



Appeal Decision

Site visit made on 18 July 2017

by R A Exton Dip URP MRTPI

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

Decision date: 17 August 2017

Appeal Ref: APP/Y2430/W/17/3174867

Brooksby Grange, Melton Road, Brooksby, Leicester LE7 4YT

- 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 Max Adatia against the decision of Melton Borough Council.
 - The application Ref 17/00040/FULHH, dated 11 January 2017, was refused by notice dated 27 March 2017.
 - The development proposed is described as change of use of garage/stable to provide annexe which is ancillary to the residential use of Brooksby Grange.
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Decision

1. The appeal is allowed. Planning permission is granted for change of use of garage/stable to provide annexe which is ancillary to the residential use of Brooksby Grange, at Brooksby Grange, Melton Road, Brooksby, Leicester LE7 4YT, in accordance with the terms of the application Ref 17/00040/FULHH, dated 11 January 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 137346/1/17 and 137346/2/17/Am 1.
 - 3) All external materials used in the development hereby permitted shall be of the same type, texture and colour as those used in the existing building.
 - 4) The use hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Brooksby Grange.

Main Issue

2. The main issue is whether the proposal constitutes a sustainable form of development.

Reasons

3. Brooksby Grange is situated in the countryside on the southern side of Melton Road. The appeal site comprises a detached two storey outbuilding located in the southern corner of its curtilage.
4. This proposal differs from the previous appeal on the site considered under reference APP/Y2430/W/16/3155786 in its description of development. That proposal sought change of use to a self-contained flat where this proposal

seeks change of use to an annexe which is ancillary to the residential use of Brooksby Grange.

5. In determining the previous appeal, my colleague noted that whilst the annexe was referred to as being ancillary and a condition controlling occupancy was suggested by the appellant, there was no evidence of this being clearly indicated to the Council during the consideration of the application. Consequently, it was not appropriate to consider it as part of the appeal
6. The current proposal is different. The description of development on the planning application form clearly describes an ancillary annexe, this is further explained in the supporting information and the red line site area has been amended to include only the existing building. The appellant agrees to the imposition of a condition limiting occupation to being ancillary to Brooksby Grange. As part of this appeal the appellant has submitted amended plans showing the omission of a kitchen from the proposal. I have considered the application on the basis of this information and my observations on site.
7. The Council is concerned that the proposal is not acceptable as an annexe due to its lack of shared facilities with Brooksby Grange. Consequently it considers it would form a detached independent dwelling in the countryside that would be contrary to the development plan and the National Planning Policy Framework (the Framework).
8. Policies OS2 and C7 of the adopted Melton Local Plan 1999 (the Local Plan) seek to resist inappropriate development in the countryside. Whilst their aims are consistent with those of the Framework insofar as it relates to preventing unsustainable development and protecting the character and appearance of the countryside, they are more restrictive on the types of development allowed in the countryside. Consequently I attach reduced weight to them.
9. I agree that the size of the existing building is sufficient to form an independent dwelling. It is also capable of having a larger curtilage, as in the previous proposal, and achieving independent access. However, as the evidence described above demonstrates, this is not the proposal under consideration in this appeal.
10. The proposal is equally capable of being occupied as an ancillary annexe to Brooksby Grange. Although it is located in the countryside, its use in conjunction with Brooksby Grange would not generate the same travel characteristics as an independent dwelling. Its occupation as such could be secured through an appropriately worded condition. Therefore, there is no requirement to justify the need for the proposal as the Council states in its reasons for refusal.
11. As an ancillary annexe I do not consider that the proposal would constitute an unsustainable form of development that would be contrary to Policies OS2 and C7 of the Local Plan or the policies of the Framework, in particular its core planning principles. Furthermore, the limited level of external alteration proposed would not have an adverse effect on the character and appearance of the countryside. It would not conflict with Policy C7 of the Local Plan or the policies of Framework insofar as they relate to protecting the character and appearance of the countryside.

Conclusion

12. For the reasons set out above and taking all other matters raised into account I conclude that the appeal should be allowed. Conditions are necessary in the interests of proper planning and certainty, to ensure a satisfactory appearance and to limit occupation as ancillary to Brooksby Grange.

Richard Exton

INSPECTOR