



Appeal Decision

Site Visit made on 22 June 2021

by Graham Chamberlain BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2021

Appeal Ref: APP/F2605/W/21/3266251

Breckles Gate, Wretham Road, Great Hockham, Norfolk NR17 1ER

- 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 Richard & Lucy Cator against the decision of Breckland Council.
 - The application Ref 3PL/2020/0802/HOU, dated 24 July 2020, was refused by notice dated 7 October 2020.
 - The development proposed is described as a 'one-bedroom annexe'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed accommodation would be an annex or an independent dwelling, and if the latter, whether a new dwelling would be appropriate having regard to the spatial strategy in the development plan.

Reasons

3. The appeal site encompasses a detached dwelling located towards the centre of its plot. To the west is a collection of paddocks which are in the ownership of the appellant but have a different, more rural character than the adjoining residential curtilage. There is a single highway access into the appeal site from the A1075 and this links with a carriage driveway. The appeal site is enclosed by hedges and trees and is in a rural setting away from Great Hockham.
4. It is a matter of fact and degree whether the proposed development would be an annex or an independent dwelling. In assessing this it is necessary to consider whether the proposed building could function as an annex. It does not necessarily follow that because the proposed building is capable of independent accommodation it would not, or could not, be occupied for purposes ancillary to Breckles Gate. That said, there should be functional linkages that require the occupants to have regular contact and interdependence. This can be achieved through the layout, size and design and should make severability unlikely.
5. The highway access into the site would be a shared physical feature. However, it is not uncommon for two separate households to share a single access. In this instance, once in the site the driveway branches in different directions and therefore access to the new dwelling would be achieved without having to pass close to the existing cottage. In addition, the occupants of the two properties could park separately from one another. In this instance, the parking and access arrangements would not make for a strong functional link.

6. Moreover, the separation distance from, and orientation with, the existing dwelling on site means the area to the east of the annex would function as a private garden. There would be no need for the occupants of the new dwelling to enter the space to the rear of Breckles Gate. In addition, the appeal scheme would incorporate a kitchen, bathroom, utility room and all the other facilities needed for independent day to day occupation. It may be that the occupants would be permitted to freely move between the dwellings, but they would not need to. The residents could live quite separately. There is nothing of substance before me demonstrating the occupants of the new building would be dependent on the occupants of Breckles Gate and it is unclear whether utility bills and services would be shared.
7. Significantly, the proposal would be two-storeys in height and have the appearance and scale of a separate house despite being located near to other single storey outbuildings. Unlike these outbuildings, the appeal scheme would not appear ancillary. In this respect, the proposal would not have the appearance of a structure set within the garden of Breckles Gate. Instead, it would have a visual independence due to the scale and design. Thus, the proposal would not appear sufficiently subservient or ancillary to Breckles Gate despite the smaller floor area and footprint and its lower height.
8. The appellant has suggested that a condition could be imposed to ensure the occupation of the new building was ancillary to Breckles Gate. However, it is unclear what 'ancillary' would mean in this context, given that the appeal scheme has been designed to be occupied in a way that would be functionally independently of the main house. Given the design and configuration of the proposal, the occupants of the appeal scheme would likely be in breach of the condition immediately. Moreover, it is of note that there would be no harm to the occupants of Breckles Gate or the proposed building if the appeal scheme were severed and occupied independently. This increases the likelihood that such an event would occur. It would also make enforcement of an occupancy condition very difficult as there would be little 'self-policing'.
9. The proposed accommodation would be occupied by the appellants. The stated intention is then to allow their daughter and her family to live in the existing cottage. However, simply being related would not be sufficient to provide functional linkages and nor would occasionally visiting the existing house. Similarly, a functional linkage is not established through ownership. These are factors to weigh but are not determinative in this instance given the size, design and layout the proposed building would have. Thus, the appeal scheme would function and appear as an entirely separate dwelling and therefore it would be remiss not to assess it as such.
10. As the dwelling would not amount to infilling, the proposal would be harmfully at odds with Policy HOU5 of the Breckland Local Plan 2019 (LP), by being an encroachment of development into the countryside away from a settlement. This would be the case regardless of whether the site is located in a hamlet or cluster. In respect of the latter point, there is some housing in the vicinity of the appeal scheme, but it is dispersed and spaciouly arranged and therefore does not amount to a discernible hamlet or cluster settlement. The policy specifically states that farmsteads and small groups of dwellings are considered to be in the countryside where development is unlikely to be acceptable. The proposal would therefore be at odds with Policy HOU5. I share the view of the

appellant that Policy HOU11 of the LP is not relevant because it relates to extensions.

11. In conclusion, despite the description of development I share the view of the Council that the appeal scheme would not be an annex and thus an adjunct of Breckles Gate. It is the combination of all the factors identified above that leads me to this conclusion. As a separate and self-contained dwellinghouse the proposal would be at odds with, and harmfully undermine, the spatial strategy.

Other Matters

12. The Council's position regarding the effect of the proposal on the character and appearance of the area is muddled, with the author of the delegated report finding conflict with Policy COM1 of the LP, but this is then omitted from the reason for refusal. Moreover, the reason for refusal includes the contradictory statement that the proposal would 'not be disproportionate' but 'would not respect the character of the existing dwellinghouse'. This is all the more perplexing because the Council has found no harm to the setting of Breckles Gate, which is Grade II listed. As there is a lack of clarity on this point, and because the proposal has failed on the main issue, I have not considered this matter further as it would not alter the outcome of the appeal.
13. That said, I am not at all convinced, from the information before me, that the proposal would preserve the setting and significance of Breckles Gate as a listed building. This is because the listed building is currently a simple vernacular cottage of architectural and historic value. It is experienced in a rural setting and principally from within its large verdant grounds. The construction of a two-storey dwelling exhibiting a jarring and complicated architectural form and design would likely detract from the experience of the listed building by being strident and competitive. However, given that the appeal has failed on the main issue I have not gone back to the parties for additional comments or considered this point further.
14. The appellant has directed me to a government document titled *Laying the Foundations: A Housing Strategy for England 2013*. This can be interpreted as providing support to 'granny annexes'. It is likely that a suitably subservient and carefully designed annex could be accommodated at the appeal site and this could support the aims of this document. However, for the reasons given I do not consider the proposal would be an annex. This point is not altered by the historic and temporary presence of a caravan in a similar position.
15. Building the appeal scheme would result in some minor benefits to the construction industry and the supply and choice of homes. However, these would not be benefits of sufficient force to outweigh the conflict with the development plan.

Conclusion

16. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Graham Chamberlain
INSPECTOR