



Appeal Decision

Site visit made on 29 September 2021

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/D3505/W/21/3271144

**Peppertree Farm, Buxhall Road, Cross Green, Hitcham, Ipswich, Suffolk
IP7 7NY**

- 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 S Savidge against the decision of Babergh District Council.
 - The application Ref DC/20/04254, dated 17 September 2020, was refused by notice dated 12 February 2021.
 - The development proposed is the erection of annexed accommodation for elderly relative and carer.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposal would be a subordinate residential annexe.

Procedural Matters

3. The description of development varies between the documents submitted for the purposes of this appeal. As the description on Babergh District Council's (the Council) decision notice appears to most accurately describe the proposed development and has been used by the appellant in their appeal statement, I have used this description.

Reasons

4. The proposal is for a detached two-bedroom single storey building, with a pitched roof, to be used as a residential annexe. This would be located on land alongside the existing substantial two storey house at Peppertree Farm and to the rear of a large barn building associated with the house. From my site visit the proposed location of the annexe appears to be within the extensive curtilage of the existing house.
5. The proposal would take the form of a self-contained dwelling, with two bedrooms, one en-suite with dressing room. The remaining living space would be made up of a second bathroom and a large open plan living/dining/kitchen area that would open onto the garden space at the rear. The proposal also includes a detached double garage, which appears from the material before me to be associated with the use of the proposed annexe.

6. The proposed detached annexe would be significantly smaller than the main house at Peppertree Farm, however, the proposal would appear to be of a scale, design and distance from the main house that would result in it not appearing as subordinate to the main dwelling. Rather, the proposal would appear as a separate independent dwelling on its own plot, with no apparent connection with the main house and with its own access to the road.
7. For these reasons, the proposal would be discordant with the host dwelling, incongruous within the context of the open countryside location and have an undue prominence that would cause moderate harm to the character and appearance of the local area.
8. Whilst the appellant has set out that the proposed detached annexe would be used by a relative and potentially a live-in carer, no supporting material has been provided with regard to medical and/or care needs and the required layout and function of the residential accommodation proposed.
9. Further, from the material submitted for the purposes of this appeal, and notwithstanding the appellants position that the potential occupier of the proposed annex would have shared use of the garden and would be taking meals in the main house, there does not appear to be an evident dependency on or need for use of any of the facilities of the main house. Further, the proposal has all the facilities necessary for being independently occupied, including a kitchen and dining area. In this regard the proposed annex would appear to be a stand-alone dwelling that would function completely independently of the main house.
10. Saved Policy HS35 of the Babergh Local Plan (2006) (the Local Plan) sets out that proposals for an annex in the form of a free-standing building will only be considered where it can be demonstrated satisfactorily that an annex cannot be provided in the form of an extension. Whilst the appellant has set out their view that further extension of the main house, or its adaptation in part or conversion of the barn would not be feasible, little in the way of detail has been provided that would allow me to come to the same conclusion. Therefore, I do not find that it has been demonstrated satisfactorily that an annex cannot be provided in the form of an extension or otherwise, through the adaption of the existing house or its associated outbuildings.
11. The appellant has indicated how the proposal could be used if their stated need for an annexe changed, however, this does not alter my finding that the proposal would result in a stand-alone independent dwelling rather than an annexe.
12. The appellant has drawn my attention to emerging policy LP02 of the draft Babergh and Mid Suffolk Joint Local Plan (Draft JLP), with regard to its position on detached annexes. The Draft JLP is currently undergoing an examination in public as part of its consultation programme and whilst there has already been consultation on the Draft JLP and this policy, the plan is still somewhat from being adopted and I can, therefore, only afford this emerging policy limited weight. However, whilst this emerging policy does not set out an explicit requirement for an extension to not be feasible prior to consideration of a new building, it does set out that such a proposal must be subordinate in scale form and mass and must contain a physical and/or functional link to the main dwelling.

13. The appellant has drawn my attention to other approvals in the Council area for detached residential annexes. The appellant has only provided me with a short summary of these approved developments and from these it is not possible for me to assess what, if any bearing they may have in this case. However, these would have been considered on their own individual merits and I have done likewise in my consideration of the appeal proposal. I have, therefore afforded this little weight in those considerations.
14. I agree with the appellant that it is preferable in planning terms to use a condition rather than a planning agreement to control the use of annexes for specific purposes or purposes ancillary to the residential use of the main dwelling. However, although there is not a proposal for a separate dwelling before me, for the reasons given above, I find that the proposal would not appear or function as a subordinate residential annexe. Therefore, I am not satisfied that the application of a suitable condition requiring the proposed annexe to be used for purposes ancillary to the residential use of the dwelling would be in line with Paragraph 55 and 56 of the Framework, in that it would not be relevant to the form or function of the development proposed and would not result in an otherwise unacceptable development being acceptable.

Other Matters

15. The National Planning Policy Framework (the Framework) sets out how planning authorities should seek the conservation and enhancement of the historic environment and establishes that good design is a key aspect of sustainable development, indivisible from good planning. It also sets out that the effect on the significance of a non-designated heritage asset should be taken into account in determining the application.
16. The Council have set out that they consider the main house at Peppertree Farm to be an undesignated heritage asset, given the age and local vernacular appearance of the house, I concur with that assessment. However, given the separation of the proposed development from the main house, I do not find that it would result in any harm to its significance as a non-designated heritage asset.
17. The appellant has raised issues in relation to the current covid pandemic, and the potential need for shielding, whilst I acknowledge that these are current and important issues, there are other valid responses, other than the construction of a stand-alone independent dwelling of the type proposed.
18. For the reasons given above, the proposal would therefore conflict with Policy HS35 of the Local Plan, which seeks to ensure that proposals for an annex explain the need, demonstrate a functional linkage to the main dwelling and that proposals for an annex in the form of a free-standing building will only be considered where it can be demonstrated satisfactorily that an annex cannot be provided in the form of an extension.

Conclusion

19. For the reasons given, the appeal is dismissed.

Victor Callister

INSPECTOR