



Appeal Decision

Site visit made on 6 June 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2023

Appeal Ref: APP/V2255/D/22/3309612

Copton House, 8 Ashford Road, Sheldwich, Faversham, Kent ME13 0DL

- 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 Peter Ellis against the decision of Swale Borough Council.
 - The application Ref 22/503521/FULL, dated 18 July 2022, was refused by notice dated 15 September 2022.
 - The development proposed was originally described as “conversion of an existing garage and car port to create an annexe to a residential bungalow”.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing garage and car port to create an annexe to a residential bungalow, including a side infill extension and erection of a first floor extension at Copton House, 8 Ashford Road, Sheldwich, Faversham, Kent ME13 0DL in accordance with the terms of the application, Ref 22/503521/FULL, dated 18 July 2022, subject to the following 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 plans: AR2220.A00, AR2220.A01, AR2220.A02, AR2220.A03, AR2220.A04, AR2220.A05, AR2220.A06, AR2220.A07 and AR2220.A08.
 - 3) Prior to the construction of any external wall of the development hereby approved, details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/samples.
 - 4) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Copton House, 8 Ashford Road, Sheldwich and as shown on the plans hereby approved.

Preliminary Matter

2. Notwithstanding the description set out above, which is taken from the application form, it is clear from the plans and appeal form that the proposed development also includes a side infill and first floor extension. The Council dealt with the proposal on this basis and so shall I.

Main Issue

3. The main issue is whether this is an appropriate location for the proposed development, having regard to national and Local Plan policies and its intended use and scale.

Reasons

4. The site comprises a single storey dwelling with a large curtilage in a countryside location. It lies adjacent to another house, with agricultural land to the rear. There is a detached double garage and an adjoining car port located in the south west corner of the site with a front driveway accessed from Ashford Road.
5. The proposal would create an annexe to provide additional accommodation to meet the needs of the appellant's family. There is no sufficiently compelling evidence before me to suggest that it would be occupied independently of the main bungalow. Although the Council generally only allows annexe accommodation that is linked and accessible from the main dwelling and not capable of independent occupation, I must consider the development applied for, which is ancillary accommodation without separate kitchen facilities. The proposal may not be for an extension to the host building's fabric, but it would be an extension to its use, within its curtilage and very close to the host building.
6. Even if the structure is not built or used as proposed, conditions restrict such to be carried out in accordance with the approved plans. 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, and the building may be at risk of enforcement action if such permission is not granted. In any case, an occupancy condition would be breached if the proposed annexe were to be occupied independently.
7. The Council refers to Policies CP4 and DM11 of the Bearing Fruits 2031 The Swale Borough Local Plan 2017 (the Local Plan) and to the Supplementary Planning Guidance 'Designing an Extension: A Guide for Householders' (the SPG). Policy CP4 requires all development proposals to be of a high quality design that is appropriate to its surroundings, including in respect of scale and conserving the landscape. Furthermore, Policy DM11 permits extensions to dwellings in rural areas where they are of an appropriate scale, amongst other things. In addition, the SPG sets out parameters for extensions to dwellings in rural areas. There is no detailed evidence to suggest that the proposal conflicts with these policies or falls outside the parameters in the SPG.
8. Policies DM14 and DM16 also require alterations and extensions to be of a scale that is appropriate to the location, building and its surroundings. Policy DM16 includes additional requirements that extensions need to reinforce local distinctiveness and preserve landscape features of interest, and the Council finds no harm in respect of this policy. The Council indicates that it would be a substantial extension to create further residential accommodation that goes well beyond what would be expected within a small self-contained annexe and cites Policy DM14 in the reason for refusal. However, there is no indication of what it is about the scale of the proposal that is unacceptable.

9. The site is within the open countryside in terms of the Council's Local Plan policies. The Council cites paragraph 79 of the National Planning Policy Framework (the Framework) but, as this relates to new housing in rural areas and the proposal is for an annexe to an existing house, the development would not contravene national planning policy. Given this, its accessibility to services and facilities has limited relevance.
10. Policy ST3 of the Local Plan sets out the broad approach to the location of development. This seeks to restrict development in the open countryside unless supported by national planning policy and able to demonstrate that it would contribute to protecting the intrinsic value and landscape setting of the countryside, amongst other things. As extensions to dwellings in the rural area are allowed under Policy DM11, the Council finds no conflict with Local Plan Policies CP4, DM11 and DM16, and the proposal complies with the Framework, the development would not conflict with Policy ST3.
11. Policy DM3 relates to rural employment uses and, as there would be no change to the residential use of the site, this policy has limited applicability.
12. Overall, there is no sufficiently compelling evidence that the scale and nature of the proposal would comprise unnecessary, undesirable or unsustainable residential development in this location. As such, the appeal site would be an appropriate location for the proposed development, having regard to national and Local Plan policies and its intended use and scale.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. To protect the character and appearance of the area, I have also imposed a condition requiring details of the external materials to be approved.
14. I have considered the Council's suggested condition to control the purpose of the appeal building, against the tests set out in the Framework. I agree that such a condition is reasonable but have amended the suggested wording to include the further parts of the address.

Conclusion

15. For the reasons given, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal should be allowed.

A Wright

INSPECTOR