



Appeal Decision

Site visit made on 3 December 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/K0235/D/19/3238161

**Middlepits Cottage, Bedford Road, Turvey, Bedford, Bedfordshire
MK43 8BB**

- 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 Rob Jones against the decision of Bedford Borough Council.
 - The application Ref 19/00665/FUL, dated 11 March 2019, was refused by notice dated 19 August 2019.
 - The development proposed is the conversion and extension of garages to residential annexe.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and extension of garages to residential annexe at Middlepits Cottage, Bedford Road, Turvey, Bedford, Bedfordshire MK43 8BB in accordance with the terms of the application, Ref 19/00665/FUL, dated 11 March 2019, 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, DRG NO 1 and DRG No 02.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The annexe hereby permitted shall not be occupied by any person not living as part of the single household of the dwelling known as Middlepits Cottage, Bedford Road, Turvey, Bedford, Bedfordshire MK43 8BB.

Application for costs

2. An application for costs was made by Mr Rob Jones against Bedford Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposal would constitute a new dwelling in the countryside.

Reasons

4. The appeal site is located on the north side of Bedford Road and from the evidence before me is around 0.9 kilometres away from the village of Turvey. Other than the existing property and buildings on the surrounding land owned by the Appellant, there is little development in the vicinity of the site. As a result, the area is very much rural in character.
5. The Council's principle concern relates to whether the annexe would in effect create a new independent dwelling in the countryside where such a proposal would not normally be supported by both national and local planning policy.
6. The converted and extended garages would include a hallway, sitting room, kitchen, bedroom and a bathroom. It would therefore have all the internal facilities necessary for it to be occupied as a separate dwelling. Externally, there would not be any segregation of parking or garden facilities between the host dwelling and the annexe.
7. Whilst the annexe provides all the internal facilities which would be required to enable its use as an independent dwelling, this does not mean that it would become a separate planning unit (or dwelling).
8. The Appellant has set out that the annexe would be occupied by their son who currently lives in the main house. It is also indicated that there would be some shared meals and use of washing facilities which would provide a degree of linkage between the host dwelling and the occupant of the annexe.
9. In considering this linkage between the future occupier of the annexe and the occupiers of Middlepits Cottage, the Council consider that a planning condition to restrict the occupancy of the annexe would not be readily enforceable, although little information is given as to why that is the case.
10. I am conscious of the National Planning Practice Guidance (PPG) and the use of model conditions outlined in Annex A of circular 11/95 which is still extant today. This includes an occupancy condition for a 'granny annexe'.
11. To my mind, the imposition of a suitably worded planning condition which would tie the occupancy of the annexe to the host dwelling would meet the six tests outlined in the National Planning Policy Framework (the Framework) and the PPG, including enforceability. Therefore, an independent dwelling would not be created by the proposal.
12. The Council have not raised any concerns over the physical extension works and I have no reason to disagree with that assessment. Furthermore, there are no other planning issues which indicate that permission should not be granted.
13. For the above reasons, subject to the imposition of a planning condition in relation to the occupancy of the annexe, the conversion and extension of the garages would not create an independent dwelling. The proposal would therefore be in accordance with Policies CP1, CP3, CP13 and CP14 of the Bedford borough Council Core Strategy & Rural Issues Plan Development Plan Document which amongst other matters seek to promote sustainable forms of development. It would also be in accordance with the overarching aims of the Framework.

Conditions

14. The Council has provided a list of suggested conditions that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. A condition relating to the external materials of the development is also necessary in the interests of the character and appearance of the area.
15. As noted above, a condition is also required in respect of the occupancy of the annexe. Whilst the Council have not provided any suggested wording in this respect I note that Appellant has referred to the model condition in Circular 11/95. I have therefore used that model condition as a basis for the necessary condition.

Conclusion

16. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR