



Appeal Decision

Site visit made on 4 January 2023

by A. Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2023

Appeal Ref: APP/L2250/W/21/3289847

Little Smezzel Farm, Mansell Lane, Selsted CT15 7HW

- 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 Ryan Hobbs against the decision of Folkestone and Hythe District Council.
 - The application Ref 21/2342/FH, dated 14 November 2021, was refused by notice dated 20 December 2021.
 - The development proposed is described on the application form as 'erection of detached single storey annexe to serve Little Smezzel Farm'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached single storey annexe at Little Smezzel Farm, Mansell Lane, Selsted CT15 7HW in accordance with the terms of the application, Ref 21/2342/FH, dated 14 November 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 21_02_101; 21_02_202; 21_02_204; 21_02_205; 21_02_206.
 - 2) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the property known as Little Smezzel Farm.

Preliminary Matters

2. The building has been constructed and therefore I am considering this appeal retrospectively.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area, including on the Kent Downs Area of Outstanding Natural Beauty; and
 - whether the development constitutes an ancillary residential annexe or whether it is tantamount to a new dwelling.

Reasons

Character and appearance

4. The appeal site comprises a parcel of land positioned to the north of Mansell Lane, an unmade private road. The site contains a single-storey established dwelling (referred to as Little Smezzel), which has been altered over time, and a recently constructed single-storey building providing living accommodation. To the north of the site, and within the ownership of the appellant lies a farmyard with associated buildings. These vary in terms of their scale, appearance and roof profile. The site is largely surrounded by open countryside. However, a series of buildings, of a varying scale, period and appearance, exist along Mansell Lane.
5. The site is located within the Kent Downs Area of Outstanding Natural Beauty. Areas of Outstanding Natural Beauty (AONBs) are designated for the purposes of conserving and enhancing natural beauty. Section 85(1) of the Countryside and Rights of Way Act 2000 (as amended) places a duty upon me to have regard to these purposes in this decision. Supporting this objective, the National Planning Policy Framework (the Framework) paragraph 176 sets out how great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
6. The surrounding area has a rural character, largely comprising agricultural land. Farmsteads and dwellings exist in the landscape, some of which can be viewed from the site. Although the appeal site contributes to the rural character of the surrounding area it makes only a limited contribution to the landscape character of the AONB.
7. The development includes the retention of the annexe building, located to the east of the existing site access. This is a single-storey structure, with a flat roof and is to be finished in natural timber cladding.
8. The building is visible from the main access to the site on Mansell Lane. However, this is a fleeting view, particularly if travelling by car. This is largely due to the well screened approaches to the site by existing landscaping and the established main dwelling. Further along Mansell Lane, limited views of the appeal site are seen in the context of the established Little Smezzel Farm buildings. I am aware that I visited the site during the winter when most of the vegetation in and surrounding the site was dormant. I have no doubt that later in the year vegetative growth here would further limit views of the appeal site. Planting and boundary features cannot be relied on in perpetuity to give the same level of screening as at present. Nevertheless, the established planting along the boundary of the site is typical of the area and, in my view, it is unlikely that it will be substantially reduced or lessened over time.
9. Whilst the footprint of the annexe is larger than that of some of the buildings across the wider Little Smezzel Farm site, its overall scale and flat roof design of a relatively low height compared with the main house, is such that it appears visually subservient to it. The use of timber cladding to the exterior of the structure, which at the time of my visit had not been fitted, would assimilate appropriately with the surrounding area. I noted on my site visit that several properties existed along Mansell Lane, finished in a range of materials, including timber cladding. Similarly, the flat roof design would assimilate with other properties along Mansell Lane, including the contractors yard opposite. As

such, the design and appearance of the annexe, combined with its limited scale at single-storey, positioned behind a mature hedgerow and situated amongst established buildings, does not appear incongruous or discordant in the street scene.

10. In respect of the impact on landscape character, the proposed development has a neutral effect. The Little Smezzel Farm site is self-contained and has limited significance in terms of the wider AONB character and Special Landscape Area.
11. Overall, I conclude that the development has an acceptable effect on the character and appearance of the area and has a neutral impact on the landscape setting of the AONB. Consequently, I find that the development accords with the relevant provisions of Policies HB1, HB8, HB9 and NE3 of the Folkestone & Hythe District Places and Policies Local Plan (LP, 2020). These policies, amongst other things, seek to ensure high quality design in development and that the AONB is protected from inappropriate development.

Whether the development constitutes an ancillary residential annexe

12. LP Policy HB9 lists a set of criteria that proposed detached annexes must meet. This includes, amongst other things, the need to demonstrate why the annexe cannot be attached; that it would not harm neighbouring uses; that the scale and appearance is sympathetic and in proportion to the main dwelling and site; that there is clear dependency in terms of siting and function with the main dwelling; and that the need for the annexe is set out.
13. The annexe is located on land that previously formed garden land associated with the main dwelling. The building is currently, and is intended to be, occupied by family members who currently reside at the host property and who support the running of the farm.
14. There is no dispute between the Council and appellant in respect of the lawful residential use of the main dwelling. There is also no dispute with regard to the impact of the annexe on neighbouring uses, or in respect of the shared function between it and the main house in providing living accommodation to support the agricultural activities at Little Smezzel Farm. However, there is disagreement in respect of the functional dependency and relationship of the annexe with the main dwelling based on its layout. The Council also argues that insufficient evidence has been provided in respect of attaching the annexe to the main dwelling and that the annexe fails to be of a scale and appearance that is sympathetic and proportionate to the main house.
15. The annexe contains a kitchen/living area, bathroom, double bedroom and an office. It therefore includes all the facilities necessary for independent living. However, it does not necessarily follow that because the proposed building is capable of being independently occupied that it would not be occupied for purposes ancillary to Little Smezzel, or that it would become a separate planning unit. The annexe is positioned to face directly onto the farmyard and its associated buildings, with its front door accessed from within the yard. Both vehicular and pedestrian access to the annexe is obtained via the established gate off Mansell Lane. This is shared with the main dwelling and agricultural buildings. From that perspective, the siting of the annexe, directly fronting the farmyard and backing onto Mansell Lane, would make it difficult to occupy the building separately. In any case, a planning condition could be imposed to

ensure the annexe is only occupied for purposes ancillary to the occupation of the main residence.

16. Having viewed the main dwelling during my site visit, it is clear that the annexe could not easily be attached to it without a significant reconfiguration of the wider site. The established access to the east and distance between the dwelling and site boundary to the west prevents development to the sides. The existence of established buildings in active use, associated with the agricultural use, to the rear, limits development options in that direction. Given the undisputed use of the annexe to provide living accommodation to support the agricultural use at Little Smezzel Farm, I find it reasonable that the annexe is proposed on the site, rather than away from it.
17. As explained above, the design and appearance of the annexe assimilates to an acceptable standard with nearby farm and residential buildings in the site and along Mansell Lane. It has no adverse impact on the quality or character of the landscape or rural setting. The annexe is visually subservient to the main house by reason of its design and overall height, and does not result in any harm to heritage assets.
18. Overall, I conclude that the development constitutes an ancillary residential annexe to the existing dwelling, in accordance with the relevant provisions of LP Policy HB9, which in summary seeks to control annexe accommodation.

Conditions

19. The Council suggested a condition in respect of the occupancy of the annexe. I have assessed this with reference to the advice in the Framework and Planning Practice Guidance, and have amended its wording without altering its fundamental aims. This condition is necessary to ensure that the annexe is not used as a separate unit of accommodation in order to comply with the development plan.
20. As the application is retrospective, and the development has been commenced, I have not included a suggested condition requiring commencement within the relevant statutory period. I have imposed a condition requiring adherence to the relevant plans for certainty, particularly as the development has been only part implemented.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed.

A. Price

INSPECTOR