ref: APP/C1625/D/17/3173747

Dawn Cottage, Barton End, Horsley, Stroud, Gloucestershire, GL6 0QF

- 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 R Blackwell against the decision of Stroud District Council.
 - The application Ref S.17/0128/HHOLD, dated 17 January 2017, was refused by notice dated 28 February 2017.
 - The development proposed is described as annex for family at Dawn Cottage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the proposal's sustainability and compatibility with development plan policies designed to protect the countryside from unjustified development.

Reasons

3. The appellant describes the proposal in the following terms:

'The site is located in the village of Barton End, Horsley which is just south of Nailsworth. The main property is a two storey dwelling house with a substantial garden. The proposal is to build a single storey annexe in the garden, which will be ancillary to the residential use of the site and will be used to accommodate members of the same family. The application site is within the defined settlement boundary.'

4. This statement contains assertions, which appear to me to be inaccurate. Firstly, Barton End contains none of the facilities normally associated with a village – it would better be described as a hamlet. It is clearly separate from the larger settlement of Horsley.
 5. Secondly, the appellant has provided no evidence to justify the assertion that the site lies within the defined settlement boundary. The Council describes it 'as part of a loose knit group of buildings in the countryside, well away from the nearest settlements'. That appears to me to be an apt description.
 6. Thirdly, the proposed development is described as an annex, but the Council, taking account of its size, layout and siting, clearly apart from the main dwelling, regards the proposal as tantamount to the erection of a permanent new dwelling in the countryside.
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7. I consider the Council's stance to be justified, since the proposed building closely resembles a fully fledged bungalow. It would have a large open plan living/dining/kitchen area; two bedrooms; a bathroom and a boot room, and a gross floor area of approximately 110m². It would be sited well away from Dawn Cottage at the bottom of the garden. Although not shown on the submitted plans, there is no apparent reason why the bungalow could not, in time, achieve its own separate access from the adjacent lane, and a garden.
8. In my experience, 'annexes' designed for the elderly are not uncommon, and are helpful in maintaining and encouraging family connections. But when normally proposed they consist of modest extensions to the main house, with linkages, or the use of outbuildings smaller than proposed, usually more closely related to the main house and not providing the range or level of facilities envisaged in this case. I note that annex development, subject to qualifying criteria, is supported in the development plan – policy HC7 of the Stroud District Local Plan (LP) refers.
9. Unlike this proposal, such developments encourage and foster close and frequent social relationships between the generations, whilst providing an appropriate level of mutual privacy and independence. They also ensure the functional subservience and ancillary nature of the annexes. In this case, however, the proposal consists, in effect, of the development of a small, fully serviced, sizeable bungalow at the bottom of the garden, capable of providing wholly independent living accommodation. It could not realistically be considered as accommodation ancillary to the main dwelling.
10. Moreover, given its rather isolated position in the countryside, the occupants of the dwelling are likely to be wholly reliant on the motor car. The sparse information provided as to the future occupants of both dwellings, extant and proposed, does not justify what I regard as the erection of a dwelling in the countryside, designated as part of an Area of Outstanding Natural Beauty.
11. I therefore conclude that whilst some social benefits may arise in the short term, the development does not amount to sustainable development taking into account the policies and guidance of the *National Planning Policy Guidance* as a whole, and LP policies CP1 & CP14. The development is also in clear conflict with the provisions and criteria of LP policy HC7 directed to residential annexes, and policy CP15 directed to protect the quality of the countryside, and to prevent inappropriate development within it.

Other matters

12. All other representations made have been taken into account, including a letter of support from a local resident.
13. The appellant says that conditions could be imposed to control the occupancy of the development, but circumstances could change, and the Council could be faced with future applications to relax the requirements of such conditions, which they may find difficulty in resisting, given the permanence of the development. Whilst reference has been made to the prospect of one, no executed obligation under *section 106* of the *Town & Country Planning Act 1990 (as amended)* has been put before me. Accordingly, I have no further comment to make on this aspect.

14. I have also taken note of the outcome of two appeals referred to by the appellant. However, insufficient detail has been provided to properly judge as to whether the circumstances surrounding those appeals are directly comparable to those before me. In any event, precedent is seldom a good reason, in itself, to grant or refuse permission. Accordingly, this appeal has been determined, as required, on its merits.
15. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR