



Appeal Decision

Site visit made on 12 June 2018

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2018

Appeal Ref: APP/J1860/D/18/3198670

**Green Street Farm, Strensham Road, Naunton, Upton Upon Severn
WR8 0QA**

- 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 Susan White against the decision of Malvern Hills District Council.
 - The application Ref 17/01725/HP, dated 2 November 2017, was refused by notice dated 22 February 2018.
 - The development is a single storey oak framed annexe building with conservatory in the garden; all services go through main house.
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Decision

1. The appeal is allowed and planning permission is granted for single storey oak framed annexe building with conservatory in the garden; all services go through main house at Green Street Farm, Strensham Road, Naunton, Upton Upon Severn WR8 0QA in accordance with the terms of the application, Ref 17/01725/HP, dated 2 November 2017, subject to the following condition:
 - 1) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Green Street Farm.

Main Issues

2. The main issues are:
 - i) whether or not the proposal would be in a suitable location for the building concerned, having regard to the development plan objectives relating to development strategy, and national policy;
 - ii) the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Suitability of location

3. The detached building concerned has been built and is positioned within the garden of the host dwelling and laid out internally to form living accommodation as shown on the submitted plans.
4. Policy SWDP 2 of the South Worcestershire Development Plan (the SWDP) relates to development strategy and settlement hierarchy and states, amongst

other things, the principle of safeguarding and wherever possible enhancing the open countryside and of focussing most development on the urban areas, where both housing needs and accessibility to lower-cost public services are greatest. It goes on to state that development in the open countryside, defined as land beyond any settlement boundary, will be strictly controlled and restricted to specific categories. None of those categories are applicable in this case.

5. The appellant's intention is for the ongoing use of the annexe to be ancillary to the host dwelling, Green Street Farm, as opposed to being a separate dwelling. I note that it could be used independently of the host dwelling in terms of it having a bedroom, living room space, kitchen and bathroom. However, such independent use would be less likely due to there being no separate access for either pedestrians or vehicles, no separate parking area, no segregated garden area, and the close proximity of the access to habitable rooms and the garden area of Green Street Farm. The latter situation would relate to maintaining adequate privacy and noise levels for the residents of the host dwelling that could otherwise be compromised were there to be independent comings and goings, including from overlooking and the noise of car engines and people conversing. The two buildings are therefore also close enough and sufficiently related to each other to make it possible for occupiers of the annexe to live as part of Green Street Farm's household. The smaller size in terms of floorspace, including only a single bedroom, compared with the main dwelling would emphasise its ancillary nature.
6. There is therefore no substantive reason why the building concerned could not continue to be used as an ancillary annexe, despite its degree of physical separation from the host dwelling. It would therefore be reasonable to secure the accommodation as such by a condition. Subject to my consideration of its effect on the character and appearance of the surrounding area under the second main issue, I consider that such a restriction would satisfactorily address conflicts that would otherwise arise in relation to the development strategy principles set out in section A of policy SWDP 2 of the SWDP were a new independent dwelling created. Having regard to paragraph 55 of the National Planning Policy Framework (the Framework), as an ancillary annexe to the host dwelling neither does it represent a new isolated home in the countryside.
7. I have had regard to concerns that a new separate access could be created directly from the adjacent highway. However, regardless as to whether or not such works could be carried out without the need for planning permission, the restriction of the use of the building as ancillary to the host dwelling would lessen the likelihood of such circumstances occurring. In any case, such works in themselves would not remove any such restriction.

Character and appearance

8. The building concerned is clearly detached from the host dwelling in this open countryside location. However, it is of fairly modest single storey height and, despite the inclusion of a conservatory on the elevation closest to the highway, of such a size as to appear subservient to the larger two storey host dwelling and to be clearly seen as being within the confines of its rear garden. That is particularly evident from the road in terms of the building being mainly adjacent to the wall and fence roadside boundary treatment to that garden that

is distinctly different to the mature hedgerow that continues beyond the site adjacent to the neighbouring open fields. It is also close enough to the host dwelling and adjacent significant equestrian buildings such that it is seen within the context of that cluster of buildings, without being a dominating feature of it. The two storey dwelling and substantial farm buildings continue to predominate, and from the southern approach in particular the annexe is significantly screened to varying degrees by the intervening hedgerow and garden boundary treatment. Furthermore, the materials used in the development are such as not to significantly distract attention from the host dwelling.

9. For the above reasons, I conclude on this issue that the development does not cause unacceptable harm to the character and appearance of the surrounding area. As such, in respect of this issue it accords with policies SWDP 21 and SWDP 25 of the SWDP which together require development to be of a high quality design and integrate effectively with its surroundings. In respect of this issue, it also accords with the Framework which in paragraph 17 states that planning should, amongst other things, take account of the different character of different areas, in section 7 relates to requiring good design, and in section 11 relates to conserving and enhancing the natural environment.

Planning balance

10. The development does not fulfil any of the criteria relating to section C of policy SWDP 2. However, I have found that it could be reasonably controlled by condition to remain as an ancillary annexe as opposed to creating a new independent dwelling in the open countryside. I have also found that it does not cause unacceptable harm to the character and appearance of the surrounding area. As such, subject to that restricted use condition, it would not be at odds with the development strategy principles relating to policy SWDP 2 as set out in section A of that policy or with national policy. I consider this to be sufficient to outweigh the conflict with section C of policy SWDP 2 and that therefore it is in a suitable location for the building concerned. It is therefore a sustainable form of development.

Conditions

11. The Council has suggested two conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance and amended the wording of one and omitted the other.
12. A condition to ensure that the development is carried out in accordance with the site location plan and block plan is unnecessary as it has been completed. In the interests of preventing an unacceptably located new independent dwelling, having regard to the Council's development strategy, and to protect the living conditions of residents of the host dwelling in respect of privacy and noise, a condition to ensure that the building concerned is not occupied in perpetuity other than for purposes ancillary to the residential use of the host dwelling would be reasonable and necessary. Given the control provided by that restrictive condition to secure the development's ancillary occupation, it would be unnecessary and unreasonable for it to specifically include reference to the prevention of any separate curtilage.

Conclusion

13. For the above reasons, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR