
Appeal Decision

Site visit made on 21 January 2020 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/W0530/D/19/3237661

35 Everton Road, Gamlingay, SG19 2JJ

- 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 B Vincent against the decision of South Cambridgeshire District Council.
 - The application Ref S/2131/19/FL, dated 12 June 2019, was refused by notice dated 18 September 2019.
 - The development is described as the erection of summerhouse in residential garden (retrospective).
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of summerhouse in residential garden at 35 Everton Road, Gamlingay, SG19 2JJ in accordance with the terms of application S/2131/19/FL, dated 12 June 2019 and subject to the following condition:

1) The development hereby permitted shall be carried out in accordance with drawings P001., P002. and P003.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appeal is being considered under the householder appeals process. Following the submission of the appeal the Council submitted a supplementary statement. The appellant has been provided with an opportunity to comment on the supplementary statement and the views he has made have been taken into consideration in the determination of this appeal.
4. The description of development above has been taken from the application form. 'Retrospective' is not however an act of development and accordingly I have not included it in the description.

5. Both parties have made reference to the use of No 35 Everton Road (No 35) in evidence. However, the lawfulness or otherwise of No 35 as a dwellinghouse is not before me and does not form part of my consideration in this appeal.

Main Issue

6. The main issue in this case is whether the development is acceptable in this location having regard to development plan policy, including the effect of the development on the character and appearance of the area.

Reasons for the Recommendation

7. The appeal site is located outside of the Development Framework set out in the South Cambridgeshire Local Plan - Adopted September 2018 (LP). For planning policy purposes, it is within the countryside. Policy S/7 of the LP seeks to control development in the countryside to that allocated in Neighbourhood Plans (NP) and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in the LP.
8. The location of the summerhouse does not form part of an allocation in a NP, and does not fall within any of the uses set out in LP Policy S/7. However, it is located upon land which was granted planning permission for use as a garden in connection with No 35. I have no evidence before me to indicate that this planning permission has not been implemented, or that the land does not form part of the curtilage of No 35. Given this, Policy H/13 of the LP permits extensions to dwellings in the countryside, including free standing buildings within a curtilage, which together form a dwelling subject to certain criteria being met.
9. In respect of criteria a., it was clear from my site visit that the summerhouse did not contain the equipment or facilities for day to day living, such as a kitchen, bathroom, living space or sleeping accommodation. I observed that it was being used to house a hot tub, exercise equipment and a bar, whilst the side rooms were used for storage purposes. Such equipment and use, including a proposed W/C does not indicate to me that the building is or would be used as a separate dwelling, nor is such development being applied for. Accordingly, on the evidence before me I find that the development complies with criteria a. of LP Policy H/13.
10. Although No 35 is being renovated, it appears to be of a permanent design and construction, thus there is no conflict with criteria c. of Policy H/13. Moreover, criterion d. and e. relating to Green Belt and the property having an occupancy condition upon it are not relevant to the host property.
11. In terms of criteria b. of Policy H/13 I observed that the summerhouse is located some distance from the dwelling at No 35. Its single storey scale and design does not compete with the scale or character of the host property; it forms a subservient feature in the rear garden environment.
12. In terms of the surroundings of the summerhouse, I observed that they were largely rural in character, with a number of dwellings fronting Everton Road

with spacious rear gardens, surrounded by agricultural fields. There were also a number of agricultural uses nearby. The summerhouse and its associated patio sit close to an existing boundary fence and are viewed within the context a number of nearby outbuildings and trees. The summerhouse is modest in scale, has a low pitched roof and is constructed of natural materials. As a result, the development does not appear as a prominent or discordant feature within the landscape. It is in keeping with the rural character and appearance of the area.

13. Given my findings above, I conclude that the development complies with LP Policy H/13. The support that LP Policy H/13 gives to the development means that there is no conflict with LP Policy S/7.
14. I therefore conclude that the location of the appeal site is suitable for the summerhouse and that it is in keeping with the character and appearance of the area, in accordance with LP Policies S/7 and H/13, and LP Policies HQ/1 or NH/2, which collectively require development to respect the local character and distinctiveness of the local landscape. The development also accords with the National Planning Policy Framework at paragraph 127 in that it is sympathetic to local character.
15. The Council has referred to LP Policy H/16 in its second refusal reason contained within the decision notice. This policy relates to the development of garden land with new dwellings. The proposal before me is not for a new dwelling and this policy is not relevant to my consideration of this case.

Conditions

16. The Council has requested that in the event of the appeal being allowed conditions should be imposed requiring the development to be carried out in accordance with the approved plans. Such a condition is necessary for certainty particularly given that the building as constructed includes features not included in the submitted drawings.
17. The Council has also suggested a further condition requiring that the summerhouse shall not be occupied at any time other than for purposes ancillary to the residential use of No 35. If the development was to be occupied other than for ancillary residential use, it is likely that planning permission would be required for such a use. Accordingly, such a condition is not reasonable or necessary.

Recommendation

18. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to a condition relating to compliance with the submitted plans.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

RC Kirby

INSPECTOR