

# Appeal Decision

Site visit made on 17 February 2023

**by J Bell-Williamson MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21<sup>st</sup> March 2023**

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**Appeal Ref: APP/C1570/W/22/3304535**

**Countryside, Bambers Green Road, Takeley, Essex CM22 6PE**

- 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 Ms Borg against the decision of Uttlesford District Council.
  - The application Ref UTT/22/0550/HHF, dated 23 February 2022, was refused by notice dated 27 May 2022.
  - The development proposed is erection of Annex.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of an annex at Countryside, Bambers Green Road, Takeley, Essex CM22 6PE. The permission is granted in accordance with the terms of the application Ref UTT/22/0550/HHF, dated 23 February 2022, subject to the conditions included in the Schedule at Annex A.

## Main Issue

2. The Council's decision notice encompasses two matters under a single reason for refusal. I have, therefore, dealt with these two matters as one issue, which is the effect of the proposal on the character and appearance of the appeal site and the surrounding area; and whether the proposed building would function as an annex to the host dwelling.

## Reasons

3. Countryside is a Grade II listed detached house set within a large plot. There is open countryside and agricultural fields to the front and rear with other dwellings nearby reflecting the dispersed historic settlement along Bambers Green Road. The proposed siting of the annex in the rear garden of the host dwelling would result in the demolition of a small outbuilding and greenhouse, while another outbuilding nearby would be retained.
  4. The site is located outside development limits within the countryside in policy terms and, therefore, Policy S7 of the Uttlesford Local Plan (2005) which addresses development in such locations is relevant. It is also within the countryside protection zone around Stansted Airport, which is addressed by Policy S8 of the Local Plan. The appellant contends that both policies are out-of-date due to the age of the Plan. However, the National Planning Policy
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Framework (the Framework), which is a material consideration in planning decisions<sup>1</sup>, indicates that existing policies should not be considered out-of-date simply because they were adopted prior to the Framework's publication. Due weight should be given to them according to the degree of consistency with the Framework<sup>2</sup>.

5. Both policies place undue restrictions on development outside defined boundaries and, as such, are not consistent with the Framework's more permissive approach, which only applies such restriction to isolated homes. However, the policies include the requirement for development to protect or enhance the particular character of the part of the countryside within which it is set. The Framework requires decisions to recognise the intrinsic character and beauty of the countryside<sup>3</sup> and for developments to be sympathetic to local character<sup>4</sup>. Consequently, this element of each policy, which reflects the Council's principal concern with regard to the effects of the proposed annex on character and appearance, is consistent with the Framework.
6. Policy GEN2 of the Local Plan seeks to ensure that development is of an appropriate design compatible with the scale, form, layout, appearance and materials of surrounding buildings. This policy is consistent with the Framework's provisions to promote good design. The Council refers to a previous appeal decision at the appeal property, which also appears to involve an annex. However, this decision has not been provided to me and it appears to be over twenty years old. In these circumstances, I have considered the current proposal on its individual merits, taking full account of the appeal submissions and site inspection.
7. The proposed annex as a small single storey building would be subordinate in scale to the much larger host dwelling. It would be of a simple design and appearance in a discreet location behind the host dwelling. Countryside's rear garden is well-delineated and screened from the surrounding countryside by boundary planting. The garden is laid to grass with several outbuildings, reflecting typical domestic appearance and use.
8. While larger than the existing outbuildings, the annex would be shielded from views to the front of the site by the larger host dwelling. Due to its limited height it would not readily be visible from the rear where the boundary screening and presence of the larger house behind would mitigate any possible effects. For these reasons, the proposal would preserve the essential character of the residential curtilage and would not harmfully impinge on the character and appearance of the surrounding land.
9. The proposed location of the annex is relatively close to the rear of Countryside, with unimpeded access between the two buildings. However, there is also separate pedestrian and vehicular access to the garden and site of the annex. Moreover, despite the kitchen area being small the building would nonetheless be self-contained with all the necessary facilities for day-to-day living.

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<sup>1</sup> Paragraph 2.

<sup>2</sup> Paragraph 219.

<sup>3</sup> Paragraph 174b).

<sup>4</sup> Paragraph 130c).

10. The proposed use is for the appellant's elderly parent. However, due to the building's self-contained internal facilities it would be capable of independent residential occupation and independent access could be gained through the secondary access across the garden, although I acknowledge that is not what is proposed here. Nonetheless, the use of the building needs to be considered in the long term as well as in relation to any initial occupation. As such, it is important that it would retain its original purpose and remain tied to use of the main dwelling. An appropriately worded condition could achieve this, which I note is accepted by the appellant.
11. The condition would need to limit occupancy to a dependant relative or other member of the household in accordance with what is proposed in this case. This would ensure a more direct relationship between the occupation and use of the main house and annex than would be the case with a more general occupancy condition. With such a condition in place, the proposed annex could not be utilised as a separate unit of accommodation with no ties to the main house. It would also provide clarity about appropriate occupation of the annex and so would address monitoring compliance.
12. The location of the annex within the garden means that in future it is possible that a separate curtilage could be created. While this is not part of the current proposal, the creation of a separate curtilage or further development to the proposed annex could erode the relationship between the use of the two buildings. I note that the appellant accepts that a condition to control this would be appropriate. With such controls in place and recognising the use that is sought in this case, the proposal would continue to function as an annex to the host dwelling.
13. Accordingly, for all the above reasons, I conclude that the proposed annex would not have a harmful effect on the character and appearance of the appeal site and the surrounding area; and it would function as an annex to the host dwelling. Consequently, there is no conflict with Policies S7, S8 and GEN2 of the Uttlesford Local Plan (2005), as described above. There is also no conflict with the Framework.

### **Other Matters**

14. I have had regard to the representation made by the Parish Council, but this does not raise any matters in addition to the main issue that would lead me to reach a different overall conclusion.

### **Conclusion and Conditions**

15. For the reasons given above it is concluded that the appeal should succeed.
16. I am not aware that the Council suggests any conditions in the event of the appeal's success. Therefore, in addition to the conditions already mentioned, I have imposed the standard time condition and, to ensure the proper implementation of the proposal, one requiring development to be carried out in accordance with the approved plans. I have had regard to the internal consultation response from the Council's Built Heritage Consultant who suggests a condition requiring submission and approval of the external materials for the annex. I agree that this is necessary given the proposed building's location within the setting of the listed host dwelling.

*J Bell-Williamson*

INSPECTOR

Annex A

**Schedule – conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, block/site plan Revision B, 2131-02f (ground floor plan), 2131-03c (elevations) and 2131-04b (elevations).
- 3) Prior to their first use on site, samples of the materials to be used on the external finishes should be submitted to and approved in writing by the local planning authority. The windows shall be in painted timber, without trickle vents or surface mounted glazing bars. The development shall be implemented in accordance with the approved details and permanently maintained as such.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, amending or re-enacting that Order with or without modification), no enlargement of or alteration to the annex building hereby permitted shall be undertaken and no means of enclosure of the annex within the curtilage of Countryside shall be erected unless planning permission has been first granted by the Local Planning Authority.
- 5) The detached annex building hereby permitted shall not be occupied as living accommodation except by a dependant relative (or other member of the household) of the occupants of the dwelling known as Countryside, Bambers Green Road, Takeley, Essex CM22 6PE. Except insofar as the building is so used as living accommodation, the building shall not be used other than for purposes incidental to the use of Countryside as a dwellinghouse.

[End of Schedule]