



---

## Appeal Decision

Site visit made on 20 August 2019

**by P Mileham BA (Hons) MA MRTPI**

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

**Decision date: 30<sup>th</sup> September 2019**

---

**Appeal Ref: APP/X1545/W/19/3230819**

**Wickham Place Farm, Station Road, Wickham Bishops, Essex CM8 3JB**

- 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 and Mrs Judith and Terry Wilson against the decision of Maldon District Council.
  - The application Ref FUL/MAL/19/00038, dated 21 December 2018, was refused by notice dated 13 May 2019.
  - The development proposed is the change of use of annexe to single family dwelling house.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the change of use of annexe to single family dwellinghouse at Wickham Place Farm, Station Road, Wickham Bishops, Essex CM8 3JB in accordance with the terms of the application, Ref FUL/MAL/19/00038, dated 21 December 2018, 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:
    - Site Location Plan - PDB/18/507/01
    - Block Plan - PDB/18/507/02
    - Wickham Place Farm - Elevations
    - Wickham Place Farm - Floor plan part 1 of 2
    - Wickham Place Farm - Floor plan part 2 of 2.

### Main Issue

2. The main issue is whether the site would be an appropriate location for housing having regard to the effect on the countryside and the accessibility to services and facilities.

### Reasons

3. The appeal site is a single storey Grade II Listed building which has been used as a separate residential annexe. The annexe itself comprises a separate

kitchen, bathroom, sitting room, dining room, study and four bedrooms. To the front of the annexe is a separate driveway onto Station Road, with parking spaces and a double cart-lodge style building used for garage space. The plans indicate that part of the current extensive formal gardens of the farm would be subdivided to provide garden space for the proposal.

4. The site is located approximately 2 miles from the centre of the village of Wickham Bishops, which is categorised as a larger village where there are range of local services and facilities. The appeal site is outside of any defined settlement boundary, although it is not isolated due to the presence of adjoining properties, along with properties directly opposite on the other side of the road. The proposal would result in the severance of the tie between the annexe and the main dwelling and result in the creation of a new separate dwelling in the countryside. Due to the site's location outside of a defined settlement boundary and not in an identified location for new growth, it is necessary to consider whether it would meet any of the specified exceptions in the plan for new residential development in the countryside. Having considered the proposal against the criteria set out in Policy S8 of the Maldon District Local Plan (2017) (MDLP), the proposal does not meet any of those exceptions. Therefore, it would conflict with Policies S1, S2 and S8 of the MDLP which collectively set out the locational strategy for development in the district and seeks to restrict new residential dwellings in the countryside.
5. The site is some distance from the nearest settlement, and there are no footways or streetlights present in this part of Station Road. I am not aware of any regular public transport services to higher order settlements, and as a result, I consider that the use of private vehicles to access nearby services and facilities to meet day-to-day needs would be likely. However, occupiers of the annexe would have been equally reliant on their own private transport to access such facilities as if the building were to be a separate dwelling. The level of parking provision already provided indicates that private car use and ownership would have been inevitable even as an annexe. Therefore, whilst the proposal would be contrary to Policy T2 of the MDLP which seeks to locate development where there is capacity to accommodate the type of traffic, I consider the effect of the use of private vehicles to access services and facilities would be minimal when compared with the existing situation, and I attach significant weight to this position.
6. My attention has been drawn to fallback position which would allow for use of the annexe by the appellant's children and the impact this would have on the intensification of use of private vehicles to access services and facilities and the domestication of the site. The property is a considerable distance away from the main farmhouse, shares no facilities with the main dwelling and has its own separate access and parking. A small garden can be found to the front of the property and to the rear, a further area of garden would be created within the existing walled grounds. The proposed rear garden would not be seen from the road or adjoining properties. As such, it is functionally capable of being used as an independent dwelling which was the case up to 2017 prior to what has since become the principal dwelling at the farm was constructed and occupied. The appearance of the building is such that it already has a full range of domestic features including a chimney, tv aerial, letter box, washing line and a separate entrance. In light of these matters and the fact that the proposed new rear garden would not be visible outside the site area, as such, I do not consider there to be any impact on the domestication of the site that would

arise from this proposal above the existing situation. Consequently, I do not consider it would result in harm to the countryside in terms of its appearance.

7. The circumstances of the appellants family members which the annexe was originally intended to support are no longer applicable due to bereavement and healthcare reasons. The fallback position put forward indicates the appellants children could occupy the annexe in compliance with the existing planning obligation which was not personalised to any individual(s), but which indicates that the annexe is to be used as ancillary accommodation and could not be sold separately to the main dwelling. There is no indication that the appellant's children are any longer dependant, and therefore the appellants have indicated that whilst there is no need to retain the annexe for that purpose, it could still be occupied as such as the planning obligation did not require the occupants to be dependant, only that its use remained ancillary. Therefore, having regard to the circumstances of the family members, the level of accommodation provided and its relationship to the main dwelling, I consider that it is capable of being used by family members. As it could not be assimilated back to the host dwelling, I attribute significant weight to the lack need for the annexe and its likely reuse as such.
8. My attention has been drawn to paragraph 6.7 of the Maldon District Specialist Needs Housing Supplementary Planning Document (SPD) seeks to restrict annexes becoming residential dwellings. Whilst this is acknowledged, paragraph 6.4 of the SPD also expects, amongst other things, that annexes should be subservient to the main dwelling and have a functional link with it (either through dependant relatives or those employed at it), be within the curtilage and share access with it, and be designed in a manner to allow it to be used at a later date as an integral part of the main dwelling. I do not consider that the appeal site would meet the Council's own requirements as set out in the SPD for becoming an annexe. Therefore, considering the fallback position described above against the criteria at paragraph 6.4, due to the nature of the accommodation and the lack of any shared facilities, I attribute significant weight to the fallback position.
9. For the reasons outlined above, I conclude the proposal would be in an appropriate location for housing having regard to the minimal impact on the countryside and the accessibility to services and facilities. The proposal would conflict with Policies S1, S2, S8, D1, H4 and T2 of the MDLDP which seek to amongst other things, secure a sustainable pattern of development and protect the countryside for its landscape, intrinsic character and beauty. However, having regard to the particular circumstances of this appeal in terms of the minimal impact on additional vehicle movements beyond existing levels, the level of facilities within the annexe, its full independence from the main dwelling and the fallback position, I conclude that the harm arising from the conflict with the above policies would be limited. I consider these matters to be significant and I have therefore attached significant weight to them in the planning balance. As such, I consider these outweigh the conflict with the Development Plan in this particular instance.

### **Conditions**

10. The Council has suggested a number of conditions which the appellant has had the opportunity to comment on. I have considered these against the advice in the Framework and the Planning Practice Guidance and have only imposed

them where I consider them to meet the tests, amending them where necessary for the sake of clarity and precision.

11. In addition to the standard time limit, in the interests of certainty I have imposed a condition specifying that the development is carried out in accordance with the submitted plans.
12. The Council suggested the imposition of conditions requiring details of sewage treatment and surface water drainage. However, the appeal site has been in use alongside the principal dwelling since 2017 and there is no evidence of any water or drainage issues arising. As the proposal would not result in an intensification of the use beyond the existing, it is not considered that such conditions would be necessary to make the development acceptable in planning terms. As such, these are not imposed.

### **Conclusion**

13. In reaching my conclusions on the main issues I have attributed significant weight to other factors that are particular to this specific case. Therefore, for the reasons set out above the appeal is allowed.

*P Mileham*

INSPECTOR