



Appeal Decision

Site visit made on 04 March 2019

by J Slominski BA(Hons) MCD

an Inspector appointed by the Secretary of State

Decision date: 8th July 2019

Appeal Ref: APP/J0405/W/18/3218711

Burcott Lodge, High Street, BURCOTT, LU7 0LZ

- 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 Mrs Donna Harrington against the decision of Aylesbury Vale District Council.
 - The application Ref 17/03582/APP, dated 13 September 2017, was refused by notice dated 18 June 2018.
 - The development proposed is Change of use of stable block to an annex incidental to the occupation of Burcott Lodge.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of stable block to an annex incidental to the occupation of Burcott Lodge at Burcott Lodge, High Street, BURCOTT, LU7 0LZ in accordance with the terms of the application, Ref 17/03582/APP, dated 13 September 2017, and the plans submitted with it, 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 plan: Drawing No 1 (Existing & Proposed) NGS/DH/03.
 - 3) Prior to the first occupation of the hereby approved annex, the access to the site shall be laid out via the entrance to Burcott Lodge on High Street as shown on the submitted 'Access Plan'. Vehicular access to annex hereby permitted shall be as shown on the approved 'Access Plan' and by no other route.
 - 4) Notwithstanding the hereby approved details, no replacement and/or installation of external facing materials, windows, doors, roof, gutters or other external equipment shall take place on the annex hereby permitted until details of the proposed materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried in accordance with the approved materials and details and maintained as such thereafter.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of any part of the annex building, nor the erection of any

structure, outbuilding, hardstanding (other than that required by condition 3), or means of enclosure (other than the maintenance of the existing boundary fence and gate) shall be carried out within 20m of the external walls of the annex building.

- 6) The development hereby permitted shall not begin until the following construction management measures have been provided on site:
- i. Arrangements for the parking and turning for vehicles; and loading and unloading of plant and materials
 - ii. details of measures to prevent mud from vehicles leaving the site during construction.

No construction works may take place outside the hours of 08.00-18.00 Monday to Friday, 09.00-13.00 on Saturday, and no work on Sundays and Bank Holidays.

All access for construction vehicles shall be via the entrance to Burcott Lodge on High Street.

The above provisions shall remain in place for the duration of the construction process, and the approved development shall be carried out solely in accordance with the above measures unless otherwise approved in writing by the Local Planning Authority.

Main Issues

2. The main issues are:
- i. whether the development constitutes the creation of an independent dwelling and if so whether it is appropriate in the site's location; and
 - ii. the effect of the development on character and appearance.

Reasons

Independent Dwelling

3. Whether the development is tantamount to being an independent dwelling is a matter of fact and degree. The distinctive characteristic of a dwelling house is its ability to afford to those who use the facilities required for day-to-day private domestic existence.
4. The proposed development is described as an annex incidental to the occupation of Burcott Lodge (the main house on the site).
5. The annex would be accessed via the entrance to Burcott Lodge on High Street, although there is a separate gate to Ivy Land outside the proposed annex. It would be very small without its own separate garden or curtilage and it would be approximately 38m from Burcott Lodge with an access route but no direct line of site due to the thick woodland and planting on the site, and the proposed annex's orientation facing away from Burcott Lodge.
6. The conversion would result in a separate detached building for residential use, with its own living room, kitchen, bedroom and bathroom and it would have all

- of the facilities necessary to operate as an independent dwelling. Although the two buildings would be near each other and may share utilities, there would be no functional or practical linkage to the existing two residential buildings.
7. The appellant has suggested that a condition requiring the annex to be ancillary to the main house would be acceptable. Given the design of the proposal, including that it is some distance from the main house and has all of its own facilities, such a condition would not result in the proposal being incidental to Burcott Lodge and would not be enforceable.
 8. However, I note that the proposal would have no separate curtilage and would be within the grounds of Burcott Lodge. I therefore consider that the proposal is a residential annex, but one capable of being used as an independent dwelling, and I have determined the appeal before me accordingly.
 9. The site is on the edge of Burcott, which Aylesbury Vale District Council ("the Council") identifies in its "Settlement Hierarchy Assessment for the Vale of Aylesbury Local Plan to accompany Proposed Submission Plan September 2017" as a settlement. The proposal relates to an existing building which is in the garden of an existing house, and opposite a row of houses on Ivy Lane. Although located on the edge of the settlement, the existing stable building forms part of the built-up area and is not physically isolated.
 10. Policy GP.11 of the Aylesbury Vale District Council Local Plan 2004 ("Local Plan") applies outside the built up areas of settlements, and allows residential annexes to dwellings, providing they are physically attached to the dwelling and capable of being incorporated with the existing residential accommodation. Although the proposal would clearly not be attached to Burcott Lodge, the site is not outside the built up area of the settlement and the proposal therefore does not conflict with Policy GP.11.
 11. Outside the built-up area of settlements, Local Plan Policy RA.11 resists the conversion and re-use of rural buildings for non-residential purposes. Again, given that the site is not outside the built up area of the settlement the proposal does not conflict with Policy RA.11.
 12. I therefore find that the proposed detached residential annex at the appeal site would therefore comply with Policies RA.11 and GP.11 of the Local Plan.

Character and Appearance

13. Policy RA.11 seeks to limit the impacts arising from the conversion and re-use of buildings by limiting major reconstruction or significant extensions, limiting the scale of proposals to avoid conflict with the strategy of concentrating development in the main settlements, and by stating that proposals should not give rise to other planning objections. Policy GP.35 requires that new development proposals respect the physical characteristics of the site and the surroundings, and the building tradition, ordering, form and materials of the locality.
14. The proposed development is the conversion of an existing building, and not the erection of a new building. There has been a building on the site for over 100 years, and on that basis it would be difficult to conclude that the retention of the building would be out of character.

15. No extension is proposed, and the external alteration as a result of the conversion would be limited to the insertion of windows and doors. All of the windows and doors on the front (west) elevation would re-use existing stable openings, and one small window would be inserted on the rear (east) elevation. There would be new glazing, but the existing windows are glazed, and windows are not an uncommon feature on the surrounding buildings. The use of PVC doors, windows and gutters, and concrete roof tiles would not be sympathetic to the agricultural appearance of the building, however a condition can be used to require the use of sympathetic materials and detailed design which respect those of the locality. Following sympathetic restoration works, the proposal would result in the enhancement of its immediate setting. I therefore find that the physical alterations to the building would be minimal and, subject to the relevant condition, sympathetic to the original structure, and would comply with Policies RA.11 and GP.35.
16. The existing building is in poor condition and requires significant repair work to improve its structural stability. The need for repair work arises from its existing condition, regardless of the proposed conversion. The appellant appears to have rather unfairly blamed the Council's delay in issuing the planning decision for their own neglect of the building, however the structural information provided demonstrated that the building is capable of repair. The proposed development is clearly the conversion of a solid building which has existing windows and doors, with limited external changes proposed. Given the limited scale of the works and that that they do not comprise "major reconstruction or significant extensions" the proposed works would not conflict with Policy RA.11.
17. The building has an agricultural appearance, without residential design features, a marked curtilage, or hard landscaped areas. As an annex incidental to the main house, without its own curtilage, no separate outbuildings or amenity spaces are required as they can be shared with the main house. However independent residential use may result in the desire for further external alterations, and in order to ensure that any further alterations respect the building tradition, ordering, form and materials of the locality in accordance with Policy GP.35, a planning condition can be imposed preventing external works including external structures, fencing and hard landscaping within the vicinity of the building without the Local Planning Authority's approval.

Other Matters

18. The appellant has stated that the annex would be used by an elderly relative, but no further detail is given and given the relative autonomy of the proposed accommodation I have placed almost no weight on this point.
19. The proposed annex would be formed from an existing building, therefore there will be no additional impacts in terms of overshadowing or loss of outlook to neighbours. It is located approximately 25.3m across the road from the nearest residential property on Ivy Lane with no directly facing windows, and given the distance and orientation I find that the impact on privacy will not be unacceptable.
20. The proposed access to the site is via the entrance to Burcott Lodge, on High Street. Given that Ivy Lane is an unmade narrow road with no space for vehicles to turn, and that the effects of additional vehicles on Ivy Lane have not been demonstrated by the appellant, I agree with the Council that all

access should be as shown on the submitted plans which can be secured by a planning condition. The highway authority (Buckinghamshire County Council) raised no concerns on highways grounds, describing the impact on the highway network as negligible.

21. Due to the limited scale of the proposal and as there is space on the site to accommodate all construction vehicles, I have not imposed the Highways Authority's recommended planning condition requiring a construction management plan. However, in order to avoid highway safety impacts or inconvenience to road users, I have recommended imposed a condition requiring all construction vehicles to access the site via Burcott Lodge.

Planning Balance and Conclusion

22. The National Planning Policy Framework ("the Framework") planning permission sets out a presumption in favour of sustainable development and advises that development which complies with the development plan should be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
23. At paragraphs 77 and 78 of the Framework (which replaced paragraph 55 of the superseded 2012 version of the Framework), rural housing which would re-use disused buildings and enhance its immediate setting, and which avoids isolated homes unless they enhance or maintain the vitality of rural communities, is supported.
24. I have found that the proposal would re-use a disused building and result in the enhancement of its setting. The site is located within Burcott which has very limited access to public transport and local shops and facilities. Within a 700m walk there are a doctor's surgery and a bus stop, and additional facilities including a pub, restaurant and shop are located further afield in Wing. The site is rural, however given its location within a settlement and with some access to facilities it would not be wholly isolated.
25. The proposed development would bring with it some limited benefits in terms of economic and social benefits, through construction jobs, increased local spend and use of local facilities which would make a limited contribution to maintaining the vitality of the rural community in accordance with paragraph 77 of the Framework.
26. Given the site's limited access to public transport, the proposed development would be relatively car dependent which would weigh against it. However planning decisions are required to be made in accordance with the development plan unless outweighed by material considerations and I do not find the limited impacts of car-use associated with one small home to outweigh the provisions of the development plan in this particular case.
27. I have found that the proposed new annex would comply with the development plan and it would not conflict with the provisions of the Framework. Having had regard to the above matters and all others raised, I find that the appeal should be allowed and planning permission granted subject to the conditions listed on this notice.

Conditions

28. I have imposed planning conditions requiring commencement within three years to comply with section 91 of the Town and Country Planning Act 1990, and compliance with the submitted plans, in the interests of clarity.
29. The highway authority recommended a condition requiring a construction management plan. Given the limited scope of works, such a condition would not be reasonable in scale to the development permitted. However I agree that given the limited width of the nearby roads, the construction impacts should be carefully managed. In order to avoid harm to highway safety and minimise inconvenience to road users and neighbours, particularly on Ivy Lane, I have imposed a condition relating to the construction hours and the siting of construction vehicles, and a further condition requiring access to the annex to be via the grounds of Burcott Lodge as shown on the plans.
30. The appellant has suggested that the development could be made acceptable through the use of a planning condition which requires the use of the building to remain ancillary to the main house. Given that the annex would be detached and physically separated from the main house, I agree with the Council that such a condition would not be enforceable, and as I have found the development to be acceptable it is not necessary to apply such a condition.
31. I have also imposed the Council's recommended condition requiring details of the proposed external materials and detailing in order to ensure acceptable impacts on character and appearance, reworded for clarity and consistency with the Framework tests.
32. The Council suggested a planning condition restricting permitted development rights. As not all of those permitted development rights are relevant (for example, it would not be possible to erect a roof extension due to its limited size) I have applied a simplified version of this condition, resulting in the Local Planning Authority's express consent being required before the erection of any extensions, alterations, boundary treatments, structures or hardstanding can take place. Given that the annex would not have its own curtilage and it is not necessary to remove all permitted development rights at Burcott Lodge, I have limited the restriction to works within 20m of the building (just over half the distance to Burcott Lodge).

Jan Slominski

INSPECTOR