



Appeal Decision

Site Visit made on 1 September 2021

by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2021

Appeal Ref: APP/W9500/W/21/3273384

Verdun House, Bank Lane, Faceby, Middlesbrough TS9 7BW

- 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 Richard Birch against the decision of North York Moors National Park Authority.
 - The application Ref NYM/2020/1000/FL, dated 17 December 2020, was refused by notice dated 3 February 2021.
 - The development proposed is Demolition of garage/stable building and construction of detached annexe building (part retrospective) at Verdun House, Bank Lane, Faceby.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the revised National Planning Policy Framework was published (20 July 2021). The main parties have been given the opportunity to comment and my decision is made in the context of the revised Framework.
3. I saw during my site visit that the garage/stable building has already been demolished and consequently I am determining this appeal part retrospectively.

Main Issues

4. The main issue is whether the proposal would constitute an annexe to the Verdun House and whether the development has been sufficiently justified on the grounds of need.

Reasons

5. The appeal site is located to the rear of Verdun House, a detached, two-storey house in a predominantly residential location. The house has a long linear rear garden, and the appeal site is located approximately half way down the plot. I understand from the submission material that there was previously a detached garage and stable block on the appeal site however, this has since been demolished and only the concrete slab and limited brickwork remains.
6. The proposed annexe would be one and a half storeys in height and would possess self-contained facilities including a kitchen, lounge/dining area, utility room, pantry, wc, two bedrooms, a sauna and a large walk-in wardrobe. The plans indicate that the proposed annexe would not have any associated private

external amenity space or landscaping but would share the existing access from Bank Lane.

7. It is common ground between the main parties that there was a previous planning consent to the convert the previously existing garage/stable building into a residential annexe. However, during the course of the works required for the conversion, the appellant took the decision to demolish and rebuild the building due to stability concerns. I have not been provided with any evidence in regard to the stability of the building prior to its demolition.
8. Policy CO18 of the North York Moors National Park Authority Local Plan 2020 (LP) seeks to control incremental development that leads to new independent dwellings with unsuitable amenity, access or landscape impacts becoming established. The policy requires that proposals for residential annexes meet three criteria. They are; 1) The development is located within the domestic curtilage and is ancillary to the main dwelling in terms of its scale, specification and proposed use; 2) A clear functional need for the ancillary accommodation is demonstrated; and 3) In the case of a new build annexe, it is physically attached to the main dwelling with an interconnecting door.
9. It is clear that the proposed annexe would be within the residential curtilage of the host property and be subservient to it in terms of scale and I am mindful of the supporting wording within Policy CO18 which states that annexes may be self-contained and provide all the facilities needed. Nonetheless, the building's physical separation and distance from the host dwelling coupled with its lack of dependency on the main dwelling, means that I am of the opinion that it could readily be used as either an annexe or a completely separate dwelling.
10. I note that the appellants would be willing to accept a planning condition that would restrict the occupancy of the annexe. However, taking into account the divorced nature of the building and the limited shared facilities it would be difficult to prevent the separation of the building from Verdun House. Furthermore, given the back land location of the building it would be difficult for the Council to monitor and enforce such a condition. Consequently, I do not consider that in this case a restrictive condition would be reasonable or enforceable and therefore it would fail to meet the six tests as set out in the Planning Practice Guidance. In this regard, I find that the proposal would not be ancillary to the main dwelling in terms of its proposed use and it would therefore fail to meet criterion 1 of Policy CO18.
11. The appellant submits that the proposed annexe is required to accommodate family members. However, it is common ground between the parties that the appellant does not reside at Verdun House on a full-time basis. Indeed, there is evidence in the form of lettings advertisements which suggests that the property there was at least the intention to rent the property out to a third party. There is further correspondence from the appellant which states that they are currently residing overseas on a permanent basis. I accept that neither the renting of the property or the appellants living arrangements are subject to any planning control however, based on the information I have before me a clear functional need for the annexe has not been demonstrated. Criterion 2 of Policy CO18 would not therefore be met.
12. The supporting wording of Policy CO18 states that detached new build residential annexes within the domestic curtilage will not be permitted although the conversion of an existing detached outbuilding would be acceptable,

provided it is sufficiently close to the main building and the structure is worthy of retention. I have considered the appellants points in relation to whether or not the proposal constitutes conversion or new build and even if I were to accept that there was any element of conversion, I do not consider that the presence of a concrete slab and very limited walling materials would be a structure worthy of conversion.

13. In the context that the proposal would constitute a new build annexe, the physical detachment of the annexe from the main house means that it would fail to accord with criteria 3 of Policy CO18.
14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I note the appellant's submissions in relation to the previous planning permissions, and the sustainability considerations linked to the remnants of the previous building. I also sympathise with the appellant's regret with regard to the demolition of the garage/stable building. Nonetheless, these matters do not outweigh the conflict I have identified in regard to the development plan.
15. Accordingly, I conclude that by virtue of its scale, position and lack of physical and functional connection, the proposal would not constitute an annexe to Verdun House and furthermore the need for an annexe has not been sufficiently justified. On that basis, the building would be likely to be or become an independent dwelling contrary to the aims of Policy CO18 of the LP.

Conclusion

16. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hunter

INSPECTOR