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# Appeal Decision

Site visit made on 30 July 2021

**by C J Leigh BSc(Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 September 2021**

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## **Appeal Ref: APP/J1915/D/21/3274162**

### **Old Park Farm, Perry Green, Much Hadham, SG10 6EQ**

- 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 Anthony Ashwell against the decision of East Herts Council.
  - The application Ref 3/21/0322/HH, dated 8 February 2021, was refused by notice dated 1 April 2021.
  - The development proposed is the construction of a residential annex.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the construction of a residential annex at Old Park Farm, Perry Green, Much Hadham, SG10 6EQ in accordance with the terms of the application Ref 3/21/0322/HH, dated 8 February 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) 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.
  - 3) The additional residential annex accommodation hereby approved shall only be used as ancillary accommodation to the main dwelling known as Old Park Farm, Perry Green, Much Hadham, SG10 6EQ and shall at no time be used as an independent unit of residential accommodation.
  - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 20 166 01A, 20 166 02A & 20 166 03B.

### **Main issue**

2. The main issue is whether the proposal is consistent with planning policies relating to the provision of residential annexes in the area.

### **Reasons**

3. Policy HOU13 of the East Herts District Plan 2018 allows for the provision of self-contained residential annexes through extensions to properties or as outbuildings as it is recognised they can help meet social needs, particularly for elderly relatives, and hence reduce pressure on other types of accommodation. The appellant's submissions state that the proposed annex is for an elderly relative who is currently in unsatisfactory accommodation elsewhere.

4. Policy HOU13 sets out the criteria to be satisfied in all such applications. The proposals the subject of this appeal show an existing outbuilding extended to provide the annex, with a lower ridge and eaves height. This outbuilding – and the extended building – is located close to the main dwelling. The annex would not lead to a spread of development, with the building mass well-contained on the site. There would not be any over-dominance to the main dwelling as the outbuilding and annex building would remain clearly subordinate in scale and function to the larger dwelling, which is a substantial bungalow spread across the site.
5. Policy HOU13 allows annexes to be provided in a separate outbuilding, provided they are close to, well-related to, and have a clear functional link to the main dwelling. The annex would contain a bedroom, living room/kitchen, bathroom and utility room. The Council considers these elements point to there not being a functional link to the main dwelling, whereby there would be no reliance on that dwelling.
6. The supporting text to the Policy does not define what is meant by 'functional link', but does require applications to justify the level of accommodation proposed and demonstrate how it is compatible with the requirements of the annex. Whilst the inclusion of these elements would create an outbuilding with an ability of independence from the main dwelling, it is apparent that the need for the annex in this instance arises from housing an elderly relative. As noted, the supporting text to Policy HOU13 recognises that proposals for self-contained annexes can provide accommodation for elderly relatives and hence meet social needs, and thus it is further apparent to me that an ability to live with a degree of independence can be important to provide the desired annex accommodation: that is the purpose of the proposed development.
7. In this instance, the proposed annex would be an extension to the existing outbuilding, located close to the main dwelling, and clearly relate in its siting, layout and purpose to that dwelling. No separate garden area is proposed for the annex, and no car parking, access or additional servicing separate from the main dwelling is required. The annex would provide the accommodation needed by the appellant and the intended occupier, and the scale and layout of that accommodation would still retain the main dwelling as the dominant property on the site with any use of the smaller annex secondary in scale and location. These matters persuade me that the annex would have a clear functional link to the main dwelling. The Council have also suggested a planning condition be attached to any grant of permission requiring the annex to be occupied for purposes ancillary to the main dwelling, consistent with the supporting text to Policy HOU13, and I concur such a condition would be appropriate to further ensure, and retain, a functional link to the dwelling.
8. The design and scale of the proposed development is suited to the main house and wider area, with no adverse impact upon the character of the area. There is sufficient parking on site to meet the needs of the main house and the annex.
9. On the main issue it is therefore concluded that the proposed development satisfies the requirements of Policy HOU13 that allows for the provision of residential annexes. The proposal is also consistent with Policies GBR2 and DES4 of the Local Plan which, amongst other matters, seek to ensure new buildings in the Rural Area Beyond the Green Belt are compatible with the character and appearance of the area and of a high standard of design.

10. The appeal is therefore allowed. The Council have suggested a number of conditions in the event of the appeal being allowed. I have attached a condition relating to materials to ensure a satisfactory appearance to the development. A condition specifying the approved plans is attached in the interest of precision. I have also attached the condition requiring the annex to remain as ancillary accommodation to accord with the terms of the application and ensure it is not used as an independent dwelling.

*C J Leigh*

INSPECTOR