



Appeal Decision

Site visit made on 16 July 2019

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/K2610/W/19/3225500

Four Oaks, Shortthorn Road, Stratton Strawless NR10 5NU

- 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 M Roe against the decision of Broadland District Council.
 - The application Ref 20181764, dated 9 November 2018, was refused by notice dated 25 January 2019.
 - The development proposed is a self contained annex with garage and store below.
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Decision

1. The appeal is allowed and planning permission is granted for a self contained annex with garage and store below at Four Oaks, Shortthorn Road, Stratton Strawless NR10 5NU, in accordance with the terms of the application, Ref 20181764, dated 9 November 2018; the location plans at 1:10,000 and 1:2,500 scale, and drawing nos. 1, 2 and 3; subject to the following condition:
 - 1) The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Four Oaks.

Procedural Matters

2. Planning permission for a three bay garage on the site was given in 2003 (Ref: 20031560). However, as built, the building includes garaging/storage space at ground floor, and living accommodation within the roof space above.
3. In its decision notice, the Council therefore describes the scheme as a retrospective proposal for a self-contained annex and store. However, it maintains that the annex's use is not incidental to the use of the host dwelling. I have therefore treated the scheme as the retention of the existing development; and I have framed the main issues having regard to the Council's decision.

Main Issues

4. The main issues are:
 - Whether or not the use of the annex may be considered ancillary to the use of the host dwelling; and
 - The accessibility of the site, having regard to policies which seek to direct development to locations close to services and facilities, thus minimising reliance on the private car.

Reasons

Whether or not ancillary to the host dwelling

5. At paragraphs 4.6 and 4.7 the Broadland Development Management DPD 2015 ('DMDPD') supports the creation of annexes, but states that, by their very nature, they should be incidental to the use of the dwelling, by for instance, being located in close proximity to it, having shared facilities and utilities, and a shared postal address.
6. Four Oaks is a substantial two storey house, with single storey wings. Its driveway leads from Shortthorn Road, alongside the dwelling and towards the end of its large rear garden, where the detached building the subject of this appeal is located.
7. According to the Council's calculations, the building is set back 25m from Four Oaks' rear face. Its first floor living accommodation comprises a kitchenette, a living room, a small bedroom and a bathroom. It therefore contains the necessary facilities for independent habitation.
8. However, in terms of its size and proportions this modest building, and particularly its limited habitable accommodation, is clearly subservient to the main house. Whilst there is a hedgerow, fence and gates between the two buildings, there is a gap close to the annex's external staircase leading directly to the shared garden. The vehicular access, and much of the parking, is also shared.
9. The distance to the main house may, to a limited degree, deter walking between the two buildings at night or during bad weather. However, the annex shares its utilities (including electricity, water and foul sewage), and its postal address, with the main house. For all the above reasons I consider that a separate dwelling has not been created – and that the annex's use as ancillary accommodation could be reasonably controlled by means of a condition, as suggested by the appellant.

Accessibility

10. In broad terms, Policy 17 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014 ('JCS'), and DMDPD Policy GC2 seek to limit development in the countryside, and to focus residential development in settlements which are well-linked and well-related to existing development, services, facilities and employment opportunities. That in the interests of minimising the need to travel in accordance with JCS Policy 1, and achieving sustainable development in accordance with the National Planning Policy Framework ('Framework'). Outside of settlement limits, DMDPD Policy H1 states that permission for dwellings will only be given where a rural location is justified.
11. This site is located in a broadly linear row of mixed housing and commercial buildings, but is outside of a defined settlement limit as set out in the development plan. As there are very few nearby services and facilities, I have no doubt that residents here typically need to travel elsewhere to meet many of their day-to-day needs, and that they are largely reliant on private cars to do so.
12. However, I have found that, subject to a suitable condition, the use of the annex would be ancillary to the host dwelling. Consequently, it is not

unreasonable to assume that many vehicular trips could be shared with the occupants of the main house. As a result, the occupants of this small annex would not typically generate significant additional vehicular trips by car beyond those already generated by the occupants of the host property.

13. On this issue, the development does not therefore conflict with JCS Policies 1 and 17, DMDPD Policies H1 and GC2; or with the Framework's approach to sustainable development through limiting the need to travel, as reflected in DMDPD Policy GC1.

Other matters

14. At paragraph 5.3 of its appeal statement the Council states that the scheme harms the character and appearance of the area. However, that stance does not reflect its decision notice. A building in this location, and with a similar form and scale to this one, has already been permitted. In the context of this diverse area, this modest building does not appear out of place.

Conditions and Conclusion

15. I have concluded that the annex could be reasonably restricted to a use ancillary to the main dwelling. Used as such, it would not generate significant additional vehicular movements by private car.
16. The appellant has referred me to the model condition in Appendix A of Circular 11/95. Applying the tests in the Framework, such a condition is necessary here in the interests of certainty and clearly defining the development, as well as in the interests of highway safety, and having regard to policies which seek to direct new dwellings to accessible locations close to services and facilities. I have applied a condition based on that in the Circular, rather than the Council's suggested wording.
17. As the development is already in place, the Council's first suggested condition, requiring it to be carried out in accordance with the approved plans, is neither necessary, nor appropriate.
18. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR