



Appeal Decision

Site Visit made on 18 May 2021 by John Gunn Dip TP, Dip DBE, MRTPI

Decision by M Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2021

Appeal Ref: APP/J3720/D/21/3270156

Ettington House Farm, Banbury Road, Ettington, CV37 7PB

- 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 K Sidhu against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/03231/FUL, dated 12 November 2020, was refused by notice dated 17 February 2021.
 - The development proposed is described as 'A proposed annexe to Ettington House Farm'.
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Decision

1. The appeal is allowed, and planning permission is granted for a proposed annexe to Ettington House Farm, Banbury Road, Ettington, CV37 7PB in accordance with the terms of the application, Ref 20/03231/FUL, dated 12 November 2020, 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 numbered L01, S01, P01 Revision R2, P02 Revision R1, P03, P04 Revision R1 and P05 Revision R1
 - 3) Notwithstanding the details shown on the approved plans, 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 development hereby permitted shall only be used as an integral part of the existing dwelling known as Ettington House Farm and for residential purposes ancillary to the enjoyment of that dwelling. It shall not be used as a separate dwelling unit, or as a unit of holiday accommodation, and no separate curtilage shall be created.

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 Council has questioned whether the proposed development can be considered through the householder application process. However, the Council nevertheless accepted, validated, and determined the application under the householder application process. Furthermore, the proposed development

before me is not for a separate dwelling. Consequently, I will proceed with the assessment of the appeal based on the householder planning appeal process.

Main Issues

4. The main issues are the effect of the proposal on:
- the character and appearance of the host property and;
 - the nature of the use of the annexe, and in particular whether it would result in the formation of independent living accommodation.

Reasons for the Recommendation

Character and appearance

5. The appeal site comprises a solitary dwelling located in the open countryside, together with associated outbuildings. It is accessed from the A422 Banbury Road by a private drive. The surrounding countryside comprises of rolling fields, enclosed by hedgerows, interspaced with small areas of woodland. The natural landscape features, subtle changes in ground level, limited built development and the rural surroundings define the character of the area.
6. The proposed development would sit forward of the south west elevation of the host property and would be clearly visible on the approach to the property along the private access road. Nonetheless, it would be constructed of materials to match the existing dwelling and be seen against the backdrop of the host property and the verdant landscape that lies to the east. Consequently, it would not appear prominent when approaching the property.
7. Parts of the proposal would project forward of the main front elevation of the host property. Moreover, it would incorporate roofs with a slightly reduced pitch than found elsewhere on the building and would incorporate full height glazing on its north western elevation. Nevertheless, I find that the proposed development through the use of various projecting elements would be complementary to the host property which also possesses projecting bay windows as prominent features on the front elevation.
8. Whilst noting that full height glazing does not feature elsewhere on the property it does add interest to the front elevation, breaking up the visual impact of the proposed extension and providing a vertical emphasis to that part of the building. Furthermore, whilst acknowledging that the proposed development would have a reduced roof pitch, given the overall scale and mass of the host buildings, the visual impact resulting from this design feature would be limited.
9. I acknowledge that the proposed development would increase the overall frontage of the property, however, given the scale and mass of the central part of the building, the main house would remain the dominant feature. Moreover, the lower roof height of the proposed development would ensure that it would remain subservient in appearance to the host property.
10. I have taken into account the potential to further extend the property in accordance with the extant planning permission granted in 2012¹. The appellant contends that although the construction costs would be higher, he

¹ Planning application 12/01509/FUL

would have no reasonable alternative but to implement the extant permission should the appeal be dismissed, to enable the provision of the required accommodation to meet his family's needs.

11. In this regard, I have no compelling evidence before me to indicate that the implementation of the extant permission would be unlikely to occur in the event that the appeal was dismissed. As a consequence, I consider that it would be reasonable to regard the remaining unbuilt elements of the extant planning permission as a realistic 'fall back' position. Whilst I accept that each proposal should be considered on its own merits, I attach substantial weight to the possibility of the full implementation of the extant planning permission.
12. In light of the above, I conclude that the proposed development would respect the character and appearance of the host property in accordance with Policies CS.9, CS.5 and CS.20 of the Stratford-Upon-Avon Core Strategy 2011-2031 and Policies H5 and BE1 of the Ettington and Fulready Neighbourhood Plan. These policies jointly seek, amongst other matters, the creation of high-quality buildings and places that are sympathetic to local character, whilst minimising the impact of development on the landscape character and quality of the area.

Use of the annexe

13. The appellant indicates that it is intended that the annexe would be used as ancillary residential accommodation for the appellant's parents. Such details of family living cannot be controlled on a day-to-day basis, but I accept that it is not uncommon for generations of one family to occupy single planning units in this way.
14. The judge in *Uttlesford DC v SSE & White [1992]* considered that, even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling – instead it would be a matter of fact and degree. In that instance the accommodation was intended to function as an annexe with the occupant sharing their living activity with the family in the main dwelling, and consequently it was held that there was no reason in law why such accommodation would be a separate planning unit from the main dwelling.
15. The proposed development would be physically attached to the main house, with internal access therefrom. Furthermore, it would share the access, parking areas, garden, and a kitchen with the main house. I acknowledge that the occupiers of the proposed annexe would have access to a kitchenette, which would enable food and drinks to be prepared in it, however this has to be balanced against the appellants stated intention that meals would be cooked and consumed in the main dwelling. The appellant has suggested that a suitably worded condition can ensure the use of the extension is restricted to be ancillary to the main house.
16. Given this relationship I do not consider that the proposal would result in the creation of a separate dwelling. However, in order to avoid any doubt on this matter, I consider that it is both reasonable and necessary to reinforce the limitation of the use of the proposed annexe through the imposition of an appropriately worded planning condition.
17. Taking these findings together I conclude that the proposed development would not result in the formation of independent living accommodation. In this

regard the proposed development would not conflict with the aims of Policies CS.1 and CS.20 of the Stratford-Upon-Avon Core Strategy 2011-2031 or Policy H1 and of the Ettington and Fulready Neighbourhood Plan 2011-2031. These policies jointly seek to secure a high quality environment, in which development proposals contribute towards the character and quality of the District, with new homes being provided in appropriate, sustainable locations.

Conditions

18. The Council has suggested several conditions it would wish to see imposed in the event that the appeal was allowed. I have considered these against the guidance on conditions set out in the Framework and the Planning Practice Guidance.
19. To ensure that the development is undertaken as approved, a condition referring to the approved plans is necessary.
20. The submitted drawings and application form indicate that the materials to be used for the walls to the proposed development materials would comprise of rendered walls (colour to be confirmed) with cedar boarding and stone dressing to match existing. I note that the existing walls comprise of a mix of facing brick, render, oak framing, and stone dressing. The Council state in their officer's report that "The proposed extension would be finished in a mix of facing brick, oak framing and stone dressing", and have requested a condition requiring the materials to match the host property. The Appellant, in his statement, acknowledges that the proposed extension would incorporate matching external materials. To ensure that the development is carried out in accordance with the submitted details a condition requiring matching materials will therefore be necessary.
21. For the reasons given above I also consider that it is reasonable and necessary to impose a condition limiting the occupation of the annex to purposes ancillary to the residential use of Ettington House Farm.

Conclusion and Recommendation

22. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be allowed subject to the conditions set out above.

John Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

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

M Seaton

INSPECTOR