

Appeal Decision

Site visit made on 28 February 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28TH March 2023

Appeal Ref: APP/W3520/D/22/3310465

Walnut Farm, Daisy Green Lane, Wickham Skeith, Suffolk IP23 8NB

- 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 A Dance against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/03882, dated 3 August 2022, was refused by notice dated 29 September 2022.
 - The development proposed is a detached annex.
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Decision

1. The appeal is allowed and planning permission is granted for a detached annex in accordance with the terms of the application Ref DC/22/03882, dated 3 August 2022, subject to the following 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 plan: 22/03/0130C.
 - 3) The materials to be used in the construction of the external surfaces of the building hereby permitted shall be in accordance with the details included on the application form and approved drawing 22/03/0130C.
 - 4) This permission shall only authorise the use and occupation of the accommodation hereby permitted for purposes incidental and/or ancillary to the principal dwelling known as Walnut Farm and does not permit the use of the accommodation as a separate dwellinghouse.

Main Issue

2. The main issue is whether the proposal would be tantamount to the creation of a separate dwelling.

Reasons

3. Walnut Farm is a grade II listed, detached house set at one end of a large garden, situated in the countryside on the edge of the small village of Wickham Skeith. The proposal is to build a single storey detached outbuilding in the garden, to provide accommodation for the appellant so that her daughter can move into the house and provide care for her.

4. Mid Suffolk Local Plan (LP) policy H19 allows for the sub-division or extension of an existing dwelling to provide a self-contained residential annex to meet special family needs, in locations like this where new dwellings would normally be unacceptable. The policy states that annexes should be modest in scale and should normally be physically part of or connected to the original house.
5. As a general principle, applications should be assessed on the basis of the proposal as submitted, leaving aside concerns that the use might be changed in the future. The proposal here is for annex accommodation so there would need to be good reason to resist the proposal on the basis that the proposal would be tantamount to a new dwelling, as argued by the Council. In line with the judgement in *Uttlesford DC v SSE & White* [1992] the question of whether or not accommodation amounts to a separate planning unit from the main dwelling is a matter of fact and degree, to be judged on the circumstances of each case. Some of the key factors here are size, facilities, distance and physical separation from the house and the intention to live as a single household.
6. On one hand, the proposal would have a functional link to the main house in terms of care-giving within the family, and its design is suitable for that purpose. The building would be sizeable for 1 bedroom accommodation but would still be substantially smaller than the existing house so is reasonably proportionate. I consider this to be modestly sized accommodation in line with that aspect of LP policy H19. The provision of a full range of facilities within the building is not unusual for annex accommodation, allowing as it does for the occupier to have a degree of independence. The site access would be shared and the submitted plans do not show any partition of the garden to provide separate amenity space.
7. On the other hand, the proposed building would be set about 40 metres away from the house. This clearly conflicts with the LP policy H19's statement that annexes need to be physically part of or connected to the main house. On that basis alone, I find a degree of conflict with the development plan, notwithstanding the aim of LP policy H19 to allow provision of accommodation to meet family needs like this.
8. The proposed siting does, however, have the important benefit of not significantly affecting the setting of the listed house (Walnut Farm) or another nearby grade II listed building (Allfield Farm), due to the separation distances. In line with the legal duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with paragraph 199 of the National Planning Policy Framework, I give the conservation of heritage assets like this great weight. Walnut Farm is a 16th Century, 1.5 storey former farmhouse with relatively few modern alterations. The construction of an annex closer to, or attached to, the house would very likely cause harm to its setting or character by cluttering its fairly open immediate setting.
9. Taking all of these factors together, I find that the heritage benefits of the proposed siting are a sufficiently important material consideration to indicate that permission should be granted despite the minor conflict with the development plan. I consider that the proposal is capable of being used as annex accommodation and, subject to a limitation on use, would not create an additional planning unit. The Council has not raised any other objections.

10. I conclude that the proposal would not be tantamount to the creation of a separate dwelling. With the provisos set out above, it does reasonably accord with the broad aims of LP policies H19 and GP01 to allow provision for family needs, such as the accommodation of elderly relatives, whilst ensuring that the siting of buildings and the creation of open spaces between existing and proposed buildings should maintain or enhance the character of the site.
11. In coming to this conclusion, I have noted the other cases cited by the appellant, but in the absence of full details I give these little weight. I have assessed this case on its own merits.
12. I impose a condition specifying the relevant plans to provide certainty. A condition requiring the use of materials as submitted is necessary to protect the character and appearance of the area and the setting of the listed building. Although LP policy H19 states that a legal agreement should normally be used to prevent a separate dwelling being created in cases like this, the Council has not pursued this matter, suggesting the use of a condition instead. I consider that such a condition is reasonably necessary for this purpose and would give satisfactory level of control without the need for a legal agreement.
13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR