



---

## Appeal Decision

Site visit made on 7 August 2018

**by Amanda Blicq BSc (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> August 2018**

---

**Appeal Ref: APP/V0510/W/18/3194322**  
**64 Black Horse Drove, Littleport CB6 1EG**

- 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 Ms Jane Baker against the decision of East Cambridgeshire District Council.
  - The application Ref 17/00708/FUL, dated 6 April 2017, was refused by notice dated 27 July 2017.
  - The development proposed is change of use from an open plan home office to a self-contained annexe.
- 

### Decision

1. The appeal is allowed and planning permission is granted for change of use from an open plan home office to a self-contained annexe at 64 Black Horse Drove, Littleport CB6 1EG in accordance with the terms of the application, Ref 17/00708/FUL , dated 6 April 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: Location Plan Licence 100047474; Block plan of 64 Black Horse Drove, printed from Streetwise website 26 May 2017; Drawing titled Ground Floor; Drawing labelled Study converted garage.
  - 3) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 64 Black Horse Drove and at no time shall the common ownership between the dwelling known as 64 Black Horse Drove and the annexe be severed.

### Procedural Matter

2. It is generally understood that there is a dependency relationship between an annexe and a main house, taken to be a social or familial relationship rather than shared utilities. Although it appears that the accommodation is currently being let out to an independent household, I have determined this appeal on the basis of the description on the appeal form, that is, change of use of a home office to a self-contained annexe.

## **Main Issues**

3. The main issues are:

- Whether the development would be a self-contained annexe;
- Whether the location would be appropriate in the context of local policies and national guidance;
- Whether the development would be vulnerable to flood risk; and,
- The effect of the development on highway safety.

## **Reasons**

### *Annexe*

4. Number 64 Black Horse Drove (No 64) is a substantial bungalow fronting a rural lane in open countryside. It is part of a short series of dwellings some 260 metres from a more substantial ribbon development on Black Horse Drove.
5. Although the proposed annexe has the form and style of a self-contained dwelling, its scale and size is subservient to No 64 in appearance and the evidence suggests it was originally No 64's garage. Moreover, it appears to share a frontage and parking area with No 64.
6. An annexe in planning terms is a building whose use would be complementary or ancillary to the host dwelling. I appreciate that the appeal building is not attached to No 64, and its occupiers could live independently of No 64. However, it is also sufficiently close to No 64 for the appellant to provide support and care for relatives, which is the argument advanced for this appeal. Moreover, future occupancy could be controlled by condition.
7. As such, I conclude that the office could provide annexe accommodation for No 64, and that this would not be contrary to the spatial strategy and general design aims set out in Policy ENV2 of the Local Plan<sup>1</sup> (LP). In any case, this policy also states that the lifetime use of developments should be considered, with particular regard to housing.
8. The Council has cited their Design Guide in the decision notice but has not identified any specific reference. Having reviewed this document I am unable to find any guidance relating to annexe design and as such this weighs neither for nor against the appeal.

### *Location*

9. Black Horse Drove is a ribbon development of dwellings sited predominantly on one side of the road. The settlement of Littleport is some 3.5 miles away, and Downham Market some 6 miles away. I noticed that the site appeared to be remote from basic amenities. As such, I agree with the Council that it is functionally isolated from everyday services and amenities. In that respect, the development would fail to comply with the Council's settlement strategy as set out in LP Policy GROWTH2, which seeks to focus development on areas that have adequate facilities.

---

<sup>1</sup> East Cambridgeshire Local Plan Adopted April 2015

### *Flood Risk*

10. The site lies within Zone 3 which has a high probability of flooding. The appellant has not provided any Flood Risk Assessment or supporting information. However, LP Policy ENV8 states that in Flood Zone 3, site specific assessments are required for major and non-minor developments. This appeal does not appear to fall within that category.
11. I acknowledge that there may be reasonably available sites for accommodation elsewhere that would have a lower probability of flooding. However, given that the proposed use of the annexe would be reliant on the host dwelling, the sequential test would not be relevant in this situation.
12. Moreover, there is nothing before me to suggest that use of the annexe for family members would have an adverse effect on surface water drainage, flood defences, inhibit flood control or intensify the risk of flooding. I acknowledge that there could be more occupants at No 64 than is currently the case but occupancy of No 64 could increase whether the annexe is used or not.
13. As such, I find no significant conflict with LP Policy ENV8 which is concerned with flood risk, or the provisions of Planning Practice Guidance and the National Planning Policy Framework which are broadly reflective of LP Policy ENV8.

### *Highway*

14. The lane had no other traffic at the time of my visit, and it appears to serve only a few dwellings and a farm beyond No 64. I was able to turn on the lane with ease and noticed that it is straight with good visibility.
15. The proposals indicate that one half of No 64's double width hardstanding would be used by the annexe. However, the ownership and occupation of the annexe would be linked to that of No 64. As such, I see no reason to conclude that the existing hard standing would be insufficient for parking or result in significant numbers of vehicles stopping or manoeuvring on the highway. Even if that was the case, given the very low volume of traffic in this remote and rural area, it would not be likely to have an adverse effect on highway safety.
16. Consequently, the development would not have an adverse impact on highway safety and would not conflict with LP Policies COM7 and COM8 which taken together are concerned with the transport impact of development.

### *Other matters*

17. The Council argues that a condition restricting occupancy could not be imposed on this development as it is unacceptable in principle. However, Policy LP33 of the emerging local plan sets out the criteria for residential annexes. Notwithstanding that I give limited weight to that plan as it is not yet adopted, I am satisfied that the development would not significantly conflict with any of those criteria. This reinforces my reasoning that an occupancy condition would be appropriate and necessary to make the development acceptable in planning terms.
18. I acknowledge that the annexe is currently occupied as a short term let and as a separate unit of accommodation. However, the conversion of the former garage to an office was conditional upon its future use for ancillary purposes associated with the host dwelling only.

19. The Council's statement notes that the presence of domestic paraphernalia in the annexe's garden would exacerbate the appearance of a separate dwelling. However, there is nothing before me to suggest that the area identified as the annexe's garden is not already part of No 64's garden. As such, garden furniture and the like could be located anywhere within that area. I give this argument limited weight.

*Planning balance*

20. As a separate dwelling, the development would fail to conform to the Council's settlement strategy as set out in LP GROWTH2. However, future occupancy could be controlled by condition, and the accommodation already exists. As such, I conclude that the social benefits of providing accommodation to enable the appellant to provide support for dependents would outweigh this limited harm.

*Conditions*

21. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In respect of the plans, I have imposed a condition specifying the drawings upon which I have based this appeal, as this provides certainty.
22. My reasoning with regard to this development is based upon the premise that the development could provide a genuine annexe. That reasoning would fall away if occupancy was not controlled. As such, I have imposed a condition requiring that the occupancy be restricted to the use put forward by the appellant on the appeal form. For the avoidance of doubt I have also required that No 64 and the annexe be under the same ownership. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

**Conclusion**

23. For the reasons given above and taking all matters into account, I conclude that the development would not be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be allowed.

*Amanda Blicq*

INSPECTOR