The Planning Inspectorate

Appeal Decision

Site visit made on 29 March 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/J0405/D/23/3316298
Orchard Barn, 17 Bulls Lane, Ickford, Buckinghamshire, HP18 9HR

- 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 & Mrs M Hicken against the decision of Buckinghamshire Council.
- The application Ref 22/03552/APP dated 17 October 2022, was refused by notice dated 8 December 2022.
- The development proposed is conversion of stable block into annexe accommodation.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) the impact of the proposal upon the traditional building and the character and appearance of the surrounding area and ii) whether the proposal is tantamount to a separate dwelling.

Reasons

Character and appearance of the surrounding area

3. The appeal seeks permission to convert an existing stable block into annexe accommodation as part of the existing residential dwelling at 17 Orchard Barn which is itself a residential barn conversion. The building which is the subject of the proposals is located separately from the host dwelling to the northeast, but it is accepted, by the Council, that the stable building forms part of, and stands within, the residential curtilage of the appeal site as a result of historic inclusion within previous applications. I have no evidence before me to conclude differently on this point.

4. The existing building is linear and utilitarian in its appearance as a largely timber stable building. The building, in its existing form, is of no architectural merit and it would be a stretch to refer to it as a traditional rural building. Despite this it is a building which is typical of equestrian type facilities seen in the countryside and is overall a modest outbuilding, which does not attract attention, appropriate to the rural setting of the site. Whilst the proposal would remain within the red line boundary, accepted as curtilage, I do not find that this means that the setting of the building (immediately adjacent to adjoining grass paddocks) is not rural in both character and appearance.

5. The proposal would see in-filling of the existing overhang, supported on timber posts, to increase internal floor area as well as further extensions to the building that would then add a flank wing on either side of the southeast

elevation. This would be combined with a number of full height glazed, openings across the front elevation. The proposal, with extensions, seeks to provide two double bedrooms (both en-suite), a plant room, a utility/boot room and an open plan kitchen/living and dining area.

6. The Vale of Aylesbury Local Plan 2021 (LP) Policy C1 is clear that the existing building should be large enough to accommodate its intended re-use and notes that there should be no need for significant extensions. It is evident that this wording does not apply a blanket ban upon extensions, however, it is clear that proposals which rely on substantial alterations or extension in order to make them work will not be permitted. In this case I would question whether such extensions and alterations, as proposed cumulatively, are required to make the proposed re-use of the building in question work. The level of accommodation proposed, considering its intended use, is substantial and I do not find it is proposed at an appropriate or functional level. I find that more modest accommodation and room sizes, across a reduced floor area, would still enable the proposal to work as ancillary accommodation to the main house.

7. An increase in floor area of around a third, whilst towards the higher end of what I would consider not significant, is likely to be acceptable in principle. This is, however, purely in arithmetic terms and proposals cannot be assessed solely on this basis. How that proposed increase in floor area is provided is, I find, important keeping in mind that the proposal is ultimately proposed as a conversion. LP Policy C1 does, I find, flag some important considerations with regard to major reconstruction works regardless or not of whether the proposed floor area as a result of the combined extensions was considered appropriate in terms of basic numbers.

8. I find, based upon the evidence before me, that the proposals would involve major reconstruction of the appeal building. The entire front elevation, and existing overhang supports, would be removed to allow for construction of a relocated front elevation to enclosure the current overhang area. This would essentially be a new wall formed by glazed sliding doors within a frame and would not use the existing front elevation materials. In addition, there would be two new gable extensions and none of the internal dividing walls would be retained which further adds to my concern over how much of the original building would truly be retained as a conversion project. Apart from a limited section of the front elevation roof, this entire elevation would be re-built with substantial new structural elements and alterations.

9. Overall, this would leave the building completely unrecognisable as a former stable building and would not respect the character or appearance of the building or its rural setting. The gable projections would, I find, dominate the front elevation and would be particularly notable from the side elevation with a continuation of ridge and eave heights. The extensions would not appear subservient. The proposal is, I find, flying remarkably close to being a new build with little to no evidence of being a true conversion of the existing building on site as a result of substantial remodelling. A lack of location within certain policy designations does not reduce the requirement for character appropriate proposals.

10. The proposed extensions and alterations, by virtue of their scale, form and design would constitute significant and alien extensions which are not necessary. The proposal would be contrary to LP Policy C1 which confirms that

proposals which rely on substantial alterations or extension in order to make them work will not be permitted and that conversion works should respect the character of the building and its setting and LP Policy BE2 which requires that proposals shall respect and complement the physical characteristics of the site and its surroundings including the scale and context of the site and its setting.

11. The Council's refusal reason cites conflict with two Design Guides; however, these are ultimately guidance regardless of the weight that is argued should be applicable to them due to age and they are not discussed further within the Council's delegated report. In this case I have found immediate and direct conflict with the Local Plan policies which are, ultimately, the starting point for determination in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. There is no requirement, on this occasion, to consider the relevant supporting guidance or their applicable weight.

Whether the proposal is tantamount to a separate dwelling

12. The appellant has submitted an appeal decision, and plans, for 2 The Firs Cottages (APP/J0405/D/18/3218646) and 78 Oxford Road (APP/J0405/D/17/3178960) which allowed a detached garden room annexe some 35m from the host dwelling and an annex for family accommodation respectively. The details are noted to have been submitted with reference to the ability to use a condition controlling ancillary use as utilised by other Inspectors. I have not considered them in relation to any other points other than the Inspector's decisions that utilisation of conditions to secure annexe accommodation was appropriate.

13. I note the Council's concern regarding the proposal being capable of being used as a separate dwelling, however, proposals should be considered as submitted and in this case the proposal is submitted for use as an annexe. The proposal would in fact remain part of the main dwellinghouse because the space is required for occupation by a particular individual who is connected with (in this case relatives of) the occupiers of the main house. The development would remain in place long after the need which gave rise to the application has gone so considering conditions is appropriate.

14. A condition requiring that the building shall not be used other than part of and for purposes ancillary to the residential use of the host dwelling would have provided a reasonable prospect of controlling occupation had I found the proposal acceptable in other regards. Imposing a condition to restrict the use would have made the development acceptable in planning terms, with regard to the second main issued, and thus would ensure that any permission granted was proportionate. Whilst more difficult to enforce it is still possible.

15. Notwithstanding the above I find that the proposal would, realistically, struggle to be successfully split off or divided from the main house as the site is submitted and presented. The red line boundary is fairly tight around the appeal building and access to the appeal building passes immediately in front of the main house with established parking areas and the main amenity area for the main house being to the front and side. To divide this off as a separate dwelling, to be occupied and used by unconnected parties, I find would be detrimental to the amenity of occupiers of the main house.

16. It is reasonable to consider that the appellant's would not do anything to jeopardise their own amenity, or existing high levels of privacy, by creating a

separate dwelling to be occupied by unconnected parties in such close proximity for general access and use on a day-to-day basis.

17. Taken as submitted, and through use of conditions as outlined, the proposal would be consistent with the objectives of LP Policy D3 which seeks to avoid small scale (residential) development beyond the built-up areas of settlements. Whilst the second refusal references LP Policy BE2 I find its application, relating to design of new development, limited due to the second refusals main concern being in relation to the proposal being tantamount to a separate dwelling in the open countryside. I have dealt with matters relating to character and appearance within the first main issue.

Other Matters

18. The appellant has referenced a decision at Bentley House (21/02668/APP). Whilst the decision notice, and plans, are noted to have been submitted the Council's delegated report and the location plan have not. The latter documents are of direct importance as they would have outlined relevant planning history which may have been of relevance to the decision made as well as the general site context. I note the increase in floor space stated, however, from the plans it would appear that overall built footprint would have been broadly the same which is not the case within the appeal before me. As a result of this I attribute reference to this case limited weight within the determination of proposals before me.

19. A decision notice plans and location plan for 14/02176/APP (which granted permission for erection of a conservatory) at the appeal site have been submitted. The approval for a subservient small conservatory, on the rear elevation and indeed was not visible at the time of my site visit, is in no way comparable to the proposals before me which seek to completely remodel and extend an existing stable building alongside a conversion.

20. There are third party comments submitted in relation to this proposal regarding a window and drainage. Matters relating to land ownership are outside the scope of this appeal. The Council do not raise reasons for refusal based upon neighbouring residential amenity and based upon the evidence before me, and my site visit, I have no reason to conclude differently. The windows as proposed would not provide a greater lever of overlooking than is currently available from within the appeal site overall and the mutual boundary also benefits from trees and planting which would further break up views from those windows.

Conclusion

21. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR