



Appeal Decision

Site visit made on 11 November 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/D0121/W/22/3301675

Oaklea Lodge, Blackmoor Road, North Somerset, Abbots Leigh BS8 3RH

- 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 S Beck against the decision of North Somerset Council.
 - The application Ref 22/P/0320/FUH, dated 1 February 2022, was refused by notice dated 8 April 2022.
 - The development proposed is described as 'Convert existing garage to a residential annex for parents use'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken directly from the original planning application form. The Council subsequently amended the description of development to "Proposed conversion of existing detached garage to a residential annex" with the decision notice utilising this description. This is a more accurate description of the proposal and therefore my decision has been made on this basis.
3. The development plan for the area includes the North Somerset Core Strategy (adopted 2017) ('Core Strategy'), the North Somerset Sites and Policies Plan Part 1 (adopted 2016) ('SPPP1'), and the North Somerset Sites and Policies Plan – Part 2 (adopted 2018) ('SPPP2'). For decision-taking, the policies should not be considered out-of-date simply because they were adopted prior to the publication of the latest version of the National Planning Policy Framework (the Framework); due weight should be given to the relevant policies in the existing plans according to their degree of consistency with the Framework.
4. At appeal stage the appellants revised the proposed floorplan for the annex to remove a kitchen. The Council has provided commentary upon the revised proposal through its appeal statement. Consequently, I do not consider that either main party has been prejudiced through my acceptance of the revised proposal in determination of the appeal.

Main Issue

5. The main issue is whether the location of the proposed annex would be acceptable, having particular regard to its relationship with the existing dwelling at the appeal site.

Reasons

6. The appeal relates to a sizeable, detached garage located within the residential curtilage of Oaklea Lodge, a detached two-storey dwelling situated on the western side of Blackmoor Road. At the time of my site visit the garage was being used in part for storage purposes as well as a games/hobby space.
7. Blackmoor Road is a private country lane containing ribbon development including a small number of dwellings. The site lies outside of any defined development limits and within the open countryside. The nearest settlement of Pill lies some distance away to the north-east and is separated from the site by fields and woodland.
8. Core Strategy Policies CS1 and CS33 and SPPP2 Policy SA2, collectively, promote development in accordance with the Council's settlement strategy. Notably, outside designated settlement boundaries, the policies seek to strictly control development to protect the character of the countryside and prevent unsustainable development.
9. Policy DM43 of the SPPP1 relates specifically to the development of residential annexes. The policy requires that outside settlement boundaries, annexes are clearly a physical extension to the main dwelling. It further states that proposal in these locations that are not designed as an integral part of a house will not be permitted. The supporting justification to Policy DM43 highlights that the requirement for annexes to be physically linked to the main building in countryside locations is due to concerns regarding future pressures to permit annexes to be sold or let as independent units, which would undermine the authority's wider spatial strategy.
10. The removal of the kitchen from the proposed annex would necessitate a functional link with the main dwelling house. However, even if this could be suitably conditioned, it remains that the proposed annex would be physically separated from the main dwelling. The siting of the proposed annex, over circa 20m from the main building and with its own independent driveway/access and its own area of associated amenity space would give it the character of an independent dwelling. This would also increase the ability, and likelihood, that the annex could be let or sold separately from the main dwelling in the future, should the appellants' circumstances change. Consequently, the proposal is contrary to the aims of Policy DM43.
11. The appellants' willingness to accept a condition on the grant of permission to limit the use of the annex to purposes ancillary to the occupation of the main dwelling, would similarly not address the physical relationship between the proposed annex and the main house. As such, the requirements of Policy DM43 would still be unmet.
12. It has been put to me that the refusal on grounds of Policy DM43 does not account for the fact that the proposal involves a conversion of an existing building, as opposed to a new build development. However, I find that the wording of the policy relates to all proposals involving a residential annex and does not provide a distinction or exception for development that would involve the conversion of an existing building.
13. Nevertheless, the Council's decision notice also refused the development based on Policy DM45, which relates to the conversion or re-use of rural buildings for

residential use. The decision notice indicates that the refusal based on Policy DM45 was due to the extent of works involved, but the Council's officer report nor its appeal statement expand upon this in the context of the policy.

14. Policy DM45 allows for the conversion of rural buildings to residential use subject to a range of criteria, including that the building is capable of conversion without major or complete reconstruction. It is also a requirement that the building is not in an isolated location remote from a settlement with a range of facilities or services, or where access to those services and facilities would be poor.
15. The physical works required to allow for the proposed conversion to an annex would primarily involve internal alterations and the insertion of new windows and doors. As such, I consider the proposal is capable of conversion without major or complete reconstruction. However, from my observations on site, the location of the proposal would not relate well to an existing settlement or access to facilities or services, given the distance to the nearest settlement and lack of footways, street lighting in the near vicinity of the site. No robust evidence has been provided by the appellants to convince me otherwise.
16. The appellants further suggests that the impacts of the proposal would be minimal given an existing building is to be utilised for the annex accommodation. However, the impacts associated with its use as an annex is likely to be greater than the building's current use for storage/hobby space.
17. I recognise that the proposed building would provide accommodation for the appellants' dependent family members. I also note the appellants' indication that the proposal would reduce pressures on the Council's care services. These personal circumstances have been given very careful considerations. Nevertheless, the proposal is likely to remain long after the personal circumstances of the appellants cease to be material. Additionally, the appellants have provided a general lack of evidence to demonstrate that the needs of their relatives could not be suitably addressed through accommodation within their existing dwelling, or instead via a proposed annex physically linked to it.
18. Overall, I conclude that the location of the proposal would conflict with Policies DM43 and DM45 of the SPPP1. Likewise, it would also fail to support the underlying aims of Core Strategy Policies CS1 and CS33 and Policy SA2 of the SPPP2.

Other Matters

19. The proposal may comply with local and national policies that seek to protect the openness and character of the green belt. However, it does not necessarily follow that the proposed development is appropriate in terms of its location or complies with wider development plan policies.
20. The economic benefits associated with the construction of the proposed development would be limited given that it involves the minor conversion of an existing building. Meanwhile, the proposed annex being well designed and sympathetic to its surrounding is an expectation of new developments and therefore not a benefit of the proposal. As such, these matters would not outweigh the harm previously identified.

21. My attention has been drawn to the Framework, notably that the appeal should be determined against Paragraph 11. This requires approving development proposals that accord with an up-to-date development plan without delay, unless there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. As previously indicated, the proposal does not comply with the Council's relevant development plan policies. The appellants argues that these are out of date due to pre-dating the latest iterations of the Framework, however, I am satisfied, based on the evidence before me, that the Council's development plan policies of most importance remain consistent with the aims of the Framework. Additionally, no evidence has been provided to suggest that the Council cannot demonstrate a five-year housing land supply. In this instance, Paragraph 11d) of the Framework is therefore not engaged.

Conclusion

22. For the reasons outlined above, having regard to the development plan and all other material considerations raised, the appeal is dismissed.

Lewis Condé

INSPECTOR