



Appeal Decision

Site visit made on 15 August 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 28th September 2023

Appeal Ref: APP/F2605/W/23/3315976

Hammonds Farm, Stacksford, Old Buckenham NR17 1PD

- 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 Ross against the decision of Breckland Council.
 - The application Ref 3PL/2022/0641/F, dated 1 June 2022, was refused by notice dated 4 August 2022.
 - The development proposed is the conversion & extension of an existing barn to form an annexe.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would constitute annexe accommodation and, if so, whether the proposal would accord with the relevant development plan policies having regard to its scale, size, and mass.

Reasons

3. The area is rural, characterised by agricultural fields bound by hedgerows and pockets of woodland. There are scattered dwellings, outbuildings and barns amongst the landscape including those at the appeal site. The appeal site comprises a large detached two storey dwelling, and several small outbuildings clustered within a large verdant plot adjacent to a watercourse. The positioning of the outbuildings has resulted in small courtyard like areas, with the individual buildings clearly reading as ancillary structures of the main house. The two barns to be converted are constructed using traditional materials and mark the east and west extents of an overgrown raised-bed garden, set within one of the courtyard areas.
4. The appellant has applied for the conversion and extension of existing barns to form an annexe. The proposal would provide all the facilities necessary for the living accommodation to be self-contained, and the Council has raised concern that the proposal would be tantamount to a new dwelling in the countryside. However, the appellant has stated that the annexe would provide accommodation for a dependent elderly relative with deteriorating health. It would also be sited close to the main house and utilise the same access. On this basis, it is the clear intention for the proposed annexe to be used as accommodation ancillary to the main dwellinghouse.
5. Indeed, notwithstanding the range of facilities that would be provided internally, there is no substantiated evidence before me to indicate that the proposed development would be occupied independently. Further, a planning condition could be imposed in the event that the appeal was successful to offer,

in this case, adequate assurances that an ancillary use of the proposed annexe would prevail. I note that if the structure was not used as proposed in the future, a further grant of planning permission would be required, and the use would be at risk of enforcement action. Moreover, as the appellant has applied to convert and extend the existing barns on the basis of them being used in an ancillary capacity to the main house and not as a new separate dwelling, I do not identify in-principle conflict with the Council's spatial strategy and adopted development hierarchy.

6. However, Policy HOU11 of the Breckland Local Plan (November 2019) (BLP), which aims to allow moderate change to properties in rural locations whilst retaining an appropriate range and mix of house types to ensure choice and variety, sets out various criteria to be met with respect to extensions or alterations to existing residential properties. These include that any extension or alteration is not disproportionate in size related to the original dwelling, and that the character of the existing dwelling is respected. Further, BLP Policy HOU12 stipulates that buildings proposed for residential conversion should be capable of conversion without significant extension.
7. A glazed link extension would join the existing barn structures. Whilst this would remain within the confines of the existing outbuildings and would not encroach on the surrounding landscape, it would infill the existing garden space between the outbuildings and would lead to the creation of a significantly sized individual building of considerable scale and mass. Moreover, a pair of innocuous small-scale outbuildings would evolve into a considerable single amalgamation of built form that would compete for prominence with the main dwelling – most particularly in terms of its footprint coverage. The resultant annexe would be read and experienced as disproportionate in size and, on this basis, would fail to suitably respect the character of the existing dwelling in this inherently rural location. This is notwithstanding that existing fenestration features and external materials would be retained, nor that the main house and its curtilage are substantial.
8. My attention has been drawn to other applications in the area where extensions have been proposed and approved ^{1,2,3}. Although the percentage increase in floor area before me is reported to be comparable or less than the examples provided, I have not been provided with the full details of the applications and I am unable to draw any direct comparisons. Further, the applications referenced do not relate to annexe proposals and would not have, it is fair to assume, resulted in comparable interrelationships between buildings within the same residential curtilages. In any event, each appeal must be considered on its own merits.
9. For the reasons given above, I find that although the proposal would fairly constitute annexe accommodation, it would not accord with the relevant development plan policies having regard to its scale, size, and mass. The scheme conflicts with Policies HOU11, HOU12, and GEN05 of the Breckland Local Plan (November 2019) (BLP) which amongst other things, require development outside of defined settlement boundaries to be compliant with all relevant policies of the development plan, to be proportionate in size in relation

¹ Application Reference: 3PL/2019/0349/F

² Application Reference: 3PL/2022/0996/HOU

³ Application Reference: 3PL/2022/0998/F

to the original dwelling, and to take the opportunity to make a positive contribution to the appearance of the locality.

10. In this case, I find no conflict with Policies GEN03 and HOU03 of the BLP which, in strategic terms, identify sustainable opportunities for development.

Other Matters

11. As discussed above, the proposed annexe would provide suitable accommodation for an elderly relative. Therefore, I have had regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. The duty includes having regard to the need to eliminate discrimination, harassment, and advance equality of opportunity between those sharing relevant protected characteristics and those who do not.
12. Although I am mindful of the needs of the elderly relative and have accepted that the proposed annexe would be used in an ancillary capacity, it has not been demonstrated that such needs could not be met without an extension of the size and linked specification that is proposed. For example, it has not been clearly demonstrated that suitable accommodation for an overnight carer could not be provided within the main dwelling when needed, nor that the total extent of floorspace proposed is strictly necessary. This is notwithstanding the fair requirement for wide spaces to suitably accommodate wheelchair movements. Therefore, mindful that I have found that the proposed annexe would be read and experienced as disproportionate in size, PSED considerations do not lead me to an alternative view in this case. Moreover, following careful consideration of the duty to advance equality of opportunity, I am satisfied that the impact of dismissing this appeal would be acceptable and justified.
13. The appellant asserts that the Council is unable to demonstrate a 5-year housing land supply. However, as an annexe the proposal would not contribute to the Council's supply of housing and therefore the Council's housing land supply position has no bearing on this case.
14. The appellant has suggested that the proposed link extension could be built without converting the existing outbuildings as Permitted Development under the terms of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and that this is a fallback position. However, I have not been provided with a Certificate of Lawful Development. Therefore, I cannot be satisfied that such a fallback position exists. It has also not been clearly demonstrated that there is a real prospect of such an extension being implemented in isolation of conversion works requiring separate permission. Consequently, I find the suggested fallback position to have limited weight in the determination of this appeal.
15. I note that the increase in traffic movements would be negligible and that the Council's ecology consultant has raised no objections. However, these are neutral factors which neither weigh in favour of or against the proposal. The proposed development would allow for the retention of existing buildings and would enhance the land immediately surrounding the outbuildings. However, I am not satisfied that the proposed development would be the only way to achieve those outcomes. Overall, when also factoring in that the proposal would deliver extended and enhanced living accommodation at the site, all matters in favour of the proposal do not outweigh the harm identified.

Conclusion

16. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR