



Appeal Decision

Site visit made on 22 March 2023

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/U1430/D/22/3305465

New Morgay Farm, Cripps Corner Road, Staplecross TN32 5QR

- 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 F Rademaker against the decision of Rother District Council.
 - The application Ref RR/2022/949/P, dated 7 April 2022, was refused by notice dated 13 June 2022.
 - The development proposed is: Demolition of existing stables and erection of residential annexe.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name was misspelt in the appeal form. Following confirmation from the appellant's agent, I have referred to the correct spelling in the banner heading above.

Main Issues

3. The main issues are:
 - Whether the proposal would be in an appropriate location and of an appropriate size for annexe accommodation, with particular regard to local policy; and
 - The effect of the proposal on the character and appearance of the area, with particular regard to the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

Location and Size

4. The appeal site comprises a detached farmhouse set within garden space, with detached stables, a barn/agricultural buildings, and a parking area. Adjacent agricultural fields and woodland also fall under the appellant's ownership. Cripps Corner Road runs along the eastern boundary of the appeal site, while open farmland and woodland abuts it to the west and south, with a small collection of dwellings and a horticultural nursery to the north.
5. It is proposed to demolish the stables, which are located at the western end of the garden, and to erect an annexe in their place. The proposal would be of

similar proportions, materials, and form as the stables, but it would be larger in size.

6. Policy DHG10 of the Council's Development and Site Allocations Local Plan (2019) (LP) sets out a sequential approach which should be followed when considering proposed annexes. Firstly, an extension to the dwelling should be considered, followed by the conversion of an existing outbuilding within the residential curtilage that is located near to the dwelling. If neither of those options are appropriate, a new building located within the residential curtilage, close to the dwelling, with a demonstrable link to the dwelling such as shared vehicular access, communal parking and amenity spaces will be considered, where appropriate. The supporting text to the policy explains that the size of any annexe will need to be demonstrated to be that necessary to meet its intended purpose, normally with a single bedroom.
7. The proposal would allow the appellant to move out of the existing dwelling, while continuing to live at the appeal site and provide childcare for a grandchild living in the existing dwelling. This would leave the existing dwelling to be occupied by their adult son and daughter, grandchild, and their daughter's partner.
8. I have not been provided with any plans for the existing dwelling, but it has been described as having 4 bedrooms and a single bathroom. It has been explained that the existing dwelling has no spare rooms for guests, including for the appellant's other adult child and partner to stay when visiting from far away. There would also be a lack of space in the existing dwelling if the appellant's son wanted a partner to move in and start a family, or if the appellant's daughter wanted to have another child.
9. There is space to the sides and rear of the existing dwelling which appears to be capable of physically accommodating an annexe extension. It appears possible that there could be sufficient space to design such an extension in a manner which could be sympathetic to the existing building and the character and appearance of the area.
10. The appellant has explained that an extension to the existing dwelling would not be possible due to the costs involved and the proximity of the house to part of the eastern and western boundaries of the garden. No details have been provided to demonstrate how this would be the case. Although an extension to the front (east) of the dwelling may not be appropriate in design terms, it is not clear how or why extending the other elevations to create an appropriately sized annexe would be prohibitively expensive. I appreciate that the proposal would probably be a cheaper option, but it has not been demonstrated an extension would not be appropriate in this case.
11. Other than the existing stables, there are no other existing outbuildings within the residential curtilage. It is not clear whether the existing stables would be incapable of being converted to provide appropriate annexe accommodation, as no information has been provided in this regard. The information provided explains that the large barn/agricultural buildings are used for agricultural purposes and would be unsuitable for conversion. I see no reason to disagree, based on the position, size, and apparent use of those buildings.
12. The location of the proposed annexe would be close enough to the existing dwelling to be used as ancillary residential accommodation subject to its size

being appropriate. However, I note the intention of Policy DHG10 is to encourage extensions to existing dwellings and the conversion of existing outbuildings rather than the erection of new outbuildings to avoid pressure for future inappropriate development. Taking this into account, although the proposal would share a vehicular access, parking and amenity space with the existing dwelling, it could also be easily accessed independently. The sequential approach set out in Policy DHG10 is therefore relevant.

13. I have not been provided with plans or dimensions relating to the existing stables, but the information shows the proposed annexe would be larger than the stables. It would be a significant building, comprising 2 bedrooms, each with en-suites, and one with a walk-in wardrobe. It would also have a utility room, kitchen and living room and WC. Overall, this would comprise a sizeable building, larger than many independent dwellings.
14. The use of the proposed annexe could be controlled through a condition preventing it from being occupied independent of the existing dwelling. It would be served by water and electricity from the existing dwelling and would share access and parking facilities. However, in the absence of full details of the facilities within the existing dwelling, I am unconvinced that the proposed annexe would be capable of being ancillary to the existing dwelling due to its size, facilities, and location considered together.
15. I sympathise with the appellant's position, but the information provided explains that they recently purchased the appeal site with their son and daughter as a joint family farming venture, when they would have been aware of the living space restrictions at the appeal site. The information provided also suggests existing living space may not be insufficient for their needs. The provision of guest accommodation would not appear to be essential either.
16. The proposal would not form part of a long-term plan to provide accommodation for the appellant's whole family to live at the appeal site. There is no clear evidence that additional accommodation is needed for the appellant's son to start a family or for the appellant's daughter to grow their family. In any case, it has not been demonstrated that annexe accommodation to meet any needs could not be provided as an extension to the existing dwelling or through the conversion of the existing stables.
17. The proposed annexe would be oversized for its purpose of providing ancillary accommodation for the appellant. I have not been provided with convincing evidence that an annexe of a more appropriate size, better integrated with the existing dwelling, could not be provided in accordance with the sequential approach set out in Policy DHG10 of the LP. The proposal would therefore conflict with Policy DHG10, the requirements of which are set out above.

Character and Appearance

18. This part of the AONB is characterised by rolling countryside, open fields, tree and hedgerow lined boundaries, and woodland interspersed with rural buildings and domestic plots.
19. The existing stable building is of typical size, design, and appearance for its location in a rural setting. Although the proposed annexe would be larger, its proportions, materials and form would not be significantly different to the stables. Its overall design and finish, with French doors and windows on its east

elevation facing to the front of the appeal site would be distinctly domestic, marking it out as an uncharacteristic building in the rural area, set back from the farmhouse.

20. By its very nature, the existing stable building is subservient to the existing dwelling. Although the proposed annexe would be of similar proportions, materials, and form as the existing stables, it would have the appearance of a large domestic outbuilding or an independent dwelling. It would not be subservient to the existing dwelling on account of its excessive size and domestic appearance in comparison to the existing dwelling and countryside surroundings.
21. The appeal site slopes down to the west, which would ensure the proposed annexe would be at a lower level than the existing dwelling and the highway. This would limit its impact on views from those directions, as the overall height of the proposed pitched roof would remain low.
22. The proposal would therefore cause a low level of harm to the character and appearance of the AONB, which would be contrary to Policies OSS4, EN1, and EN3 of the Rother Local Plan Core Strategy (2014) and Policies DHG9, DEN1, and DEN2 of the LP. These require, amongst other things, development to respect and not detract from the character and appearance of the locality, and to conserve and seek to enhance the landscape and scenic beauty of the AONB.

Other Matters

23. The proposal could be erected without needing any foundations. I note the appellant's claims that as the proposal would rest on pads it would involve less building and be of a less permanent nature compared to an extension to the existing dwelling. However, granting planning permission for the proposal would authorise a permanent structure. I am unconvinced by claims that an annexe extension to the existing dwelling would have a more harmful impact on the character and appearance of the AONB, not least because this option does not appear to have been explored fully.
24. It has been suggested that the proposal could be capable of being used for purposes incidental to the enjoyment of the existing dwelling if its use as annexe accommodation were to be no longer required. Its size and layout would make this difficult, but its potential re-use would not be a benefit which would attract significant weight in favour of the proposal.

Conclusion

25. The sequential test for annexes set out in the development plan has not been adhered to, and as such it has not been demonstrated that the location and size of the proposal would be appropriate to meet the appellant's needs. The proposal would also harm the character and appearance of the AONB and conflict with the development plan taken as a whole. There are no material considerations that indicate my decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

L Douglas

INSPECTOR