



Appeal Decision

Site visit made on 2 February 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/J0405/W/21/3278142

Alders Farm Fishery, Ivy Lane, Great Brickhill, Buckinghamshire MK17 9AH

- 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 Mrs C Monk of Alders Farm Fishery against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 19/03274/APP, dated 10 September 2019, was refused by notice dated 12 April 2021.
 - The development proposed is extension and alterations to existing dwelling to form office, annex and additional residential accommodation with associated parking and other associated works.
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Decision

1. The appeal is allowed and planning permission is granted for extension and alterations to existing dwelling to form office, annex and additional residential accommodation with associated parking and other associated works at Alders Farm Fishery, Ivy lane, Great Brickhill, Buckinghamshire MK17 9AH in accordance with the terms of the application, Ref 19/03274/APP, dated 10 September 2019, 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 development hereby permitted shall be carried out in accordance with the following approved plans: K1363-101a, K1363-06, K1363-20A, K1363-21A, K1363-22C and K1363-23C.
 - 3) The external facing materials used in the development hereby permitted shall be similar in colour and texture to those used in the existing dwelling house.
 - 4) The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Alders Farm Fishery, Ivy Lane, Great Brickhill, Buckinghamshire MK17 9AH.

Preliminary Matters

2. Since the time of the Council's decision, the Vale of Aylesbury Local Plan (VALP) has been adopted. As such policies GP9, GP35 and RA8 of the Aylesbury Vale District Local Plan referred to in the decision notice have been superseded by policies BE2, NE4 and H3 of the VALP.

Main Issues

3. The main issues are:

- i) the effect of the proposal on the character and appearance of the area; and
- ii) whether the development would result in the creation of a separate rural workers dwelling and if so, is there a functional need for it.

Reasons

Character and appearance

4. The existing dwelling is a detached house located centrally within the appellant's extensive property. This land accommodates a shooting range, a café, and self-catering accommodation, but most of the land is taken up by fishing lakes and pasture which leads to the whole property being mainly open and undeveloped. The land slopes down to the southeast quite considerably and the dwelling is not visible from Ivy Lane to the west. It is visible however from the bridleway which runs along the south boundary of the site and is around 80m from the house at its closest point. From here the dwelling is elevated with ponds and trees in the foreground. Due to this distance, and with trees and bushes around the ponds softening the view particularly when in leaf, the existing dwelling does not appear dominant. Indeed, from this direction the house appears as an isolated but compact property in open, verdant and rural surroundings.
5. The proposal involves two extensions to the existing 'L'-shaped house, at either end of the 'L'. Both extensions would generally follow the form and design of the existing dwelling with dormers at first floor level and gable ends. The extension at the southern end would have its eaves and ridge slightly lower than that of the main house, reflecting the topography. The extension at the eastern end of the house would not have a lower ridge, nonetheless the design of this extension would respect the character and appearance of the existing building.
6. The two extensions combined would have a significant scale which the Council have calculated as amounting to a 75% increase in floorspace. However, due to their location on the building, the only direction from which both extensions would be apparent together would be from the southeast, and at this point the dwelling is a considerable distance from the bridleway. The extensions would maintain the horizontal emphasis of the dwelling and by respecting the height and architectural detailing of the host, they would complement the existing property. The removal of the covered terrace would also reduce the visual bulk of the resultant dwelling. Furthermore, in such an open setting as this, a larger dwelling would not appear dominant or incongruous.
7. The site's location with the Brickhill Area of Attractive Landscape (AAL) is noted and the undulating openness of the landscape, particularly when seen from the bridleway is of high value. Nonetheless, as set out above, the development's distance from the bridleway and the small scale of the house compared to the open vista and rural character of the appellant's land means the proposal would not have any adverse effect on the character or distinctiveness of the AAL.
8. As such, the extensions would not harm the character and appearance of the area. They therefore would accord with VALP policy BE2 which aims to ensure

development respects, among other things, the characteristics of the site and its setting, and architectural detailing; and VALP policy NE4 which requires development to recognise the landscape character of the LLA.

Separate dwelling?

9. The extension on the southern side of the building would accommodate two bedrooms and a bathroom at first floor level with a kitchen/living room and WC at ground floor. It would have its own separate front door and, aside from a link doorway into the living room of the main house, would be functionally separate from the main house. Externally its amenity space and vehicular access would be shared with the main house.
10. The appellant's intention is for the annex to house her sister who is a director of the business and currently has a bedroom in the main house.
11. Although the extension would allow for the appellant's sister to live independently of the appellant, this does not necessarily equate to the provision of a separate dwelling. The shared vehicular access and amenity space, connecting door, modest size of the annex and the close family relationship between the respective occupiers, strongly indicates that the extension would be used as an annex to the main house and not as a wholly separate dwelling to it. The conclusions of the appraisal carried out by Acorus Rural Property Services, which stated that an annex to the existing dwelling was acceptable given the personal circumstances of the living accommodation and because of the growing requirements of the business, supports my view. A planning condition can be attached to ensure the annex remains ancillary to the main house and not a separate dwelling.
12. It is recognised that planning permission was granted in 2009 for a side extension to provide a one-bedroom granny annex. The currently proposed two-bedroomed annex is clearly greater, but it is understood from the appellant's statement, that the 2009 scheme was for a different owner and so their needs in an annex could be different. It is not considered that the fact that the annex would have two bedrooms instead of one would make it any more of a separate dwelling, particularly as it would still be very subordinate in scale to the main house.
13. Consequently, as this extension would not represent the creation of a new dwelling, VALP policy H3 is not relevant.

Other matters

14. I acknowledge the presence of a planning obligation limiting the occupation of the dwelling to a person employed in connection with the fishing business. I do not have the full details of this agreement, but even if the occupation of the annex by the appellant's sister would not be in accordance with that agreement, that conflict can be resolved separately and does not affect my determination of this appeal on its own planning merits.

Conditions

15. I have considered the Council's suggested conditions. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.

16. I have attached the standard conditions relating to the commencement of the development and the approved plans in the interests of certainty. To maintain the character and appearance of the area, I have imposed a condition requiring the finishing materials of the extensions match those of the existing dwelling. I have also included a condition ensuring the annex is only occupied ancillary to the main house so as to prevent the creation of a separate dwellinghouse.
17. I have not imposed the Council's suggested condition relating to the provision of a landscaping scheme to mitigate views from the bridleway as I do not consider the view from the bridleway would be harmed.

Conclusion

18. The development accords with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is allowed.

Andrew Owen

INSPECTOR