



Appeal Decision

Site Visit made on 16 June 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2021

Appeal Ref: APP/J0405/W/21/3269492

Stoke House Farm, Stoke Road, Stoke Hammond, Milton Keynes MK17 9BN

- 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 and Mrs Bratby against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 20/01633/APP, dated 22 May 2020, was refused by notice dated 24 August 2020.
 - The development proposed is construction of ancillary residential annex for elderly relative and separate car port.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The emerging Vale of Aylesbury Local Plan (the eLP) has been the subject of examination and proposed modifications have been consulted upon. However, it is not adopted and it is unclear whether there are unresolved objections to the specific policies referred to me. As such, the eLP policies attract no more than moderate weight in my assessment.

Main Issues

3. The main issues are (i) whether the annex element of the proposal would be in a suitable location having regard to development plan policies, and (ii) the effect on the character and appearance of the area.

Reasons

Suitability of location

4. The appeal site forms part of a cluster of buildings that lie between the road and the Grand Union Canal. Despite the presence of the nearby built development, the site is away from any settlement as defined in the Aylesbury Vale District Local Plan 2004 (the LP).
 5. The proposed annex would include 2 bedrooms, a bathroom, a kitchen and a living/dining room. As such, it would contain sufficient facilities to allow day-to-day independent domestic existence. However, the application specifically refers to the annex being used as ancillary accommodation with no indication that permission is sought for a separate new dwelling. Accordingly, I have assessed the appeal on this basis.
 6. LP policy GP.11 allows residential annexes outside of settlements but only if they are physically attached to the associated dwelling and capable of being
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incorporated with the existing residential accommodation. While it would be in the garden area, the proposed annex would be detached and set away from the main house with an existing outbuilding in between. Given this separation, the annex could not be practically included as part of the existing residence. Therefore, the proposal would not accord with LP policy GP.11, even if the annex was restricted to ancillary use through the imposition of a planning condition.

7. The main house has a large footprint and adjoins significant garden and parking areas. As such, I am unconvinced by the appellants' claim that there is limited scope to add an extension and so the proposed annex needs to be a detached building. In any event, LP policy GP.11 precludes detached annexes irrespective as to whether there is scope to add an attachment to the main house. Therefore, this factor attracts little weight in my assessment.
8. I have been referred to other developments where separate residential annex buildings have been allowed. However, from the information provided I am uncertain whether these are in settlements or whether the circumstances of those proposals were similar to this scheme. Moreover, I am advised that the detached annex already on the appeal site was approved as an alteration to an existing outbuilding, rather than a completely new construction. Therefore, these other examples are not sufficiently similar to the proposal so as to be precedents that I am bound to follow in the determination of this appeal.
9. For the above reasons, I conclude the proposal, as a detached annex building outside of a settlement, is not in a suitable location having regard to LP policy GP.11. This policy was published some time ago but still forms part of the adopted development plan. Such policies should not be considered out-of-date simply because they were adopted prior to the publication of the National Planning Policy Framework (the Framework). Instead, they should be afforded due weight according to the degree of consistency with the Framework. In this respect, I have not been referred to any provision of the Framework which directly contradicts LP policy GP.11. Therefore, I attribute significant weight to the conflict with the development plan in these regards.

Character and appearance

10. The main part of the appeal site is set back so it is not seen from the road. However, it adjoins the canal and it is easily seen from the towpath despite some partial tree screening. As it goes past the appeal property, the towpath adjoins a line of trees with views through to adjacent fields. Also, there are views to the open lawn area on the canal side of the appeal site as well as the adjacent field. Notwithstanding the cluster of buildings on and near the appeal site, the canal and towpath have an attractive, rural setting. The site and its surroundings lie in an area of attractive landscape as designated in the LP.
11. The proposed annex would be near to the existing outbuilding but it would be between it and the canal. The annex would be on part of an existing tennis court but by virtue of its volume it would be significantly more conspicuous from the canal than the flat hard surface of the court and small length of fencing that remains. From this direction, the annex would appear as a marked encroachment onto the land vacant of buildings adjacent to the waterway. The limited information provided on proposed planting fails to show that this would hide or adequately mitigate the loss of openness as a result of the proposal.

12. The annex would include appropriate features such as a pitched roof and chimney that would reflect the style of other nearby buildings. Also, it would be a sufficient distance away to avoid visually competing with the main house and it would lead to no meaningful coalescence of settlements. However, the acceptability of the scheme in these regards would not address or override the noticeable erosion of open land near to the canal and towpath and the subsequent detrimental effect on the rurality of the area.
13. The proposed car port would be near to the house and of an appropriate design and so it would be acceptable in respect of this main issue. However, for the reasons as set out above, the proposed annex would harm the character and appearance of the area. In these regards, it would not accord with LP policies GP.35 and RA.8. Amongst other things, these seek to ensure development complements the natural qualities of an area and respects landscape character.

Other Considerations

14. Policy D4 of the eLP allows new homes in 'other settlements' under certain circumstances. However, this policy is not adopted and so it can only be afforded moderate weight in my assessment. In any event, the proposal is for an ancillary annex and so it is unclear whether the policy is relevant to the proposal. Furthermore, even if the appeal site and surrounding properties is deemed to represent a settlement, the proposal would be beyond the extent of the buildings and so it would not represent infilling of a small gap in a developed frontage. Also, I have found the scheme would have an adverse effect on the character of the countryside. Consequently, it would not comply with eLP policy D4.
15. The annex would provide accommodation for a relative of the appellants who has problems with mobility and is unable to live without assistance. The proposal would help address this particular accommodation requirement and I attach positive weight to this benefit. However, accommodation needs will change over time and there is little evidence that demonstrates they can only be addressed through the appeal development. Therefore, this benefit attracts limited weight.

Conclusion

16. For the above reasons, I find the proposal would be contrary to the development plan policies when considered as a whole. Other factors are of insufficient weight to justify allowing the appeal contrary to the development plan. Therefore, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR