



Appeal Decision

Site visit made on 12 October 2023

by R Lawrence MRTPI, BSc (Hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 6 December 2023

Appeal Ref: APP/V2255/W/23/3321025

Webbenditch Cottage, Cold Harbour Lane, Bobbing, Kent ME9 8NN

- 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 Jake Shaw against the decision of Swale Borough Council.
 - The application Ref 22/505996/FULL, dated 22 December 2022, was refused by notice dated 28 February 2023.
 - The development proposed is the erection of an annexe building within the grounds of Webbenditch Cottage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an annexe building within the grounds of Webbenditch Cottage at Webbenditch Cottage, Cold Harbour Lane, Bobbing, Kent ME9 8NN in accordance with the terms of the application Ref 22/505996/FULL, dated 22 December 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: 22_147-PL-03 Proposed Floor Plan and Block Plan; 22_147-PL-04 Proposed East and North Elevations; 22_147-PL-05 Proposed West and South Elevations.
 - 3) The materials to be used in the construction of the external surfaces of the annexe hereby permitted shall match those on the existing building in terms of type, colour and texture.

Background and Main Issues

2. The proposal relates to the provision of an annexe building. It would provide two bedrooms for occupation by relatives of occupiers of the main house and their carer(s), but does not contain a kitchen or dining space, with meals proposed to be taken with the occupants of the main house. Its use as an independent dwelling would require separate planning permission.
3. Taking that into account along with the submissions of the parties, the main issues are:
 - whether the annexe would be in a suitable location in respect of access to services and facilities
 - the effect of the development on the character and beauty of the Countryside

Reasons

Suitability of location

4. The appeal site is situated within an isolated, rural location, outside any built-up area boundary. There are no other buildings adjoining or close to the appeal site.
5. My attention has been drawn to paragraph 80 of the National Planning Policy Framework (the Framework) relating to isolated homes in the countryside as well as paragraphs 7 and 8. Whilst I accept that due to the location of the site, any accommodation on site would be heavily dependent on the car, this is an existing position, and the proposal is not for a new home but for ancillary accommodation. As such, there would be no conflict with the requirements set out in para 80 of the framework.
6. In considering the sustainability of the proposal more generally, it is noted that providing ancillary accommodation to allow an extended family to live on one site, there is the potential for trip-sharing. Furthermore, the proposal would provide a form of accommodation designed for the specific needs of the appellant's family, thereby making a small contribution towards the provision of a home to meet the needs of present and future generations. This aligns with the social objectives of sustainable development.
7. Having regard to the above factors, the proposed annexe would be in a suitable location. The proposal would therefore accord with the requirements of the NPPF in terms of the location and sustainability of development.

Character and appearance

8. The appeal site is a substantial plot within an area of open countryside, remote from other buildings. The plot comprises a detached two storey dwelling together with a garage outbuilding.
9. The annexe building would be fairly large; however, its size would be significantly smaller than, and subordinate in scale to, the host property which is a substantial two storey building. The siting of the annexe within the plot would retain a good separation distance to the site boundaries, and the overall density of built form on the plot would be low. The plans show that the site would remain as a single large plot. As such, the annexe would not appear unduly prominent in its immediate surroundings.
10. The absence of development is stated to be a key characteristic of the sites countryside location. The proposal would introduce additional built form on the site; however, I find that low density and sporadic clusters of built form are consistent with the wider character of the area and within areas of open Countryside more generally.
11. Due to the isolated location of the site, there is a strong sense of tranquillity and background noise levels are very low. As the site is already in residential use, and the existing vehicular access would be utilised, the addition of ancillary accommodation as proposed would have minimal impact on traffic movements or to the number of persons living on site. Therefore, any increase in noise, and in turn any impact upon the tranquillity of the Countryside, would be very low and would not cause material harm.

12. In conclusion, the development would be acceptable in terms of its effect on the character and beauty of the Countryside. The proposed annexe would therefore accord with Policies DM11, DM14 and ST3 of the LP. These policies, insofar as relevant, seek to ensure that development in the Countryside, outside of built-up area boundaries, protects the intrinsic character and beauty of the Countryside, reflects the characteristics of the locality and is of an appropriate scale, design and appearance.

Other Matters

13. I note the comment from an interested party that the garage recently constructed on site could be utilised for additional ancillary accommodation, as opposed to the proposed purpose-built annexe. However, whilst that may be the case, it is not for me to consider the merits of alternative schemes, instead I have assessed the appeal scheme on its own merits.
14. My attention has been drawn to an existing vehicular access gate along the front of the site and the potential for this to provide a separate access to the proposed annexe. I note that there is no existing hardstanding on site connected to this gate and the plans do not show any. As such, the proposal has been assessed based on the submitted plans.
15. There is potential for a kitchen and dining area to be provided within the proposed building, which may result in the facilities for day-to-day living being provided within the building. However, I have no reason to consider these would be provided. Given that use as a separate dwelling would require planning permission, the Council would have control of its use in the future.

Conditions

16. The Council has suggested a number of conditions and I have considered these in accordance with the National Planning Policy Framework and Planning Practice Guidance. A condition listing plans together with a condition to limit the timeframe for implementation are required in the interests of certainty. A matching materials condition is required in the interests of the visual amenity of the area.
17. A condition to secure the use of the annexe for purposes ancillary to the host dwelling would not be necessary as planning permission would be required to convert the annexe to an independent dwelling. A condition has been suggested to remove permitted development rights for development which would preclude an additional vehicular access. The condition is not sufficiently precise as to the forms of development over which additional control is sought, and furthermore, given the size of the site and areas of hardstanding, the likelihood of access being provided would be low, and as such I am not satisfied that the condition would be reasonable or necessary.

Conclusion

18. For the reasons given above, and having regard to all other matters, I conclude that the appeal scheme would comply with the development plan and that the appeal should be allowed, subject to conditions.

R. Lawrence

INSPECTOR