The Planning Inspectorate

Appeal Decision

Site visit made on 6 August 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Appeal Ref: APP/G2713/W/19/3228481
Rear of Oakdene, Skates Lane, Sutton on the Forest, York YO61 1HB

- 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 & Mrs Warren against the decision of Hambleton District Council.
- The application Ref 18/01692/FUL, dated 10 August 2018, was refused by notice dated 13 November 2018.
- The development proposed is demolition of existing outbuilding and erection of two bed-roomed annexe.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council amended the description of proposed works to 'demolition of existing outbuilding and construction of a two bed-roomed annexe, attached single garage and associated parking and turning area.' This is also the description used by the appellants on the planning appeal form. I consider this to be a more accurate description of the proposed development and have therefore considered the appeal on this basis.

3. A revised version of the National Planning Policy Framework (the Framework) was published on 19 February 2019 after the Council made its decision. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties have had an opportunity to comment upon the Framework as part of the appeal and I have therefore determined the appeal on that basis.

Main Issue

4. The main issue is whether the proposal constitutes an annexe to the existing house, Oakdene.

Reasons

5. The appeal site is located to the rear of Oakdene, a detached, two-storey house situated on the north side of Skates Lane between the settlements of Huby and Sutton on the Forest. It is common ground between the main parties that the site is located outside of any defined development limits and within the open countryside.

6. The site is a long narrow linear plot of land, with an outbuilding located approximately half way down the plot. The proposal comprises the demolition of the existing outbuilding and the construction of a single-storey, two bed-roomed annexe on the same site. The outbuilding, which is currently used as an agricultural / timber store, is constructed of timber and contains asbestos. It is not built on solid foundations and is in a state of disrepair. It is agreed by the main parties that the building is structurally unsound and not suitable for conversion and I have no reason to disagree.

7. The proposed annexe, although single-storey and possessing a reduced footprint in comparison to the outbuilding, would be taller than the outbuilding and would have a greater footprint than Oakdene. It would possess self-contained facilities of a kitchen, dining and living area, two bedrooms (one en-suite), bathroom and utility room. It would share the access from Skates Lane and utilities with Oakdene.

8. Section 6.15 of the Council's Domestic Extensions Supplementary Planning Document (Domestic Extensions SPD) (2009) states that, the use of annexes can vary from providing accommodation for elderly dependants to teenagers. Proposals for such development would be considered on their own merits, with issues of design, in terms of relationship of the annexe to the main dwelling, being crucial to the success of the scheme. Annexes can be either attached or detached from the main dwelling, however they must be closely integrated with the existing building often through shared internal facilities and a driveway. Normally a planning condition is imposed to prevent the annexe being occupied as a separate unit to the main dwelling.

9. The Council contend that the proposed annexe has no significant dependency on the occupiers of the main dwelling of Oakdene for it to qualify as an annexe. With no shared residential facilities and only the access drive being shared the proposal is tantamount to a new dwelling in its own right. This would be contrary to the Council's restrictive policies for new housing within the countryside, particularly Policy CP4 of the Hambleton Local Development Framework, Core Strategy (Core Strategy) (2007) where development will only be supported in exceptional and limited circumstances, none of which this proposal meets.

10. The appellants have provided information about the background to and need for the proposed annexe. It is intended to accommodate their elderly mother who currently lives in the main dwelling of Oakdene. The proposed annexe would allow her to continue to live on site and enable one of her grandsons and partner to relocate to Oakdene and continue to work at the family farming business. Care would continue to be provided by the appellants and their son on site. However, the building would have the capacity to allow a carer to stay overnight if required. The appellants highlight that alternative locations for the annexe at the side and the rear of Oakdene were considered but were discounted, and state that the new building has been designed to be in keeping with its context and ensure that it can adapt to every potential need of the occupant in the future.

11. I acknowledge that for the proposed building to constitute an annexe it is not essential for all facilities to be shared. However, given the building's physical separation and considerable distance from Oakdene, its size and its self-contained facilities for independent living, I am of the opinion that it would

not be, with reference to the Domestic Extensions SPD, 'closely integrated' with the main dwelling of Oakdene. On this basis, there is potential for it to be used as either an annexe or as a separate dwelling.

12. I note that the appellants are willing to enter into a restrictive condition, limiting the occupancy of the building to the family, friends or guests of Oakdene. However, I do not consider that the use of such a condition restricting occupancy would be reasonable or meet the six tests as, taking into account the divorced nature of the building and the limited shared facilities, it would be difficult to prevent the separation of the building from Oakdene in the future. Furthermore, given the location of the building, I consider that such a condition would be difficult to monitor and enforce and would put an undue onus on the Council.

13. I recognise that the proposed building would provide accommodation for the elderly mother of the appellants and I acknowledge their desire to provide for her continued quality of life and to future-proof her needs. I have given these personal circumstances very careful consideration. However, the building would remain long after the personal circumstances of the appellants ceased to be material.

14. Accordingly, I conclude that the proposal would not constitute an annexe to the existing house, Oakdene, and on that basis would be likely to be, or become, an independent dwelling within the open countryside. As such, it would be contrary to Policy CP1 of the Core Strategy which provides a set of requirements against which all proposals will be assessed, helping to ensure that all development is sustainable; and Policy CP4 of the Core Strategy which only supports development in the countryside when an exceptional case can be made and where it meets the exceptional circumstances listed in the policy. It would also fail to comply with the Council's Domestic Extensions SPD referred to above.

Other Matters

15. The appellants make reference to the Settlement Hierarchy (2014) contained within the Council's Interim Policy Guidance Note (IPGN) (adopted 2015), and highlight comments made by the Council in the officer report of a subsequent application by the appellants for a 'single-storey detached dwelling' on the same site for a building of the same footprint, form and design (ref 18/02526/FUL). It is contended that the scheme constitutes sustainable development. I do not have the full details of this application before me. However, from the information provided, I note that, although the Council referred to the building as being in a sustainable location, overall it was concluded that the development did not meet all of the six criteria within the IPGN for it to be considered acceptable, and that it failed to meet any of the exceptional circumstances set out in policy CP4 of the Core Strategy that would justify development outside settlement limits. On this basis, it would not constitute sustainable development. Furthermore, I have determined this appeal on the basis of what has been applied for and on its own merits.

16. The appellants have drawn my attention to other developments claimed to be similar which have been approved by the Council for annexe accommodation at another site (refs 15/01261/FUL, 16/01385/FUL and 17/00648/FUL). However, while I do not have the full details of these applications before me, from the information submitted, I note that the developments referred to involved the

conversion of an existing building which has a closer physical relationship with the main dwelling than this proposal. In these respects, it is not comparable to the appeal before me. Furthermore, I must judge this appeal on its own merits and I have found conflict with the development plan.

17. I agree with the appellants that there would be environmental benefits to the removal of the existing outbuilding. However, the outbuilding could be removed without the need for planning permission or the implementation of this proposal, and so I give this limited weight.

18. I acknowledge that the Council concluded that the form, design and materials of the proposed building would not harm the character and appearance of the area and that there have been no objections from statutory consultees or neighbours. However, these are neutral considerations in the balance.

19. I note the concerns of the Council's Environmental Health Services regarding the possible impact of noise from the adjacent nursery on the living conditions of any future occupants of the proposed building. However, as I am dismissing the appeal on other grounds, I have not considered this matter any further.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR