



Appeal Decision

Site Visit made on 10 August 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2021

Appeal Ref: APP/J3530/W/20/3266040

The Bungalow Adjacent Hightrees, Foxhall Road, Foxhall IP4 5SY

- 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 Peter Howard against the decision of Suffolk Coastal District Council.
 - The application Ref DC/20/4038/FUL, dated 9 October 2020, was refused by notice dated 24 November 2020.
 - The development proposed is described as an “annex with occasional holiday let usage”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has provided an amended drawing¹ altering parts of the proposed development. I have considered this drawing under the principles established by the Courts in Wheatcroft² and the advice within Annex M to the procedural guide³. These state that any proposals considered by the appellant to overcome the Council’s reasons for refusal should normally be made via a fresh application, and that the appeal process should not be used to evolve a scheme.
3. The amended drawing seeks changes to the application site area, the overall form of the building, the vehicular access, and the introduction of parking areas. The amendments would change the nature of the proposed development to such a degree that to consider them would unacceptably prejudice those who should have been consulted on the change. This includes the Council and any local residents. On that basis, and in the interests of procedural fairness, I have dealt with this proposal on the basis of the plans that were originally submitted with the planning application only.
4. Since the submission of the appellant’s appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and I have taken their subsequent responses into account in reaching my decision.

¹ Annex Hightrees Proposed Plan and Elevations Date: 22-Dec-2020

² Bernard Wheatcroft Ltd v SSE & Harborough DC [1982] P&CR 233

³ Procedural Guide Planning Appeals – England. March 2021 – The Planning Inspectorate

5. The appeal site has been the subject of a previous appeal⁴ for the demolition of the existing building and the construction of a two storey dwelling. I have had regard to this decision insofar as it is relevant to the development before me.

Main Issues

6. The main issues in this appeal are:

- whether the proposal complies with development plan policies for an annex and holiday accommodation, and
- the effect of the development on European Designated Sites.

Reasons

Accommodation

7. The appeal site forms a single storey rectangular building that is set within the wider grounds of Hightrees. The building is constructed of a mixture of timber and glazing and is in a poor state of repair, with its timber window frames and vertical boarding degraded and buckling in areas. The proposal seeks to convert the building into an annex for use by the appellant's elderly parents and occasional holiday let use. The building would provide two double bedrooms, one with en-suite accommodation, a further bathroom, an open plan living/dining room with kitchen area and a study.
8. Policy SCLP5.13 of the Suffolk Coastal Local Plan 2020 (SCLP) states that an annex to an existing dwelling will be supported where it satisfies the criterion as set out therein. In this instance, criterion a) of Policy SCLP.13 requires the annex to be smaller and clearly ancillary to the host property and criterion d) requires it to be an extension, or well related to, the host dwelling. Moreover, criterion e) of Policy SCLP5.13 also states that a new build annex will be supported where it is not feasible to create an annex through an extension or the conversion of a building.
9. Policy SCLP6.5 of the SCLP also sets out the criterion that new tourist accommodation, or holiday lets, would be assessed against. This includes where there is a demonstrable need for the accommodation, and in the case of the appeal site, it involves the conversion of a building of permanent structure where it lies outside the Settlement Boundary.
10. Although I acknowledge that the building is smaller in size than the existing dwelling on the site, bearing in mind the self-contained nature of the annex, the potential for a separate curtilage as indicated on the submitted site area plan that is edged red, the level of facilities provided within the building for day to day living, and that it would be accessed separately from the existing drive by vehicular traffic, I would agree that the development would be viewed more as a separate unit of accommodation, rather than an annex to the main dwelling.
11. Furthermore, when considering the likely physical and functional relationship, the separation distance between the main dwelling and the proposed annex cannot be ignored. This, and the fact that both buildings would separately have all the facilities required for day to day living, serve to substantially reduce the probability that their occupiers would function as a single household. It seems

⁴ APP/J3530/W/19/3232580 dated 10 October 2019

particularly unlikely that a person living in the annex would routinely walk to the main dwelling, or vice versa, for shared meals or to engage in other joint household activities in all weather. The physical separation between the two buildings would thus have a major influence on whether they would be occupied as an annex.

12. Moreover, given its dilapidated state, it is a reasonable assumption that the building would require rebuilding to create a unit of accommodation that would meet modern standards for human habitation. Although the appellant states that the building could be converted, I have not been provided with any substantive evidence to confirm that it is indeed capable of conversion without extensive rebuilding works, which would ultimately result in a new building on the site. If a building is not suitable for conversion then a new build annex proposal would require evidence that it would not be possible to extend the existing property.
13. Notwithstanding this, even if the building is capable of being converted, this would not overcome the physical location of the development in relation to the main dwelling or that the level of accommodation provided for the annex and holiday let is more akin to a separate dwelling. In addition, even taking into account the facilities available in the area and that the Covid-19 pandemic has resulted in more people taking holidays within the UK, there is nothing substantive to demonstrate that this trend will continue indefinitely or that there is demand for a holiday let in this location.
14. With regard to the proposed half-hipped roof, given the overall scale of the development, I am not persuaded that this particular element would result in harm to the character and appearance of the building or indeed the area. Moreover, it is evident that the site has adequate space to provide areas for occupiers and visitors to park vehicles. Consequently, notwithstanding the submitted plans, I am satisfied that this matter could be controlled through a suitably worded condition.
15. Moreover, although the submitted drawings are not scaled, the Council could have requested such drawings during the course of its consideration of the planning application. Nevertheless, the width and length of the proposed building are clearly marked and it is evident that the development proposes a single storey building.
16. However, the development would not provide an annex that is well related to the existing dwelling and is not ancillary to it. Additionally, it has not been demonstrated that it is not feasible to create the annex through an extension to the main building, that there is a need for the tourist accommodation or that the building could be converted successfully without significant rebuilding. Thus, it would be in conflict with Policies SCLP5.13 and SCLP6.5 of the SCLP, the specific requirements of which are specified above.

European Designated Sites

17. The development falls within the Zone of Influence for the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS). To ensure the requirements of the Conservation of Habitats and Species Regulations 2017 are met, the Council requires the collection of payments from relevant developments towards the mitigation measures set out in the RAMS on areas

identified as the Stour and Orwell Estuaries Special Protection Area (SPA), the Debden Estuary SPA and Sandlings SPA.

18. As the appeal is being dismissed on other substantive issues, it is not necessary to look at this matter in detail. Moreover, had I been minded to allow the appeal, I would have explored the necessity for undertaking an Appropriate Assessment and whether the payment provided by the appellant would off-set the impact of the development on European Designated Sites.

Other Matters

19. The appellant refers to a scheme for a similar development that was approved by the Council under application DC/20/0403/FUL and a further development that was approved at Poppy's farm. However, I have not been provided with any details of these developments to enable me to make a direct comparison to the proposal before me. That said, I have considered this appeal on its own merits which is a fundamental principle that underpins the planning system.
20. Moreover, although the site is some 10 minutes' walk to a bus stop, this may not suit all users of the accommodation, especially those with families and young children or those with reduced mobility. Thus, the weight I afford this is limited. The site was also the subject of pre-application advice which was generally supportive of the proposed development. However, this does not alter my decision.
21. I acknowledge that the development would assist the appellant in providing accommodation for elderly parents to reside, and the longer term use of the building. While noting the benefits that would result in this respect, I do not consider that either individually or cumulatively they outweigh the harm identified above.
22. I note that representations were made by the adjoining hospital regarding the access which serves Nuffield Health Ipswich Hospital. However, given my findings on the main issue, it is not necessary to consider this matter in detail.

Conclusion

23. Thus, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development plan. Therefore, the appeal is dismissed.

Graham Wyatt

INSPECTOR