



Appeal Decision

Site visit made on 18 July 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal Ref: APP/C1570/W/22/3310218

Highgate House, Bambers Green Road, Takeley, Essex CM22 6PE

- 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 Evdokia Stylianou against the decision of Uttlesford District Council.
 - The application Ref UTT/22/1604/FUL, dated 7 June 2022, was refused by notice dated 13 September 2022.
 - The development proposed is described as 'The building will be one main room for a bed and a separate ensuite shower room with toilet and sink. This room will be used for family stay over and part time B&B. There will be no cooking facilities in the room.'
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a detached outbuilding to serve as part ancillary residential accommodation and part bed and breakfast accommodation at Highgate House, Bambers Green Road, Takeley, Essex CM22 6PE in accordance with the terms of the application, Ref UTT/22/1604/FUL, dated 7 June 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, I have used the description as given in Part E of the appeal form and the Council's decision notice within the formal decision as it succinctly and accurately describes the proposal.

Main Issue

3. The main issue is whether the appeal site is a suitable location for the proposed development, having regard to local policy, national policy and the character and appearance of the rural area.

Reasons

4. The area is rural, characterised by a collection of dispersed dwellings with numerous small ancillary outbuildings set within large verdant gardens. The appeal site comprises a large two storey detached property and detached annex set back from the road. The rear garden is substantial in size with tall trees and hedges clearly defining and separating the appeal site from the surrounding countryside.
5. Development within the countryside is strictly controlled by Policy S7 of the Uttlesford Local Plan (January 2005) (ULP), which only supports development that needs to take place within the countryside or is appropriate to the rural area as well as protecting or enhancing the character of the countryside. ULP

Policy S8 provides further protection to the Countryside Protection Zone which surrounds Stansted Airport. Within this zone development must not promote the coalescence between the airport and existing development in the surrounding countryside and must not affect the open characteristics of the zone.

6. The Uttlesford Local Plan 2005 – National Planning Policy Framework Compatibility Assessment (September 2012) highlights inconsistencies between Policy S7 and the Framework. The policy strictly controls new buildings whereas the Framework supports well designed new buildings which would support sustainable growth and expansion of all types of business and enterprise in rural areas. Further, ULP Policy LC5 supports the creation of bed and breakfast accommodation outside of development limits where the development proposed would extend an existing serviced accommodation.
7. The appellant lives in the two-storey host property with the existing annex building utilised as bed and breakfast accommodation. Although the proposal would be physically separated from the existing bed and breakfast accommodation, it would be used to extend the existing serviced accommodation offered at the appeal site, allowing for business growth. When not in use by paying customers, the outbuilding would be used by the appellant and their family/friends, which is not unusual within owner occupied bed and breakfast establishments. Consequently, I am satisfied that the proposal within the countryside would provide beneficial support to the sustainable growth and expansion of the existing serviced bed and breakfast accommodation.
8. The proposal would introduce an outbuilding of limited size into the rear garden of the host property set substantially back from the existing built form. It would utilise materials and be of a scale which would be in keeping with the surrounding buildings and the rear garden environment. It would mimic the existing pattern of development seen in the wider area which comprises many residential outbuildings and protect the intrinsic character and beauty of the countryside. Given the limited scale of the proposal and significant separation distances which would be achieved between it and the surrounding structures, the openness of the countryside would not be affected and there would be no visual or physical coalescence.
9. The Council has raised further concerns that the proposal could be used as an independent dwelling or that the proposal would allow the principle of a replacement dwelling to be brought forward in future. Although it would be set some distance away from the main dwelling and could be accessed independently, it would not have all the necessary facilities for day to day living, namely cooking facilities. Therefore, a functional link with the main dwelling would remain. Although a dedicated parking area would be provided, the proposed outbuilding and host dwelling would share vehicular and pedestrian access routes and garden space.
10. Therefore, I cannot agree with the Council that independent occupation would be possible or that the proposed outbuilding would set a precedent for a replacement dwelling to be constructed in future. 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. The Council have suggested a

condition to ensure the proposal remains ancillary to the host dwelling, including short-stay bed and breakfast use. I am satisfied that the condition would achieve this goal.

11. Overall, I conclude that the appeal site would be a suitable location for the development, having regard to local policy, national policy and the character and appearance of the area. The proposal would accord with Policies S7, S8 and LC5 of the ULP, which collectively seek to ensure that development within the countryside is appropriate to the rural area, whilst protecting the open character. Similarly, the proposal would accord with the Framework where it supports sustainable growth and expansion of all types of business and enterprise in rural areas, while respecting the character of the countryside.

Other Matters

12. The proposal would rely on the use of cars. However, as an expansion to an existing bed and breakfast this would be consistent with the current access arrangements on site. Further, as the proposal would only provide one additional ensuite bedroom, the effect on highway safety and sustainable transport targets would be negligible.

Conditions

13. The National Planning Policy Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have considered the conditions put forward by the Council and Consultees against the Framework and where necessary I have amended the wording.
14. Aside from the statutory condition required to set the necessary time limit for development [1], a condition is required to indicate the approved plans and the use of the materials noted on the original application form, in order to provide certainty [2,3].
15. In the interests of highway safety, conditions are required to ensure appropriate access and parking arrangements are provided [4,5,6]. I am satisfied that a condition requiring the installation of an electric vehicle charging point would encourage and support cleaner vehicle usage in line with the requirements of Policy ENV13 [7].
16. To avoid the establishment of an additional independent dwelling, I have imposed a condition requiring the use of the proposal to be limited to purposes ancillary to the residential use of the host dwelling, including the proposed short-stay bed and breakfast use [8].

Conclusion

17. For the reasons given above, I conclude that the proposal would accord with the development plan as a whole 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 plans:
 - Location Plan
 - Block Plan
 - Pod Base Plan
 - Pod Floor Plan
 - Section A-A
 - Façade A-C
 - Façade C-A
 - Façade 1-3
 - Façade 3-1
- 3) The external surfaces of the development hereby permitted, shall be constructed using the materials specified on the submitted application form.
- 4) Prior to first occupation of the development hereby permitted, the vehicle parking area indicated on the approved Block Plan shall be provided. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
- 5) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 6) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 7) Prior to first occupation of the development hereby permitted, at least one electric vehicle charging point shall be installed and be available for immediate use. The electric vehicle charging points shall thereafter be retained and kept in good working order as specified by the manufacturer.
- 8) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Highgate House. This includes the short-stay bed and breakfast use in relation to the dwelling known as Highgate House.