
Appeal Decision

Site visit made on 13 June 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 7 July 2017

Appeal Ref: APP/W0530/W/16/3167312

Thistledown, Cardinals Green, Horseheath, Cambridgeshire CB21 4QX

- 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 Colin Perry against the decision of South Cambridgeshire District Council.
 - The application Ref S/1075/16/FL, dated 20 April 2016, was refused by notice dated 6 September 2016.
 - The development is described on the application form as: 'Proposal is to place a wooden lodge of 20' x 40' within the confines of the garden of the property at Thistledown on a temporary basis for the use of an elderly family member. The lodge is covered by the Caravan Act and is prebuilt in two halves lengthwise and is placed on tacks which stand on a concrete base'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice describes the development as 'wooden lodge in rear garden for use as annexe'. Having regard to the information before me, I am satisfied that this is a more succinct and accurate description than that above which was taken from the application form and I have determined the appeal on this basis.
3. I saw at my site visit that the building which is the subject of this appeal had already been erected within the garden of Thistledown. I observed that there were some minor differences between the submitted plans and the building as built. I have determined the appeal on the basis of the submitted plans which were considered by the Council
4. The appellant has questioned whether the development requires planning permission. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. Thistledown is a detached dwelling located within Cardinals Green in the open countryside. The small settlement is characterised by frontage development of a variety of type, style and design. The dwellings on the north side of the road are set in generous plots with large mature rear gardens bounding agricultural fields beyond, giving the area a spacious and verdant character. Backland development is not a feature of the area.
7. Policy HG/6 of the South Cambridgeshire District Council Local Development Framework Development Control Policies Development Plan Document (2007) (DPD) establishes the guidelines against which extensions to dwellings in the open countryside will be assessed. The supporting text states that the purpose of the policy is to limit the impact on the landscape in the open countryside and to impose some limitation on the proportionate increase in dwellings sizes.
8. Part of the consideration of Policy HG/6 is whether the development would create a separate dwelling or be capable of separation from the existing dwelling. The Council contends that the development is tantamount to a new dwelling given that the annexe would have all the facilities to make it capable of being occupied separately, its distance from the main dwelling and the vehicular and pedestrian access to the rear of the site.
9. The appellant indicates that the annexe would be occupied by an elderly relative who would spend the evening in the main house and have his main meals there. The appellant has confirmed that the access track to the rear of the site is not in their ownership and a right of access for agricultural purposes is allowed only. At the time of my site visit there was no vehicular access to the appeal building from the track and in the absence of any evidence to the contrary I am satisfied that there is no separate vehicular access or parking for the annexe.
10. There is no reason in law why, even if the accommodation provides facilities for independent day to day living, it would necessarily become a separate planning unit from the main dwelling. Rather, it is a matter of fact and degree depending on the circumstances of the case. In this case, the building would share the access, utilities and the garden with the main dwelling. Taking account of the intentions expressed by the appellant and the physical relationship between the buildings, I consider that the development has not automatically resulted in the creation of a separate dwelling. I am satisfied that its use could be adequately controlled by a restrictive condition to prevent the use of the building as a separate dwelling, irrespective of its distance from the main dwelling.
11. Notwithstanding my findings in this regard, Policy HG/6 also requires extensions in the countryside to be in keeping with the scale and character of the existing dwelling and not materially change the impact of the dwelling on its surroundings. Similarly, Policies DP/2 and DP/3 of the DPD also require, amongst other things, high quality design that preserves or enhances the character of the local area and does not have an unacceptable adverse impact on the countryside and landscape character.
12. The generous, mature gardens make a positive contribution to the character of the area and the rural setting of the small settlement. The appeal building extends for much of the width of the plot and due to its size, design and proximity to the sites boundaries appears unduly cramped. It dominates the

appearance of this part of the site and is clearly visible from the rear windows and rear gardens of neighbouring properties. Given the context of the locality, the building is an incongruous intervention significantly at odds with the prevailing pattern of development.

13. I note that there are other outbuildings within the rear gardens of neighbouring properties. However, from the information before me and from my observations on site, these appear to be ancillary buildings, domestic in scale and arranged in a loose knit pattern. Their presence does not justify the appeal scheme.
14. I therefore conclude that the appeal building has a materially harmful effect on the character and appearance of the area thereby conflicting with Policies HG/6, DP/2 and DP/3 of the DPD.

Other Matters

15. I have had regard to the health and financial circumstances of the appellant's relative and the fact that the building would allow for convenient care arrangements. However, such personal circumstances seldom outweigh general planning considerations, even on a temporary basis. Whilst the appellant has indicated that he would be happy to agree to the removal of the building before Thistledown could be sold, this does not overcome the harm I have found given that the harmful effects would be over an extended and indefinite period.
16. I note the appellant's intention of future cosmetic works to the building and that doors and windows have been moved so as not to impinge on neighbour's privacy. I also note that the Council did not raise any objections to the impact on the living conditions of neighbouring residents and I have no reason to come to a different view. Nonetheless, these matters are not sufficient to outweigh the harm I have identified above. The previous height of the boundary hedge is not of relevance to the substantive matters before me.
17. The appellant has drawn my attention to other development within Cardinals Green and Mill Green. However, I have not been provided with the full details or the background to the decisions so that a direct comparison can be made. This limits the weight that can be attached to them. In any case, each application must be assessed on its own merits.
18. I recognise the appellant's frustrations regarding the way in which the application was handled by the Council. However this is not a matter for me. Instead, I am required to consider the proposal on its specific merits, and I have determined the appeal on this basis.

Conclusion

19. Whilst I have found that the development has not resulted in the creation of a separate dwelling, I have found harm to the character and appearance of the area. Thus, for the reasons above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR