



Appeal Decision

Site visit made on 7 March 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5th April 2024

Appeal Ref: APP/V1260/D/24/3336237

16 Hilda Road, Poole, BH12 2HW

- 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 Lee Foulkes against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/23/01115/F, dated 29 September 2023, was refused by notice dated 27 November 2023.
 - The development is described as alteration to and use of an existing outbuilding as an ancillary annexe.
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Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. The host property is a detached bungalow set in a cul-de-sac of largely similar properties. Originally, it had a rear garden in common with its neighbours. However, a sizeable and, judging from what I saw, an extended outbuilding¹ has been modified, furnished and used as residential accommodation, occupied by the appellant.
3. The outbuilding was separated from the host property by a fence, and a separate, secured pedestrian access was created to serve it. Both buildings had separate external amenity areas, independent of one another. The host property was let to a person unrelated to the appellant under the terms of a formal tenancy agreement. The host property and the outbuilding were used, in effect, as two separate dwellings, and the appellant doesn't seriously suggest otherwise.
4. In the light of the Council's threat of enforcement action, the appellant seeks to modify the internal arrangements within the outbuilding and the relationship between the occupants of the respective buildings with a view to the outbuilding becoming an ancillary annexe.
5. At the visit, the original plot remained subdivided by a fence, and the secure pedestrian access to the outbuilding remained.
6. Neither of the parties have commented or expressed a view as to whether the outbuilding was lawfully erected/extended. Judging from the officer report, it appears that the Council has no objection to the structure being retained, even

¹ The officer report refers to this as an extended garage although I note that the host property does not have a vehicular access and has always relied on on-street parking.

though the original application was concerned, not with its retention, but its use². Having regard to the format of the original application, the appeal is concerned not with the acceptability of the retention of the outbuilding structure, but its proposed use.

Main issue

7. This is the appropriateness of the proposed use of the outbuilding having regard to the provisions of development plan policy and other material considerations.

Reasons

8. The appellant proposals include internal alterations to the outbuilding so as to remove the kitchen, reduce the number of rooms and introduce a gym; the removal of the fence currently subdividing the plot, if necessary, although it is claimed that this would have a negative effect on biodiversity; the existing tenancy arrangement in respect of the main dwelling would cease to be replaced by the appellant taking in what is described as a 'lodger' to live in it; the appellant would continue to sleep in the outbuilding, which would have facilities for his personal hygiene, but an arrangement would be reached with the 'lodger' to enable the appellant to eat in the main dwelling and to wash his clothes.
9. The appellant acknowledges that the proposals would not comply with the terms of policy PP13 of the Poole Local Plan which is directed to the expansion of dwellings, including the provision of outbuildings, for multi-generational and extended families. The appellant, however, considers the policy to be not '*fit for purpose*' since it is directed towards families rather than households. It is suggested that the appellant and the 'lodger' would fit into this latter category.
10. That the proposals conflict with the main tenets of the relevant statutory development plan policy is not, therefore, in question.
11. Turning to material considerations the appellant accepts that there should be a functional relationship between the ancillary use and the primary use. That functional relationship to my mind should be one that is normally found and not based on the personal choice of the person who created the accommodation. A functional link could be a consequence of the annexe being occupied, for example, by family members who have a degree of dependence on the occupants of the main house. Accordingly, the relationship should be symbiotic resulting largely from an identified and acknowledged need for additional accommodation.
12. The appellant's proposed arrangements contain no identification of need for additional ancillary accommodation or a convincing justification for it. The arrangements put forward appear to me as contrived, artificial and implausible in an attempt to justify the continued use of unlawfully created residential accommodation, entirely for the appellant's convenience and for which there is no justified need.
13. I therefore conclude that the proposed use would clearly conflict with the main provisions of PP13 of the Poole Local Plan and no material considerations have

² In this respect the use of the word 'alterations' in the description of the development refers to internal rather than external alterations.

been identified which convince me that a departure from the provisions of the development plan is warranted.

14. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusion that the appeal should be dismissed.

G Powys Jones

INSPECTOR