



Appeal Decision

Site visit made on 7 September 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/V2635/W/22/3291364

1 Church Farm Barns, Back Street, Gayton PE32 1QR

- 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 Connaughton - OHPM Ltd. against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 21/01956/F, dated 6 October 2021, was refused by notice dated 14 January 2022.
 - The development proposed was originally described as 'Change of use of former garage to residential annex to be occupied as ancillary accommodation in association with 1 Church Farm Barns (for a temporary period of 5 years) Retrospective'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of former garage to residential annex to be occupied as ancillary accommodation in association with 1 Church Farm Barns, Back Street, Gayton PE32 1QR in accordance with the terms of the application, Ref 21/01956/F, dated 6 October 2021, subject to the following conditions:
 - (1) The residential annex hereby approved shall be in accordance with drawing no. 557-02 Rev A.
 - (2) The residential annex shall only be used as ancillary accommodation to the main dwelling at No 1 Church Farm Barns and shall at no time be used as an independent unit of residential accommodation.
 - (3) Within six months of the date of this permission the parking and turning area shall be constructed in accordance with drawing no. 557-02 Rev.A (dated 12.12.2021). The hard surfacing shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of No 1 Church Farm Barns. The parking and turning area shall thereafter be retained for that specific use.

Preliminary Matters

2. I saw on site that the building is already in use as ancillary accommodation. Therefore, I have dealt with the appeal on the basis that planning permission is being sought retrospectively, albeit I have removed the word 'Retrospective' from my decision given this is not a description of development. The reference to permission being sought 'for a temporary period of 5 years' has also been removed from my decision paragraph given I have not identified harm under the main issues and hence such a timescale restriction would not be justified.

3. The Council and third parties have raised concerns that the host dwelling is being used as a holiday let. However, there is nothing before me to suggest that the lawful use of the property is not as a dwellinghouse. I have assessed the appeal on that basis. Whether or not a material change of use has occurred to the host dwelling would be a separate matter for the Council to consider. With regards to any breach of condition on the original planning permission for the host dwelling, the appeal specifically seeks planning permission for use of the outbuilding as an annex and can be considered accordingly.

Main Issues

4. The main issues are:

- (i) whether the proposal complies with the requirements in the development plan relating to residential annexes;
- (ii) whether suitable living conditions would be provided for occupiers of the host dwelling and the residential annex with particular regard to the layout and provision of parking facilities; and
- (iii) if there is any harm identified under main issues (a) or (b), whether such harm is outweighed by the personal circumstances put forward by the appellant.

Reasons

The development plan and residential annexes

5. Policy CS02 (The Settlement Hierarchy) of the King's Lynn & West Norfolk Borough Council – Local Development Framework – Core Strategy (2011) (CS) identifies Grimston / Pott Row with Gayton as a 'Key Rural Service Centre' where limited growth of a scale and nature appropriate to secure the sustainability of each settlement will be supported within the 'Development Limits'.
6. There is no dispute between the main parties that the appeal site is located within the 'Development Limits' of Gayton. In that regard the residential annex requires consideration against the criteria under Policy DM7 (Residential Annexes) of the King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (2016) (DMP).
7. From the evidence before me, the former garage and the principal dwelling remain in the same ownership. The former garage is modest in scale relative to the principal dwelling. During my site visit, I saw that the laundry and storage facilities for the annex are located within the main dwelling as well as an additional toilet and sitting area. In these respects, the annex has an ancillary and subordinate relationship with the principal dwelling. Lightweight trellising and planting is in place between the space to the immediate side of the former garage and the wider garden serving principal dwelling. However, these areas are interconnected by a pedestrian gate allowing for shared access between the access, garden and parking areas as well as between the respective buildings.
8. The above matters demonstrate a clear physical and functional relationship between the main dwelling and the residential annex. The Council's suggested condition requiring the residential annex to remain ancillary to the main

dwelling would further ensure that sub-division of the planning unit does not occur.

9. I conclude, the proposal complies with the requirements of Policy DM7 (Residential Annexes) of the Site Allocation Development Management Policies Plan (2016) (DMP).

Living conditions for occupiers of the host dwelling and the annex

10. I have already found under the first main issue that the proposal meets the criteria in the development plan for residential annexes. The minimum car parking standards set out under Policy DM 17 (Parking Provision in New Development) of the DMP, relate to new dwellings and therefore are not directly applicable to the proposed residential annexe. I saw on site that the existing parking area within the site could accommodate three vehicles and this complies with the minimum requirements for a 4+ bedroomed property in Policy DM 17. From what I have seen, there are no policy requirements for additional parking to be provided above this quantum where a dwelling has a residential annex.
11. Notwithstanding the above, the current parameters of the parking area means that there is the potential that freedom of movement for vehicles parked within the site could be restricted. The layout drawings were revised during the application process to include a parking layout that would allow for three parking spaces and a turning area. The revised parking and turning layout would extend the existing hard surfaced area and improve the way the site functions for occupiers of the principal dwelling and residential annex. This would ensure that suitable living conditions are provided in respect of adequate shared parking facilities for occupiers of the host dwelling and the annex.
12. Reference is made by third parties to the Gayton and Gayton Thorpe Neighbourhood Plan (NP). I am not aware that the NP has been 'made'. In any case, the evidence put forward suggests that the emerging NP has similar parking requirements as the DMP.
13. I conclude, the development provides suitable living conditions for occupiers of the host dwelling and the annex with particular regard to the provision and layout of parking facilities. In that regard it accords with the requirements to provide adequate parking facilities in Policy DM15 (Environment, Design and Amenity) of the DMP. For the same reasons, the development also accords with the design, function and amenity requirements at paragraphs 126 and 130 of the National Planning Policy Framework (the Framework).

Other Matters

14. Given I have not identified any harm under main issues (a) or (b), it is not necessary to consider the personal circumstances put forward by the appellant.
15. With regards to concerns raised in respect of the design of the annex, I note the Council did not refuse planning permission on such grounds. In any case, given the proposal reuses an existing building with minimal external alterations, the development does not result in any material visual harm. Indeed, the retention of the garage door adds to the perception of the building being subservient to the main dwelling.

16. With regards to issues raised in respect of private covenants, these are a separate matter to planning considerations. Any unauthorised use of the adjacent church car park or any damage caused to neighbouring property during construction works would be civil matters for the respective landowners.
17. I have seen the anecdotal evidence put forward in respect of issues relating to vehicle movements and parking in the area. The local Highway Authority and the Council have not raised any highway safety concerns resulting from the proposal. Having regard to the scale of the development and from my observations on site, I find no reason to conclude that the proposal would result in material harm in these respects.
18. With regards to land outside the appellant's ownership being included within the red line site plan, planning applications are required to show details of access to the adopted highway. From the evidence before me, the appellant has served the requisite notice to everyone else with an interest in the land outlined.

Conditions

19. Given the development has already been carried out, a condition setting out a timescale for implementation is not required. However, I have included a condition confirming the approved drawing in the interests of precision. I have also included a condition similar to that suggested by the Council confirming that the approved annex shall only being used as ancillary accommodation to accord with the terms of the application and ensure it is not used as an independent dwelling.
20. As suggested by the Council, I have included a condition requiring implementation of the proposed parking and turning area alterations in the interest of ensuring the shared parking area functions well. The Council's suggestion that this condition be complied with within a month of the planning permission is over restrictive bearing in mind the potential timescales involved in sourcing a tradesperson to carry out the works. Therefore, I consider a six month period for such works to be carried out is reasonable in this instance. Level and drainage details are not shown on the plan. Given the site is relatively level, the reference to compliance with levels is not necessary and is removed. However, I have included a requirement to ensure the parking and turning area is satisfactorily drained within the curtilage of the appeal property.

Conclusion

21. For the reasons given the appeal is allowed.

M Russell

INSPECTOR