



Appeal Decision

Site visit made on 7 February 2022

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022

Appeal Ref: APP/J0405/D/21/3286089

Abbey Farm Singleborough Lane Singleborough Great Horwood Mk17 0RF

- 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 and Mrs N Hanson against the decision of Buckinghamshire Council.
 - The application Ref 21/02374/APP, dated 4 June 2021, was refused by notice dated 15 September 2021.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Hanson against Buckinghamshire Council. This application is the subject of a separate Decision.

Procedural Matter

3. The reason for refusal refers to emerging policy H3 of the Vale of Aylesbury Local Plan (Local Plan). The Local Plan was adopted on the date of the decision and has been addressed by the appellant within the appeal documentation. As the parties have addressed the policy context which would impact on the determination of this appeal it has not been necessary to seek further comments from both parties in this appeal in relation to this.
4. The appellants were not asked by the Council to provide functional information in support of the application. This information was provided within the appeal documentation. The Council has had the opportunity to offer comments on the new information.

Main Issue

5. The main issue in this appeal is having regard to national and local policy for agricultural dwellings, whether there is an essential need for the extension and if so whether justification for it exists.

Reasons

6. Abbey Farm is a large, detached dwelling, approval for which was granted, under the provisions of the former development plan, in 1999 pursuant to permission 99/01669/APP subject to an agricultural occupancy condition.

Permitted development rights to erect extensions, garages and other enclosures were removed by a condition attached to the same permission. Abbey Farm remains a working farm and the proposal is to extend the dwelling to the side to provide a lobby/boot and sun room. No objection is made by the Council to the siting and design of the extension or to any impact on the residential amenity of the occupiers of neighbouring properties.

7. Policy H3 of the Local Plan (Permanent rural workers' dwellings) applies national policy as contained in the National Planning Policy Framework (the Framework) that isolated homes should be avoided in the countryside unless there are circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Policy H3 sets out the required criteria for all new dwellings for all rural workers including amongst other matters a restriction in size to a specified floor space. The policy also provides that permitted development rights may be removed in order to ensure that a dwelling is not subsequently extended to a size which exceeds its functional requirement. The supporting text indicates that the removal of permitted development rights aims to preserve the attributes of an occupational dwelling by ensuring any extension does not result in increasing to a size either not justified by the identified functional requirement or becoming too expensive for any future potential occupier to buy or rent.
8. The appellants' agent disputes the applicability of Policy H3 to the current proposal as it does not refer expressly to extensions. However, aside from the set criteria, Policy H3 provides that permitted development rights may be removed in order to ensure a dwelling is not subsequently extended to a size which exceeds its functional requirement. The reason for the removal of permitted development rights at the time of the approval for Abbey Farm was "to ensure that the size of the dwelling remains commensurate with the functional agricultural requirements." Given this, in my view it is appropriate to consider the present proposal in the light of the policy provisions in relation to the functional requirement in the case of subsequent extension, which is the case in this instance.
9. As noted by the Council, Abbey Farm as built already exceeds the maximum floor space for rural-workers dwelling set out in Policy H3. It is the case however that at the time of the original approval for planning permission, the size of Abbey Farm would have been considered to be of a size commensurate with its assessed functional and financial requirements. Given this, in my view, the present proposal should be considered on its own merits. It is the requirements of the enterprise rather than those of the occupier that are relevant in determining the size of the dwelling that is appropriate to a particular holding. Further there is no standard definition of functional need.
10. I have some sympathy with the need for a separate boot room within the dwelling itself especially given current biosecurity requirements. However, the lobby/boot room is of a substantial size and little information as to the extent of storage required for the amount of chemical products used in the present agricultural holding or the extent of the other operational needs cited in support of the proposal are given. Nor is it clear what other options, if any, including the re-arrangement of the existing accommodation have been considered. Further, whilst I appreciate that the sunroom would enhance the living accommodation of the occupiers, there is no information before me as to why it is appropriate for the requirements of the enterprise. In conclusion,

whilst there may be functional requirements arising from the agricultural holding overall on the information before me the proposal seems much larger than reasonably necessary for that use. Accordingly, I find that there is no justified agricultural need for the extension of the size proposed.

11. I note that the appellant has provided financial information in support of the proposal. However, the Council do not specifically refer to the lack of any financial justification within the reason for refusal. The appellants have also referred me to a number of farm dwellings where extensions have been allowed. I do not know of the circumstances in which these developments were approved and so cannot be certain that they represent a direct parallel to the proposal before me. I have determined this appeal on its own merits and for the reasons stated have found the development to be unacceptable.
12. I therefore conclude on the information before me that the proposal would conflict with Policy H3 of the LP which seeks to restrict the size of rural workers dwellings to ensure that the size of a dwelling remain commensurate with their functional requirement.

Other matter

13. The appellant has raised a number of concerns in relation to the Council's handling of the application. However, these are not matters before me in relation to the merits of the appeal nor is it one which alters my findings.

Conclusion

14. Accordingly, for the reasons set out and having regard to all matters raised, I dismiss the appeal.

K Winnard

INSPECTOR