



Appeal Decision

Site visit made on 21 December 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal Ref: APP/J1915/W/22/3295071

Jesmond Cottage, 2 Cross Road, Epping Green SG13 8NG

- 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 F Banner against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2441/HH, dated 21 September 2021, was refused by notice dated 17 November 2021.
 - The development proposed is conversion of the existing stable building into a one bedroom detached annexe.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant provided an equestrian needs assessment with the appeal. As a consequence, the Council confirm that the first reason for refusal, which relates to the impact of the loss of equestrian facilities, has been overcome. I have therefore considered the appeal on that basis.
3. The appeal lies within the metropolitan Green Belt. The appellant and the Council agree that the extensions and alterations of the building within its existing roof structure would not result in disproportionate additions over and above the size of the original building. I have no reason to disagree. The development is therefore not inappropriate development in the Green Belt and accords with EHDP Policy GBR1.

Main Issue

4. The main issue is therefore whether the proposed annexe would be close and well-related to the dwelling, would have a clear functional link to it, and would constitute the minimum level of accommodation required.

Reasons

5. Jesmond Cottage is a dwelling in spacious grounds in the rural village of Epping Green. The appeal site comprises a dwelling and its garden, accessed from Cross Road, together with an equestrian menage and stable building which is no longer used for horses. Behind the stables is a concrete yard and vehicular access onto White Stubbs Lane, which serves the stables and rear garden as well as fields to the north and east rented by the appellant.
6. East Herts District Plan 2018 ("EHDP") Policy HOU13 permits residential annexes where the accommodation forms a separate outbuilding which is close and well related to and has a clear functional link to the main dwelling, where

the scale of the annexe does not dominate the existing dwelling and where it is the minimum level of accommodation required to support the needs of the occupant.

7. Although the design of the scheme incorporates windows that would face the existing dwelling, the drawings show that the entrance doors would be located on its far side. In that location adjacent to the rear access onto White Stubbs Lane, the location of the entrance would facilitate additional or independent access, parking and turning from White Stubbs Lane. Internally, the accommodation would also incorporate all the facilities required for independent living, plus a utility room and a visitor ensuite, and would be a significant size.
8. Even if family meals were taken in the main dwelling, as the appellant suggests they could be, and the future occupier(s) of the annexe had access to the garden and cars could be parked at the front of the main dwelling, the accommodation would appear to be designed and capable of being used independently, and would have all the facilities for independent use. Given the arrangement of the accommodation and the layout of the external space I am not convinced that a clear functional link would be established between the annex and the host dwelling.
9. In this respect I note the appellant acknowledges the accommodation could be converted into a dwelling in its own right, but advises that is not his intention. He considers a planning condition could establish and secure the accommodation as an annexe to the main dwelling. However, for the reasons I have set out, there is very little to distinguish the proposed accommodation from an independent dwelling.
10. In addition, boundary treatments between the dwelling and the stables could normally be erected without planning permission, as could separate utility connections. In this respect, the site plan indicates a solid line between the proposed annexe and the main dwelling, and although the appellant's statement advises there would be no separation between them, the line illustrates how separate spaces could be achieved. Further, external surface changes within the curtilage of the dwelling, to provide a separate garden area and improve the surfacing of the access and parking area, may be permitted development.
11. Overall, the nature of the proposal is so similar to that of an independent dwelling that I can see no tangible way the Council could establish and demonstrate whether the use had become an independent dwelling. Therefore, a condition restricting occupancy of the annexe would not be enforceable and would not meet the tests for conditions set out in paragraph 56 of the National Planning Policy Framework ("the Framework").
12. In terms of the size of the accommodation proposed, the Council refer to the Technical Housing Standards 2015¹. But EHDC Policy HOU13 is concerned with the minimum level of accommodation required to support the needs of occupants, and the text supporting the policy explains that applicants should justify the level of accommodation proposed.

¹ Department for Levelling Up, Housing & Communities and Ministry of Housing, Communities & Local Government: Technical housing standards – nationally described space standard.

13. The existing stables is a relatively large structure with four loose boxes, tack and feed stores, an open central area and an overhanging roof. The development would enclose the central and overhanging areas, enlarging the internal space of the building. The annexe would be generously sized and would contain facilities not normally found in an annexe, such as a utility room and visitor en-suite.
14. The appellant advises that the accommodation is the minimum required for his daughter's needs. However, there is little evidence before me of these needs. Therefore, given the size and nature of the proposed accommodation and the limited evidence of need, I cannot be satisfied that the proposal would be the minimum level of accommodation required to support the needs of the occupant.
15. The generous size of the plot puts an element of distance between the main dwelling and the stables. At the time of my visit there was no fencing between the dwelling and the stables, and the lawn and a path continued up as far as the concrete apron in front of the stables. At ground and first floors, large glazed areas of the dwelling, and a balcony, directly face the stables and are visible from them. In the context of this particular site, the annexe would therefore be relatively close to the main dwelling, and reasonably related to it.
16. Overall, the proposed annexe would therefore be close and well-related to the dwelling, but would not have a clear functional link to it, and would not constitute the minimum level of accommodation required to support the needs of an individual living in an annexe. Consequently, it would conflict with EHDP Policy HOU13, which is described above.

Other Matters

17. While the appellant suggests that the re-use of the stables would prevent the building from falling into disrepair, there is little to indicate that the building would not be maintained. This matter carries very limited weight.
18. The use of the stables as an annexe may reduce the need for independent accommodation elsewhere. This very limited contribution to the housing land supply attracts little weight in favour of the proposed development.

Conclusion

19. For the reasons above, the limited benefits of the development would not outweigh the harm I identify in relation to the main issue, and the corresponding conflict with the development plan, to which I attribute significant weight.
20. I conclude the development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that suggest a decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

Peter White

INSPECTOR