



Appeal Decision

Site visit made on 13 August 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2019

Appeal Ref: APP/L2820/W/19/3230062

Desborough Lodge, Rothwell Road, Desboough NN14 2NT

- 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 J Higgins against the decision of Kettering Borough Council.
 - The application Ref KET/2019/0079, dated 30 January 2019, was refused by notice dated 30 April 2019.
 - The development proposed is the conversion of barn to granny annexe.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal constitutes a separate dwelling resulting in a residential planning unit;
 - The effect on the living conditions of neighbouring residents; and,
 - The effect on the character and appearance of the area.

Reasons

Whether separate dwelling

3. The building sits within a cluster of buildings that appear to be former farm buildings that have now been separated and given over to residential and associated uses. The building is currently used for incidental storage in conjunction with the residential occupancy of Desborough Lodge.
4. By virtue of the scale and degree of accommodation proposed, in conjunction with an absence of a demonstrated functional tie to the occupation of the main dwelling, the Council concluded that the development constitutes a new residential planning unit, as distinct from a 'granny annexe', and have considered the application on that basis.
5. In this respect the LPA have drawn my attention to *Uttlesford DC v Secretary of State for the Environment and White (1992)*.
6. The Uttlesford case establishes that it is a matter of fact and degree as to whether a converted curtilage building capable of independent living will result

- in a change of use to form a separate dwellinghouse and a new planning unit and therefore lie outside the description of a 'granny annexe'.
7. The appeal plans show the building to include two bedrooms, a bathroom and combined kitchen and living space. It would therefore provide a level of accommodation that would likely meet regular day-to-day living needs and be capable of serving as an independent unit of occupation. Additionally, notwithstanding the close position of the building to the main dwelling, I saw that there was little physical restriction to the formation of a new residential unit. The building was capable of independent access and separate outdoor amenity space could readily be provided without significant conflict to existing living conditions.
 8. The evidence presented within the appellant's submissions suggests that the intended occupier is related to an occupant of the main dwellinghouse. The statement confirms that close occupation of the relative would enable emotional and practical support and gives the examples of having a cup of tea together or providing transportation to destinations for shopping and activities.
 9. However, there is little, if any, detail of active day to day dependency on the occupiers of the main house or sharing of daily living activities in company with them. The evidence places a strong focus on the independence of the intended occupier resulting in an occupancy relationship that would be substantially outside the existing family unit. In my view, the circumstances described suggest a support role to independent living within a new home, rather than an intention to function as a single household.
 10. Whilst I acknowledge this desire to provide supported living in close proximity, I conclude the degree of independence would fall outside the scope of the description of development as a 'granny annexe'. The appellant has referenced a similar case close by, however, no further detail is provided and the case before me is considered on its own merits.
 11. The relevant local plan policies for residential development in the Rural Areas require a specific demonstration of need or justified exceptional circumstances. The evidence describes potential financial and age-related concerns, however, whilst I acknowledge these worries, such circumstances are not exceptional in themselves and therefore do not prove a robust case for a specific housing need that could not be met within the identified settlement areas.
 12. Given that the formation of a new residential unit would fail to meet the local plan's housing policy requirements, it falls to consider whether the occupation could be limited by planning condition to make the use acceptable in planning terms. Based on the evidence – particularly the stated intention for the occupier to live as independently as possible, it would not be reasonable to impose a planning condition that would effectively dictate the day to day living circumstances of any particular individual. Such a condition would fail the tests for planning conditions as set out in the National Planning Policy Framework and Guidance.
 13. In the absence of any demonstrated housing need at the site or fully justified exceptional circumstances, I conclude the use of the building as a separate dwelling would conflict with Policies 11 & 13 of the North Northamptonshire Joint Core Strategy (NNJCS) and saved Policy RA5 of the Local Plan for Kettering Borough (LPKB) as these relate to rural housing constraint.

The effect on the living conditions of neighbouring residents

14. Current access to the first floor of the building is by way of external steps that affords views over the common boundary with a neighbouring residential property. I saw that parts of a private garden are visible from the stair landing which is also at close quarters to a first floor window on the neighbour's facing gable elevation.
15. Noting the proposed layout includes an internal staircase, I consider that it is unlikely that the external stair will see regular use over and above that currently capable of taking place. Subject to a conditional restriction that the door be fitted with opaque glazing, as annotated on the appeal plans, I do not consider any significant additional harm to the living conditions of neighbouring occupiers would accrue from that aspect of the proposals. The development would therefore be consistent with Policy 8 of the NNJCS in that respect.

The effect on the character and appearance of the area

16. The Council has expressed concern over the basic content of a structural report for the building seeking to demonstrate its suitability for conversion. The report does not go into any significant technical detail, but it was apparent on my site visit that the building is of a permanent and substantial construction with original elements, including parts of the roof structure, appearing free from significant displacement or signs of failure. Although some patching of the outer facing has taken place and urgent pointing to parts of the elevations is considered necessary, there was no evidence to suggest that works beyond localised reconstruction would be required to facilitate the change of use. Furthermore, the conversion would facilitate the retention of a traditional rural character building.
17. Some alterations of the existing openings are proposed to the front of the building that would not be faithful to the proportions and positions of the original openings. However, noting the lack of public views to the front elevation and a benefit arising from the reinstatement of a traditional roof covering, I would conclude that the building's character would substantially remain intact. I therefore find the proposal consistent with saved Policy RA14 that requires, amongst other things, the building is physically capable of conversion without significant rebuilding and that its character would be retained through appropriate alteration and materials.

Conclusion

18. Whilst I have found in favour of the appellant with respect to the matters of living conditions and the effect on the character and appearance of the building, I do not consider these matters outweigh the identified harm in relation to the Council's policies for rural housing constraint. I therefore conclude that the appeal should be dismissed.

R Hitchcock

Inspector