



Appeal Decision

Site visit made on 3 May 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 9 June 2023

Appeal Ref: APP/J0405/W/22/3311103

The Barns, Stoke Road, Stoke Hammond, Buckinghamshire MK17 9BN

- 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 Albert Kay against the decision of Buckinghamshire Council.
 - The application Ref 22/02488/APP, dated 28 June 2022, was refused by notice dated 23 September 2022.
 - The development proposed is demolition of existing car port and erection of an ancillary residential annex with associated access, car parking, refuse storage & landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for Demolition of existing car port and erection of an ancillary residential annex with associated access, car parking, refuse storage & landscaping at The Barns, Stoke Road, Stoke Hammond, Buckinghamshire MK17 9BN in accordance with the terms of the application, Ref 22/02488/APP, dated 28 June 2022, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. I am satisfied from the evidence before me that the appellant's name is as above in the banner heading and that the inclusion of the agent's company name 'VJS Projects Ltd' in place of the appellant's surname was accidental. The correct address for the appeal site has been confirmed as above, omitting 'Stoke House Farm'.

Main Issues

3. The main issues are (i) the effect of the proposal on the character and appearance of the appeal site and the surrounding area, and (ii) whether the proposed building would function as an annex to the host dwelling.

Reasons

Character and appearance

4. The host property forms part of a rural cluster of 1 and 2 storey farm buildings now in residential use, surrounded by countryside and agricultural fields. Having developed over time the properties and their curtilages are interwoven, with no single clearly defined frontage; the scale and orientation of each dwelling varies, each addressing a small courtyard or track. The variation and tight-knit arrangement contributes to the pleasant rural setting.
5. Despite its position forward of the host dwelling, sufficient distance would be provided between the buildings to maintain the host property's attractive

symmetrical primary elevation. The proposal would be single storey in height and would utilise local materials and vernacular detailing which would relate well to the surrounding properties.

6. While the proposed annex represents a significant addition to the site, set forward of the host dwelling, it would be in keeping with the scale of development seen in the wider cluster and would replicate the tight-knit pattern of development. The proposal would create a shared track and courtyard space, mirroring other outdoor spaces within the cluster. Consequently, the proposal would be subordinate to, and would not visually compete with the larger two-storey host dwelling. Further, the proposal would remain within the confines of the wider cluster and would not harm the rural setting.
7. Despite its position forward of the host dwelling, sufficient distance would be provided between the buildings to maintain the host property's attractive symmetrical primary elevation. Further, the proposal would be single storey in height and would utilise local materials and vernacular detailing which relate well to the surrounding properties. Consequently, the proposal would be subordinate to, and would not visually compete with the larger 2-storey host dwelling.
8. Given the above, I conclude that the proposal would not harm the character and appearance of the appeal site or the surrounding area. The proposal would accord with Policies BE2 and NE4 of the Vale of Aylesbury Local Plan 2013-2033 Adopted Plan (September 2021) (VALP) which collectively seek to ensure development recognises local character and distinctiveness, considering settlement form, scale, architectural detailing, and materials. The proposal would also accord with the Aylesbury Vale District Council Residential Extensions Design Guide where it requires that development respects the character and appearance of existing buildings.
9. Similarly, there would be no conflict with the National Planning Policy Framework (the Framework) paragraph 130, which requires that development is sympathetic to local character and is visually attractive as a result of good architecture.

Function as an annex

10. The appellant lives in the two-storey host property with family members. The appellant is said to have restricted mobility and so requires the support of these family members for day-to-day living, which is proving to be difficult. There is little evidence before me regarding the existing situation, however it is not disputed by the Council. The single storey annex would be likely to enable the appellant to access the facilities needed for their day-to-day living more easily, whilst still retaining the support of family members in the host dwelling.
11. The annex would be located to the front of the main dwelling and could be accessed independently. Moreover, the annex would be self-contained with all the necessary facilities for day to day living. However, the appellant suggests that a functional link with the main dwelling would remain through socialisation at mealtimes and the completion of household chores such as laundry. Further, the annex and host dwelling would share vehicular and pedestrian access routes, parking areas and garden space.

12. The Council have raised concerns that the proposal could be used as an independent dwelling due to the building's self-contained internal facilities and that the likelihood of this occurring would be greater than if the annex was to the side or rear of the host property. While I agree with the Council that independent occupation would be possible, 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 retain its original purpose and remain tied to the use of the main dwelling.
13. I note that the Council considers that a condition to ensure the proposal remains ancillary to the host dwelling would not be effective. However, regardless of the proposal's position on site, an appropriately worded condition could achieve this and is not unusual in such circumstances. Further, there is no substantive evidence that such a condition would not be enforceable. If the structure is not built or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required.
14. Therefore, the proposal would function as an annex to the host dwelling and would accord with Policies S1, S3 and BE2 of the VALP which collectively seek to ensure development is sustainable, whilst maintaining the character of the countryside through consideration of ordering, form, proportions, architectural detailing, and materials. The proposal would also align with the Framework, paragraphs 80 and 174, which require that decisions recognise the intrinsic character and beauty of the countryside and avoid the development of isolated homes.

Other Matters

15. An interested third party has raised concerns regarding the future addition of rooflights to the west in the interests of privacy. However, as rooflights, even to the west, would not directly overlook the neighbouring property the occupiers living conditions would not be harmed. The Council have not suggested a condition to restrict the insertion of rooflights and I see no reason to disagree.
16. The Ecology Officer was concerned that the effect of the proposal would not support biodiversity in the area and recommended that a condition be attached to any grant of planning permission to address this. I am satisfied that given the rural location of the proposal such a condition would be necessary and consistent with Policy NE1 of the VALP.
17. The appeal site is located within a Minerals Safeguarding Area (MSA), however, this is not a matter of dispute between the parties. I am satisfied that the limited scale of the proposal within an existing cluster of buildings means that there would not be a significant adverse effect on the MSA.

Conditions

18. I have imposed the statutory condition required to set the necessary time limit for development. I have attached conditions to ensure design quality, which require compliance with the approved drawings and the use of the materials noted. To enhance biodiversity, I have imposed a condition requiring the details of biodiversity features to be agreed. To avoid the establishment of an

additional independent dwelling, I have imposed a condition requiring the use of the annex to be limited to purposes ancillary to the residential use of the host dwelling.

Conclusion

19. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed.

K Allen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan, 2022 – 01 Rev B Floorplan, Elevations, Roof Plan, Block Plan & Site Location Plan, dated June 2022.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans.
- 4) Prior to any works above ground level, a scheme detailing biodiversity features, including an integrated bat crevice and an integrated bird terrace, shall be submitted to, and approved in writing by the local planning authority. Prior to occupation, development shall be carried out in accordance with the approved details, and thereafter be retained in perpetuity.
- 5) The annex accommodation hereby permitted shall not be used or occupied at any time, for any purposes other than as ancillary to the residential use of the property on the site, currently known as The Barns, Stoke Road, Stoke Hammond, Buckinghamshire MK17 9BN.

*****End of Conditions*****