



Appeal Decision

Site Visit made on 9 August 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2021

Appeal Ref: APP/P0240/W/21/3275259

2 The Gables, Great Lane, Clophill, MK45 4DH

- 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 D Malvern against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/00156/FULL, dated 13 January 2021, was refused by notice dated 24 March 2021.
 - The development proposed is use of the existing dwelling and garage as a detached garage/garden storage facility and an ancillary residential annexe.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council adopted the Central Bedfordshire Local Plan on 15 July 2021. Its policies therefore carry full weight and replace the policies of the North Core Strategy and Development Management Policies Document 2009 against which the application the subject of this appeal was determined. The Council has identified the policies it considers relevant to the appeal, and the appellant was invited to comment on the new Local Plan.
3. The Government released a revised National Planning Policy Framework in July 2021. The main parties were invited to comment on the revised document.
4. The description of development refers to the retention of existing dwelling and garage as a detached garage/garden storage facility and an ancillary residential annexe. However, retention is not a form of development and therefore I have amended the description of development accordingly.

Background and Main Issues

5. Planning permission was previously granted for a replacement dwellinghouse on the appeal site, which has now been built and occupied. As part of that permission, the original dwellinghouse was to be partially demolished, with the retained structure converted to a garage and home gym.
6. The main issues are therefore:
 - The effect of the proposed development on the character and appearance of the area; and,
 - Whether the location accords with relevant local policies regarding housing development.

Reasons

Character and appearance

7. The appeal site is a large plot in a rural location. The original dwellinghouse would only be modestly altered to provide the proposed annexe and store. The development would therefore result in a significantly greater volume of built form on the site than in the approved development.
8. The approved works to the original dwellinghouse would create a relatively modest building of a scale not uncommon on such a large plot. While the site is already in residential use, this is associated with a single dwelling. The appeal proposal would be a more intensive use of the site, with the proposed annexe effectively appearing as a separate dwellinghouse, resulting in a more urban appearance not in keeping with the rural character of the area.
9. The appellants have suggested that a greater impact would result if a new annexe were to be created within the grounds of the property. However, no detailed proposals for such a development are before me, and therefore this carries very little weight in the determination of this appeal.
10. The proposed development is therefore contrary to Policy HQ1 of the Central Bedfordshire Local Plan 2021 (the LP). This policy requires, amongst other criteria, that development relate well to the existing local surroundings and reinforce local distinctiveness, both built and natural.

Location

11. Whether a building would be used as a dwellinghouse or an annexe is a matter of fact and degree. The appellants state that the accommodation would be used for family members who would share meals with the family in the new dwellinghouse, while the gym facilities would be shared between the occupants of both the building and the new house. However, the building would be wholly separate from the new house with no functional link and would be capable of independent occupation, affording those who use it the facilities required for day-to-day private domestic existence. While it would not have a separate curtilage or access, in this instance these are indicative but insufficient to show that the building would not effectively be a separate dwelling.
12. The building would be initially occupied by family members whose movements would reasonably be expected to be closely linked to those of the wider household. However, given the above considerations it is probable that there would be independent occupation to some degree in the longer term. Given that the appeal site is in a rural location more than 2 kilometres from the nearest settlement, this would result in additional journeys to and from the site which would be likely to take place by private vehicle.
13. I have considered whether, if I were otherwise minded to allow the appeal, a condition restricting the use of the building solely to an annexe ancillary to the new house would be appropriate. However, given the potential for independent occupation of the building and its location nearer the site access than the new house, I find that such a condition would be difficult to enforce.
14. The location does not therefore accord with relevant local policies regarding housing development. It conflicts with Policy HQ1 of the LP, the requirements of which include that proposals are well connected to surrounding areas,

providing safe, attractive and convenient routes that encourage travel by sustainable modes and meet the needs of all street users.

Other Matters

15. My attention has been drawn to other permissions for the retention of buildings as ancillary annexe accommodation. In the Clophill Road case, the annexe is a smaller building than the proposed and sited in a backland location relative to the host dwelling. It is therefore materially different to the appeal proposal on these points. In the Old Dairy case, the annexe occupies the first floor of a garage rather than being an independent building and, from the evidence before me, is also in a backland location. This too, therefore, differs materially from the proposal before me. These other permissions therefore carry limited weight in the determination of this appeal.
16. The appellants have suggested that there would be a benefit to the occupants of 1 The Gables by resiting the garage away from the shared boundary. However, the approved garage has planning permission, and there is no evidence that this arrangement would result in harm to the living conditions of the neighbours. This consideration therefore carries little weight in the determination of this appeal.

Conclusion

17. There are no material considerations to indicate that this appeal should be determined other than in accordance with the development plan. Accordingly, for the reasons set out above, the appeal fails.

M Chalk

INSPECTOR