



Appeal Decision

Site visits made on 17 December 2019 and 20 May 2020.

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2020

Appeal Ref: APP/E2205/W/19/3235199

Caradon, Mill Lane, Pluckley, TN27 0SL

- 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 Mrs V Buchanan against the decision of Ashford Borough Council.
 - The application Ref 18/01075/AS, dated 17 July 2018, was refused by notice dated 22 February 2019.
 - The development proposed is retrospective application for the siting of a log cabin annex and its ancillary use as staff accommodation in association with Caradon.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 28 May 2020.

Decision

1. The appeal is allowed and planning permission is granted for retrospective application for the siting of a log cabin annex and its ancillary use as staff accommodation in association with Caradon at Caradon, Mill Lane, Pluckley, TN27 0SL in accordance with the terms of the application, Ref 18/01075/AS, dated 17 July 2018 and the plans submitted with it, but subject to the following condition:
 - 1) The approved development shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Caradon.

Preliminary Matter

2. The written representations received at final comments stage include new information about the personal circumstances of the appellant. This includes sensitive personal information, which was redacted by the Council when the final comments were published on its website. The relevant information is summarised at paragraph 1.5 of the appellants final comments, then elaborated on at paragraph 2.26 and onwards.
3. It is an established principle that new information should not be provided at final comments stage. Neither the Council nor interested parties have had any formal opportunity to respond to this information. Their interests would be prejudiced, were it to be taken in-to account. Consequently, I have disregarded these parts of the appellants final comments, for the purpose of this planning appeal decision. This information has no bearing on my decision to grant planning permission in this case.

Application for costs

4. An application for costs was made by Mrs V Buchanan against Ashford Borough Council. This application is the subject of a separate Decision.

Main Issue

5. The effect of the proposal on the character and appearance of the area.

Reasons

6. The residential dwelling known as Caradon sits within a small cluster of residential buildings found on Mill Lane. To the south of the site there are open fields with other scattered linear development visible along Smarden Road, towards the east. This built development is all loosely contiguous with the village of Pluckley.
7. The structure is already in place and appears as a single storey log cabin. At around 55 square metres, it is of an appropriate size to provide a basic standard of living accommodation for domestic staff, which is the stated purpose of the proposed use. Because of its small size it would be visually subordinate to Caradon, a significantly larger residential building.
8. The annex sits within its own portion of the wider garden curtilage associated with Caradon. It is partially screened by landscaping features, which appear to be a legacy of the historic use of the site as stables. However, it does not have an independent driveway, nor does it have any formalised vehicular access to the road. It is accessed by walking through the garden of Caradon.
9. In short views around the site the structure appears as a typical garden building. It does not appear as an independent dwelling, and as such it does not detract from the prevailing pattern of linear built development along Mill Lane. The use of timber in its construction helps soften the appearance of the building, assimilating it into its immediate landscape context, defined by well vegetated domestic gardens.
10. Considering the wider landscape, the building is set within a hillside that descends from the Greensand Ridge to the valley bottom below the site, which includes footpaths accessible to the public from where the site is visible. Planning policies, including those in the Pluckley Neighbourhood Plan (2016-2031) ("Neighbourhood Plan"), seek to protect views around this valley from both the ridge top and the valley bottom. Whilst the building is visible in this landscape as it sits within an exposed position to the south of Caradon, in longer views it appears as an ancillary structure similar to a garden room or other outbuilding, within a wider cluster of residential development. The limited height of the annex means that it does not compete for visual attention with any other existing buildings. Consequently, the structure blends into this landscape and does not detract from it.
11. Policy HOU9 of the Ashford Borough Local Plan ("Local Plan") requires that proposals for detached annex accommodation to residential property will only be permitted where it is suitable in size, scale and materials, and clearly ancillary and visually subordinate to the principal dwelling. For the reasons given above, that would be clearly achieved here.

12. Parts d) and e) of policy HOU9 require that the annex must be sited to ensure a clear dependency between the annex and the main building. Here, the structure clearly sits within the garden curtilage of Caradon. The space between the two buildings, at around 34 metres, is not an unusually long distance. The fact, discussed previously, that future occupants must walk through the residential garden of Caradon to get to the building means that there is a clear dependency; the requirements of this part of the policy are therefore met.
13. Overall the siting of this annex is appropriate given its effect on the character and appearance of the area. The proposal meets the relevant criteria for standalone annexes as set out in policy HOU9 of the Local Plan, as discussed above. The annex is of a modest scale, visually subservient to the host building and complements its built and natural surroundings. As such, there is no conflict with policy SP6 of the Local Plan which requires that development promotes high quality design. Nor is there any conflict with policies R1 and R2 of the Neighbourhood Plan which seek to ensure development protects landscape character and does not significantly detract from views of the valley below the Greensand Ridge.

Other Matters

14. There is a complex planning and enforcement history relating to the siting of this structure which is discussed at length by both the main parties and other interested parties in the written representations. However, I have found that, on the main contested issue, the proposal complies with the most relevant development plan policy on detached annexes. This finding must attract substantial weight in the decision-making process.
15. In planning policy terms, there is no specific requirement for the appellant to demonstrate a need for the development. As such, the personal circumstances of the appellant, including the history of the building and how it has previously been occupied, are of very little relevance to this decision. The proposal is clearly described as an ancillary use, this can be reflected in a planning condition for the avoidance of any doubt. It is not necessary to scrutinise the intention behind the proposed development any further. Planning permission would be required, were future occupants of the development to wish to occupy the building independently.
16. I note that the independent residential use of the property 'Little Caradon' became authorised through the passage of time. However, ancillary use conditions are common in planning and there is no convincing reason why the Council would be unable to enforce such a condition here. It would not be appropriate to withhold planning permission on the basis of fears about what might happen to the structure in the future.
17. The annex is set away from the shared boundary with the closest neighbouring residential property, Mill Bank Place. The structure is visible from this neighbouring garden, over the shared boundary. However, it is not so big as to be overbearing, and given that it is only a single storey in height there is no significant loss of privacy. Whilst there would be a degree of additional noise, disturbance and artificial light arising from the domestic use of the building and access to it, this would be consistent with the prevailing residential character of the surrounding built development. Overall, there would be no material harm to the living conditions of existing residents, in any respect.

18. The existing property at Caradon benefits from off street parking. As the proposal comprises a small annex which would not be occupied independently of Caradon, the nature of vehicular traffic to and from the premises and using Mill Lane would not significantly change. As such, there would be no material harm to highway users or their safety, as a consequence of this development. The proposal would not obstruct any vehicular or pedestrian rights of way. The ability for emergency vehicles to access the new accommodation would be similar to existing residential properties along Mill Lane. The Council did not refuse permission for transportation and highways reasons, I agree with their assessment.
19. The site falls near to but outside the Pluckley Conservation Area, a collection of well-preserved buildings including a listed church, set around a historic street layout. However, because of its low height, in longer views from the surrounding area the proposal appears as a domestic ancillary building associated with well-established residential development along Mill Lane. It does not therefore have any effect on the setting of either the Conservation Area, or the listed buildings within it. There is no harm to the setting of designated heritage assets, and no conflict with the relevant statutory duties set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require that the setting of such heritage assets are preserved, where new development is proposed.
20. Whilst not cited on the Council's decision notice, interested parties also make reference to other policies. HOU 3, 5 and 7 of the Local Plan, together with policies H1 and H1A of the Pluckley Neighbourhood Plan 2016-2031 relate to new residential development, as this is an annex these policies are not relevant to the decision. The total loss of garden area would be insignificant, and, in consequence there is no conflict with policy HOU10 of the Local Plan which, amongst other things, seeks to ensure that development on garden land does not result in significant harm to the character of the area. I have considered both the Local Plan and the Neighbourhood Plan and found no conflict with any of the policies within them. There is no conflict with the National Planning Policy Framework which, amongst other things, seeks to achieve well-designed places.

Conclusion and Conditions

21. The proposal complies with the development plan and there are no other considerations that outweigh this finding. The appeal should succeed subject to a condition necessary to ensure that the annex remains ancillary to the host property. This is necessary to ensure that the development respects the prevailing character and appearance of the area.

Neil Holdsworth

INSPECTOR