



Appeal Decision

Site visit made on 10 August 2023

by N Perrins BSc (hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16.10.2023

Appeal Ref: APP/C1760/D/23/3322583

Wood View, Crawley Hill, West Wellow, Romsey SO51 6AP

- 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 Rowley against the decision of Test Valley Borough Council.
 - The application Ref: 23/00584/FULLS, dated 28 February 2023, was refused by notice dated 28 April 2023.
 - The development proposed is for a detached annexe (retrospective) at Wood View, Crawley Hill, West Wellow, Romsey SO51 6AP.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal offers a suitable location for the development, with particular regard to whether a separate and independent dwelling would be created.

Reasons

3. The appeal site comprises a large detached dwelling set within a substantial plot known as Wood View. Both the main dwelling and building subject of this appeal are served from a single access from Crawley Hill that leads to a large frontage comprising driveway and garden. The main dwelling and appeal development are set back from Crawley Hill approximately 56m. To the rear of the main dwelling are substantial grounds including garden and woodland.
4. The site is located in the countryside for local policy purposes. Policy COM2 of the Test Valley Borough Revised Local Plan (2016) (the Local Plan) sets a settlement hierarchy, which seeks to promote the creation and maintenance of sustainable settlements.
5. Policy COM11 of the Local Plan states amongst other matters that, at such locations, proposals for the creation and extension of ancillary domestic buildings will be permitted provided that it is not used for any other purpose than the incidental enjoyment of the existing dwelling or as a residential annexe to the dwelling.
6. I have been provided with relevant planning history including planning permission Ref: 21/03170 that approved additions to the main dwelling and the extension of the previous garage at the site. I observed on the site visit that

the additions to the dwelling are under construction. The former garage has been demolished due to issues with subsidence, with the appeal proposal structure erected in its place. Whilst the main structure of the appeal proposal has been constructed the internal works have not been completed and the building is not in operational use.

7. The appeal proposal would comprise a two-storey three bedroomed structure with two bathrooms plus a lounge, kitchen area and utility room. In this case, the appeal proposal is clearly capable of being occupied as a separate and independent dwelling by virtue of its size and proposed internal arrangements that would provide all the facilities required for independent day to day living. I have considered the judgment in *Uttlesford DC v SEE & White [1992]* in this decision, which found in that case that even if the accommodation provided facilities for independent day to day living, it would not necessarily become a separate planning unit from the main dwelling – instead it would be a matter of fact and degree.
8. In this case, the rationale for erecting the proposed annexe instead of the approved garage was to allow the host family to be accommodated whilst remedial works relating to subsidence are undertaken. This would be a use ancillary to the main dwelling although would only be for a temporary period whilst the remedial works are undertaken to allow the host family to move back in thereafter. I note the Council suggest that temporary accommodation could be brought onto the site instead of building the appeal proposal to accommodate the appellant during the building works to the main dwelling. I agree with the appellant that housing the family whilst the works are completed in either the appeal proposal or temporary accommodation on the site would both be an ancillary use to the main dwelling.
9. However, regarding the future use, the appellants have stated that it would be used for family members including for parents to stay. The information provided in this regard is not conclusive in terms of explaining the extent of this need and how visiting family and friends would interact together and use the facilities within the main dwelling in order for the site to remain as a single planning unit. It also is not clear why the appeal proposal needs to be the size it is proposed other than to house the host family whilst remedial works are completed. The accommodation that would be provided appears more akin to a small family dwelling as opposed to being ancillary accommodation in my view. Consequently, it makes it difficult to determine whether the proposal is capable of being used as incidental to the main dwelling once the remedial works have been completed and the family move out of the appeal proposal.
10. I do agree with the appellant that there are some aspects of the proposal that would have shared facilities with the main dwelling. This includes the access from Crawley Hill and parking area in front of both buildings. Furthermore, the appeal building is located very near to the main dwelling and is in the same location as the previous outbuilding. The appeal proposal would also be subservient to the main dwelling in terms of scale and footprint. There is also a small patio area between both buildings that would appear to be capable of being used by occupants of both buildings. I note the Council's concerns over the potential for the buildings and garden areas to be separated by the erection of fences and a track that could be used to create a separate parking area. However, this is only a theoretical possibility at present and no evidence exists that this is intended so I give this limited weight in my decision.

Notwithstanding these matters, I do not consider they are sufficient to override my concern over the ongoing use of the appeal proposal and whether it is capable of being ancillary to the main dwelling given its size and self-contained facilities within.

11. I have also reviewed the planning applications provided by the appellants of other annexe buildings granted planning permission by the Local Planning Authority. The example provided relating to The Cottage, Little Bullington is the most similar to this appeal proposal although in that case information had been provided regarding a specific family member's requirements and confirmation that the property would remain as a single council tax entity and utilities would be shared. Whilst the appellants have confirmed in this case that utilities will be shared, the intended future use by family and the ongoing functional connection with the main dwelling is unclear. The other applications presented similarly are either in the settlement boundary and not directly comparable or more specific in how they would be used as annexes to the main dwelling than is the case here. I have also reviewed the appeal decisions provided by the appellants and whilst there are some similarities, the issue of how the use would relate and interact with the main dwelling were clearer than in this case.
12. In summary, I understand and have sympathy with the appellants' need to undertake remedial work but the evidence presented does not in itself present a clear case to justify the size and scale of the building subject of this appeal. The information provided does not conclusively demonstrate that the appeal proposal would continue to be ancillary to the main dwelling once the remedial work has been completed. Whilst a condition could be attached to restrict the use of the appeal proposal for ancillary purposes, I would need to have been satisfied that for the appeal proposal is capable of remaining ancillary to the main dwelling and therefore being able to meet the tests set out in the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG), which I am not. Paragraph 56 of the 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. The PPG states that each of these tests need to be satisfied for any condition to be applied. In this case, I do not consider it would be sufficiently precise or reasonable in all other respects when there is uncertainty over the nature of the development proposal and namely whether it is capable of remaining incidental to the main dwelling or as a residential annexe as required by the development plan.
13. In conclusion and based on the information before me, the appeal proposal as presented goes beyond what would reasonably be concluded to be incidental or a residential annexe, and would result in the creation of a separate dwelling. Therefore the proposal does not offer a suitable location for the development, with particular regard to whether a separate and independent dwelling would be created. It consequently conflicts with Policies COM2 and COM11 of the Local Plan, the aims of which are set out above.

Other Matters

14. The second and third reasons for refusal relate to the potential effect of the development on the Solent and Southampton SPA and the New Forest SPA. However, there is no need for me to consider any implications upon these because the scheme is unacceptable for other reasons.

15. The proposal subject of this appeal occupies a similar footprint to the approved replacement garage although it would be around 1m taller than the consented outbuilding due to the creation of a first floor to provide bedrooms. The Council have not raised any concerns over the design of the appeal proposal; I agree that the design of the proposed building is acceptable and would be in keeping with its countryside location in terms of appearance, bulk, scale and height and use of materials.
16. Given the size of the appeal site and distance from neighbouring properties the appeal proposal will not have any adverse impacts on neighbouring amenity by virtue of loss of daylight, sun light or privacy.
17. Nevertheless, these are neutral matters which consequently do not affect my determination of the appeal.

Conclusion

18. It has not been demonstrated that the appeal proposal would remain incidental to the enjoyment of the existing dwelling or as a residential annexe to the dwelling as required by the development plan. The proposal would therefore conflict with the development plan when taken as a whole.
19. For the reasons given above, and taking account of all material considerations, I conclude that the appeal should be dismissed.

N Perrins

INSPECTOR