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# Appeal Decision

Site visit made on 1 February 2022

**by H Lock BA(Hons) DipTP MRTPI**

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

**Decision date: 15<sup>TH</sup> February 2022**

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**Appeal Ref: APP/W3520/D/21/3286937**

**High House, Norwich Road, Stonham Parva, IP14 5LB**

- 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 P Yeldham against the decision of Mid Suffolk District Council.
  - The application Ref. DC/21/02375, dated 21 April 2021, was refused by notice dated 16 September 2021.
  - The development proposed is erection of a detached annexe.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it states that the description of development has not changed but a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed, and I have therefore used the shorter version used on the original application.
3. The village address on the planning application form is given as Stonham Parva, but as Little Stonham, Stowmarket, on the appeal form. As the former is also used on the Council's decision notice, I have used this in the heading above.
4. Paragraph 5.3 of the appellant's Statement of Case advises that the original application proposal included accommodation that was to be used for storage purposes for the main dwelling, but that following correspondence with the Council, this was removed from the scheme and is not part of the proposal to be considered through this appeal. However, supplied drawing no. 02.E listed on the decision notice includes a store, and I have assessed the appeal on the basis of this drawing.

## Main Issues

5. The main issues are whether (1) the proposed building would be excessive in size and scale relative to the host dwelling; and (2) the proposed accommodation would constitute a separate dwelling.

## Reasons

### *Size and Scale*

6. The appeal site contains a detached dwelling located in a rural position surrounded by fields. This footprint of the building includes a two-storey flat roofed element at the rear and a single-storey side extension, which both serve to reduce the mass of the dwelling. The large garden contains a number of outbuildings, including former commercial kennels and enclosure, stables and a riding arena. A hedge and gate separate the front garden and parking area from the garden land to the southern side of the dwelling. There is a further roadside gate at the southern end of the site frontage, but the submission indicates that the existing parking adjacent to the main house would serve the annexe also.
7. The proposed annexe would be sited on garden land to the south of the house, and beyond the gated hedge line. The submitted plans give external dimensions of 11.6m by 7.5m, resulting in a reasonably shallow pitched roof with ridge height of just under 4m. Although this footprint would be less than that of the host house, it would nevertheless be quite significant in size and scale. Policy H19 of the Mid Suffolk Local Plan 1998 (LP) anticipates that, in the countryside or other situations where a separate dwelling would normally be unacceptable, a self-contained annexe to meet special family needs should be modest in scale and in keeping with the original dwelling. Notwithstanding that LP Policy H19 refers to subdivision or extension of a dwelling to create an annexe, the Council does not appear to oppose a detached building in principle.
8. I have not been supplied with any definition of 'modest' in terms of LP Policy H19. However, as a matter of fact and degree, I consider that the footprint of the proposed annexe would be disproportionate and overly large relative to that of the host house, and despite its single storey height it would be a dominant feature alongside the building. I therefore conclude that, as a result of its size and scale, the proposal would conflict with the aims of LP Policy H19, but also the design requirements of LP Policy GP1, which amongst other criteria seek to ensure that proposals maintain or enhance the character and appearance of the site and their surroundings.

### *Proposed Use*

9. Case law<sup>1</sup> has established that, even if accommodation provides facilities for independent day-to-day living, that of itself would not necessarily mean that the accommodation would become a separate planning unit from the main dwelling. Instead, it would be a matter of fact and degree, including how the accommodation would be used.
10. I am mindful that paragraph 3.1 of the Planning Statement identified lack of housing affordability in the area as a reason for the proposal. Nevertheless, the statement also sets out the proposed occupancy of the building and the functional and familial relationship with the main house. The building would have accommodation sufficient for independent living, but on the basis of the information provided I am satisfied that there would be sufficient link between the main house and the use of the proposed outbuilding. Moreover, whilst there is a section of hedgerow that divides the existing parking area from the

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<sup>1</sup> Uttlesford DC v SSE & White [1992]

remainder of the garden, the shared parking facilities and garden to the rear would be retained for use by occupants of both buildings. I note the appellant's view that were this to be occupied as a separate dwelling, a more distant siting from the host house would likely have been proposed.

11. Had the size of the building been considered acceptable, I consider that an appropriately worded planning condition would have provided sufficient safeguards to control its occupancy; any subsequent change of use of the building to create a separate dwelling would require express planning permission. Whilst I appreciate the Council's analysis of the proposal as a separate dwelling, having regard to case law, that is not the proposal before me and I have determined the appeal accordingly.
12. The proposed building would be physically and functionally related to the host house, and would be sited within the same planning unit. I therefore conclude that, based on the evidence before me, the proposal would be ancillary to the main house and would not constitute a separate dwelling. Subject to an occupancy restriction, on this point the proposal would accord with the aims of LP Policy H19. However, that does not alter my conclusions on the first main issue.

### **Other Matters**

13. The appellant has cited planning permissions granted for annexes in the Babergh and Mid Suffolk area, but no plans or decision notices have been supplied, and limited information on the reasoning behind the grants of permission. On the basis of the detail provided, it would seem that some are of similar size or larger than proposed in this case, and appear to offer support in principle to a self-contained detached annexe. However, in the absence of fuller details of those developments and site contexts, I cannot gauge a direct comparison with this proposal; indeed, one example appears to have been considered of appropriate size relative to a 'sizeable country house'<sup>2</sup>, and another smaller annexe in a rear garden was only accessible via the host house<sup>3</sup>, neither of which apply in this case. As such, these decisions do not justify allowing the appeal proposal.
14. The supporting statement which accompanied the planning application refers to an emerging Policy LP02, but little information has been supplied of its status. However, it is not an adopted policy and as its terms may change, I have given it limited weight. In any case, I note that the draft policy quoted by the appellant includes a requirement for an annexe to be subordinate in scale, form and mass from the main dwelling.

### **Conclusion**

15. For the above reasons, I conclude that this appeal should be dismissed.

*H Lock*

INSPECTOR

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<sup>2</sup> Yaxley Hall, Yaxley (DC/20/04476)

<sup>3</sup> 42 Forest Road, Onehouse (DC/19/03963)