



Appeal Decision

Site visit made on 10 October 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2023

Appeal Ref: APP/K1128/W/23/3318338 Horsecombe Farm, Higher Batson TQ8 8NF

- 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 Charles Thompson against the decision of South Hams District Council.
 - The application Ref 3953/22/FUL, dated 10 November 2022, was refused by notice dated 13 January 2023.
 - The development proposed is change of use of an existing unused building to ancillary accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of an existing unused building to ancillary accommodation at Horsecombe Farm, Higher Batson TQ8 8NF in accordance with the terms of the application, Ref 3953/22/FUL, dated 10 November 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: F1404-01.A.1 and F1404 -04.A, received on 11th November 2022, and drawing number F1404-03.C received on 22nd December 2022.
 - 3) The unit of accommodation hereby permitted shall remain ancillary to the main dwelling and shall not be let, sold, or otherwise occupied as a separate unit of accommodation.
 - 4) Details of any external lighting (including security lighting) to be erected, placed, or sited within the site shall be submitted to and approved in writing by the local planning authority prior to installation. The work shall be carried out in accordance with the approved details and maintained as such thereafter.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) no openings other than those authorised by this permission, including rooflights, (if any) shall at any time be inserted in the annex hereby permitted, without the prior permission, in writing of the local planning authority.

Preliminary Matters

2. I have taken the address from the Council's decision notice as it is more accurate than that provided in the application form. Furthermore, the

appellant's appeal form uses the more accurate address and therefore no party would be prejudiced in any way.

Main Issue

3. The main issue is whether the site is a suitable location for the proposed development having regard to the provisions of local policy.

Reasons

4. Policy DEV10 of the Plymouth & South West Devon Joint Local Plan 2014-2034, March 2019 (JLP) says, amongst other things, that *residential annexes will be supported where they are within the same curtilage and ownership as the principal dwelling. Annexes should be clearly ancillary to the principal dwelling via a functional link, with no separate demarcation or boundary*. Whilst not part of the development plan, the Council's Supplementary Planning Document July 2020 (SPD) provides useful guidance in respect of planning applications for residential annexes where it advises that the level of dependence on the main dwelling will be considered by the Council. Such dependent factors include, but are not limited to: whether the outbuilding is sited within its garden; accessed via the main dwelling or its garden and not by means of an independent access; reliant on facilities and floorspace provided by the main dwelling; shares a garden or outdoor amenity space with no sub-division of land and is designed to easily allow the annexe to be used as an integral part of the main dwelling at a later date.
5. The appeal site comprises an existing outbuilding of modest scale that is located within the garden area of a larger detached property, all within the same ownership. Access between the proposed annexe and host property would be gained via a shared and intrinsically linked rear garden where no boundary demarcation is proposed, despite the identified proposed amenity space shown on the plans. In that context, although on sloping ground that has not been landscaped into any formal path and approximately 37m from one another, the connection would make use of a grassed area and steps that was not unusually difficult to negotiate. As such, this would be likely to be a convenient and useable option for the intended dependent elderly relative or other dependents.
6. Additionally, although the host property is not within the red line of the appeal site, the two share a single existing vehicular access track and parking arrangement and are part of the same planning unit. This alternative access is steep at a bend in the track and although it may be a less preferable option when compared with the aforementioned garden access, it would nevertheless cover a very short distance and would be passable. Furthermore, at my visit, I was able to make use of a nearby level walkway directly off this track that passed through the existing adjacent stable building and swimming pool to access the host property. For these reasons, the proposed access arrangements demonstrate the proposal is capable of being occupied as an annexe, being an integral part of the planning unit.
7. Despite the separation distances between host property and the proposed annexe, there is a clear line of sight between the two buildings. Although the existing stable and swimming pool are adjacent to the appeal building, these do not physically or visually separate the space between the two. In fact, the presence of the swimming pool adds to the sense of a close spatial domestic

relationship. In that context, the existing holiday let is in a different part of the planning unit and would not create any sense of detachment between the proposed annexe and host property.

8. As proposed, the annexe would not include any kitchen and there is no dispute between the parties that the intended occupant would consequently be dependent on the host property. Even if the proposed annexe would meet space standards for a stand-alone property and a kitchen were to be installed, which would provide independent living, the intended elderly relative would share existing gardens, access points and parking with the wider single planning unit. Moreover, if the appeal building is not 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 and any relevant associated residency restrictions would be required.
9. Although the bin/cycle/recycling store within the proposed annexe would be some distance from the host property, and therefore unlikely to be used by it, it would not be unreasonable for the proposed accommodation to include such facilities.
10. For the above reasons, the proposed site is a suitable location for the proposed development having regard to the provisions of local policy. As such, the proposed development would not conflict with Policy DEV10 of the JLP or the advice contained within the Council's SPD.

Other Matters

11. There is a grade II listed building near the site and consequently there is a statutory duty to pay special regard to the desirability of preserving its setting. Horsecombe Farmhouse is a grade II listed property where its significance derives from C18 origins and its roughly coursed stone limewashed front with wood ogee bracket eaves cornice. The appeal building would remain largely unaltered as a result of the proposed development and is well screened from the listed building's frontage. Consequently, harm to its setting and significance would be avoided.

Conditions

12. I have made some amendments to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Framework.
13. I have imposed a plans condition in the interests of clarity. A condition restricting occupancy as ancillary accommodation is necessary to prevent the establishment of an unrestricted dwelling in a countryside location. The removal of certain permitted development rights and details of external lighting are required in the interests of the character and appearance of the area. I have however removed reference to the scheme causing light pollution as the wording is not sufficiently precise or enforceable.
14. I have not imposed the solar panel compliance condition as suggested in the Officer's report as the scheme makes use of an existing building which accords with the carbon reduction aims of the JLP. In this particular case, it would not be necessary to impose such a condition to make the scheme acceptable in planning terms.

Conclusion

15. For the reasons given I conclude that the appeal should succeed.

J Hills

INSPECTOR