



Appeal Decision

Site visit made on 1 September 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/N4205/W/20/3253376

3 Whitehill Meadow, Bolton BL6 5WF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Brett Worsley against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 08090/20, dated 19 March 2020, was approved on and planning permission was granted subject to conditions.
 - The development permitted is the erection of extension to detached garage and conversion to self-contained accommodation.
 - The condition in dispute is No 3 which states that: The self-contained annexe hereby approved shall be used only for the purpose of providing residential accommodation for the relatives, and/or dependants of the applicant Mr B Worsley, after which time, the use of the self-contained annexe shall cease and any alterations carried out to the property shall be reinstated in accordance with details to be submitted to and approved by the Local Planning Authority. Such alterations shall be carried out within two months of the cessation of the use or two months from the date of their approval whichever is the later.
 - The reason given for the condition is: In light of the applicant's personal circumstances where development would not normally be permitted and in the light of the assurances given as to how the development applied for will be used.
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Decision

1. The appeal is allowed and the planning permission Ref 08090/20 for the erection of extension to detached garage and conversion to self-contained accommodation at 3 Whitehill Meadow, Bolton BL6 5WF granted on 19 March 2020 by Bolton Metropolitan Borough Council, is varied by deleting condition No 3 and substituted for the following condition:
 - 3) The self-contained accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 3 Whitehill Meadow, Bolton BL6 5WF.

Background and Main Issue

2. The planning permission granted for the erection of an extension to a detached garage and conversion to self-contained accommodation includes a condition restricting the use of the accommodation to the relatives, and/or dependants of the appellant Mr B Worsley. After which the use of the self-contained annexe shall cease, and any alterations carried out to the property shall be reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

3. The Council's reason for condition No 3 states in light of the applicant's personal circumstances where development would not normally be permitted, and in the light of the assurances given as to how the development applied for will be used. The appellant objects to the condition as they consider it to be unnecessary, as the proposal complies with development plan policy.
4. Taking the above background into account, the main issue is whether the above restriction is reasonable and necessary to enable development to proceed where it would otherwise have been necessary to refuse planning permission.

Reasons

5. The Planning Practice Guidance¹ (PPG) advises that, since planning permission runs with the land, it is rarely appropriate to provide otherwise, but sometimes development that would not normally be permitted may be justified because of who would benefit from the permission. It goes on to state that it is important to bear in mind that planning permission is required for a material change of use of land, but not for any change of who occupies the site.
6. The PPG² also says that when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects.
7. The proposed development granted permission consists of an extension to an existing detached garage, and its conversion to self-contained accommodation associated with No 3 Whitehill Meadow. The submitted plans show that the resultant accommodation would comprise a small hallway, one ensuite bedroom, a kitchen and a living room. The parking and garden areas would be shared with the host dwelling.
8. The proposal was submitted to the Council in the form of a householder application. The appellant's application form and supporting design and access statement explain that the living accommodation would be for the use by applicant's elderly parents in order to provide appropriate care and monitoring. The appellant states that the use will remain as a single family dwelling, and that there is no intention to either sublet or subdivide the property.
9. Therefore, based on the submitted plans and the supporting evidence the proposed development would result in a self-contained annexe that would remain ancillary to the host dwelling at No 3, and has been considered by the Council as such, against the relevant development plan policies and the Framework.
10. The appeal site is located within the Greenbelt. The appellant states that the proposal is not inappropriate development, as it constitutes an exception under paragraph 145 (c) of the Framework and exception No 3 in Policy CG7AP of the Local Plan Bolton's Allocation Plan 2014 (the LP), in that it comprises the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Therefore, very special circumstances are not required. I note from the

¹ Paragraph: 015 Reference ID: 21a-015-20140306

² Paragraph: 001 Reference ID: 21a-001-20140306

Officer's report that the Council have come to the same conclusion as the appellant. Based on the evidence before me, I have no reason to disagree.

11. The proposed extension would be located to the rear of an existing detached garage and would not be prominent within the street scene. It would also be constructed in materials to match the existing dwelling. The Council Officer's report states that the design and scale of the proposed extension would be in keeping with the existing dwelling and would not be an incongruous feature within the street scene, and that it respects the character and appearance of the surrounding area. I also note that the Council did not raise any concerns with regards to the effect of the proposal on the living conditions of neighbouring occupiers, or parking and highways.
12. Therefore, based on the evidence before me, the proposal is consistent with the development plan. So, provided the self-contained accommodation is retained in perpetuity for the purpose's ancillary to the residential use of 3 Whitehill Meadow, the proposal would be acceptable in planning terms. This could reasonably be secured by condition.
13. Consequently, it is not necessary for the permission to be restricted to the appellant and his family. Neither is it necessary that following the cessation of the use of the building by the appellant, that the use of the ancillary accommodation should cease, and the property be reinstated. Accordingly, I have deleted the original condition in its entirety and replaced it with a new one.

Conclusion

14. For the reasons given above, I conclude that the planning permission should be varied as set out in the formal decision.

R Cooper

INSPECTOR