



Appeal Decision

Site visit made on 16 April 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 MAY 2024

Appeal Ref: APP/A2470/W/23/3327484

Glebe Farm, Empingham Road, Tinwell PE9 3UL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by A Hinch against the decision of Rutland County Council.
 - The application Ref is 2022/1165/FUL.
 - The development proposed is provision of a residential annexe.
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Decision

1. The appeal is allowed and planning permission is granted for provision of a residential annexe at Glebe Farm, Empingham Road, Tinwell PE9 3UL in accordance with the terms of the application, Ref 2022/1165/FUL subject to the conditions in the attached schedule.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Background and Main Issue

3. The proposal is for a single bedroom annexe which is to be occupied by a family member. It is on the site of a former building which had prior approval for conversion to a dwelling under Class Q of the Town and Country Planning (General Permitted Development) Order 2015. This prior approval lapsed as the building was demolished as opposed to being converted.
4. The proposed annexe is in the same location as a new independent dwelling which was refused permission, and subsequently dismissed at appeal¹, due to the creation of a new dwelling in the countryside with a dependency on private vehicles.
5. To all intents and purposes, this proposal remains the same as these previous schemes in terms of its form and external appearance. The principal difference being that this proposal is for a residential annexe as a new building.
6. The main issue, therefore, is whether the site is a suitable location for a residential annexe and whether it is tantamount to the creation of a new dwelling.

¹ Ref 2021/0479/FUL & APP/A2470/W/21/3283970

Reasons

7. Policy SP6 of the Rutland Local Plan Site Allocations and Policies Development Plan Document 2014 (RLP) sets out that extensions to the existing curtilage of a residential property in the countryside will only be permitted if it is necessary to provide adequate levels of amenity for the occupancy of the dwellings and there is no adverse impact on the character of the area or on any adjacent built development or landscape. Policy CS4 of the Rutland Core Strategy Development Plan Document 2011 (RCS) states that development in the countryside will be strictly limited to that which has an essential need to be located there.
8. The appeal site is near to the existing dwelling at Glebe Farm which itself is set in a rural location amongst a cluster of modern barn buildings. The site for the annexe comprises a small parcel of land containing the remnants of a former building on this site including evidence of some newer footings and groundworks.
9. The proposed annexe is of a modest size and is close to the existing dwelling at Glebe Farm. Whilst it is not attached to it, there is an association with this dwelling due to this proximity. The accommodation provided is clearly much smaller than that offered at Glebe Farm.
10. Conversely, the accommodation provides facilities for independent day-to-day living, could be served by a separate access drive and its surroundings easily altered to form a separate unit of accommodation. Indeed, the site's planning history indicates that various attempts have been made to use this former building as residential accommodation, in some form or another, since 2017.
11. Nevertheless, the proposal before me is for an annexe and despite the site history, I have no evidence that would allow me to conclude that it would be used in any other manner. A condition can be imposed to secure its ancillary use. If the structure is not built or 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 would be required.
12. It is apparent that there is an extensive residential curtilage to the rear of the dwelling and further extension of it over the site of the proposed annexe is somewhat unwarranted. However, the Inspector, in the recent appeal for an independent dwelling, considered that the proposed dwelling would not be a prominent feature in the wider landscape due to its relationship with the surrounding buildings and, in that respect, would have a neutral effect on the local rural character. Given this finding, and the visual similarity of this proposal to the previously proposed dwelling in all matters excepting its use, I am unable to find otherwise. Therefore, whilst there is a small extension to the residential curtilage, this remains very tightly drawn around the proposed annexe to provide adequate levels of amenity for the occupancy of the annexe, and I conclude that there would not be any material harm in this regard.
13. It therefore follows that the proposed development would be a suitable location for a residential annexe and, with a condition, would not be tantamount to the creation of a new dwelling. The development thus complies with RLP policy SP6 and RCS policy CS4.

14. In reaching my conclusion I have had regard to the concerns expressed by the Council. This includes reference to the case of *Uttlesford DC v SSE & White [1992]* where it was considered 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. In that case the accommodation gave the occupant the facilities of a self-contained unit although it was intended to function as an annexe in company with the main dwelling. There was no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling.

Other Matters

15. I have been mindful that the accommodation proposed would be for an elderly relative. However, very limited details of why this accommodation is needed for this elderly resident, or their care needs have been provided. However, as the appeal is to be allowed, I have not considered this any further.

Conditions

16. I have imposed the conditions recommended by the Council, with amendments, to comply with the Planning Practice Guidance.

17. I have altered condition 1 from a proposed two-year time limit to a three-year limit for the commencement of development. This is because no special reasons why the standard three-year limit should not be imposed were provided to me.

18. Condition 2 is imposed for certainty that the development will be carried out in accordance with the approved plans.

19. Given that groundworks at the site appear to have commenced already, albeit implementing a different scheme, I have treated the Council's proposed condition 3 as a pre-commencement condition. Accordingly, the appellant has been consulted on this having regard to S100ZA of the Town and Country Planning Act.

20. Condition 4 ties the occupation of the annexe to the main dwelling at Glebe Farm to avoid the creation of an independent dwelling.

Conclusion

21. The proposed development complies with the provisions of the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above the appeal should be allowed.

Nick Bowden

INSPECTOR

Schedule of conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: 221155_Location Plan, Site Plan Scale 1:200, Floor Plans and Elevations Scale 1:100.
3. Notwithstanding the details submitted, full details of all external materials to be used in the construction of the dwellings hereby approved shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of any above ground works. The development shall be carried out in accordance with these approved details prior to the annexe being first occupied and thereafter be retained in the approved form.
4. The ancillary annexe accommodation shall be occupied solely by the members of the household of Glebe Farm, Empingham Road, Tinwell, or their relatives, and shall not be severed from this dwelling or used as a separate and unconnected dwelling.

End of Schedule