



Appeal Decision

Site visit made on 13 May 2024

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Appeal Ref: APP/E2205/W/3329792

Holiday Let at Lower Chessenden, Rolvenden, Kent TN17 4JE

- 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 D Tallett against the decision of Ashford Borough Council.
 - The application Ref is PA/2023/0227.
 - The development proposed is for a change of use of existing holiday let to create a detached annexe for ancillary accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework was revised in December 2023. As the changes do not materially affect the main issue in this case, the parties have not been invited to make further comments.
3. The appellants have brought to my attention two schemes in support of their case¹. However, I have limited details of those schemes before me. As such, I have considered the proposal on its own planning merits.

Main Issue

4. The main issue in this appeal is whether there would be a clear dependency and a functional relationship between the proposed annexe and Lower Chessenden to justify its change of use from a holiday let or not.

Reasons

5. Lower Chessenden (the main building) is accessed from the main highway at the end of a tree and hedge lined track. There is a gravelled parking and turning head to the front of the property. The holiday let is found to the rear of the garden of Lower Chessenden via a timber 5-bar gate. The barn-style building is enclosed by a post and rail fence and has a gravelled access way to one side which leads back to the main access track. The building includes an equipped kitchen/living/dining space as well as two bedrooms and a bathroom which are currently used for the storage of domestic items.
6. Even though the building cannot be relocated, the proposal would be in relatively close proximity to the host dwelling. However, the gated pedestrian access, fenced perimeter and separate vehicular opening clearly establish an area for the holiday let that is distinct and separate from the main building.

¹ 22/01022/AS and 22/00163/AS

7. Moreover, the foot route between the annexe and the main building would mostly consist of unmade/grassed areas. Therefore, particularly at colder and wetter times of the year, use of the facilities found in the annexe would likely be more practical and convenient for any occupiers when carrying out simple domestic tasks in comparison to the more distant facilities of the main building. For example, but not limited to, when washing and drying laundry.
8. In addition, without prejudice and being mindful of the Wheatcroft principles², notwithstanding that the appellant would be willing to reduce the vehicular opening and forgo a parking area serving the annexe, preference for day-to-day parking next to the annexe would be likely to remain the favoured and informal option for occupiers, rather than the parking area to the front of the main building. To my mind this would be the case whether they would be dependent relatives or not. Furthermore, my opinion is reinforced by the fact that the Council contend that a condition in respect of parking and access for the annexe would not be enforceable³ in this rural location.
9. Consequently, even though the annexe and the main building share a foul drainage system, I am not persuaded that a clear dependency and a functional relationship between the proposed annexe and Lower Chessenden would be retained.
10. Accordingly, I conclude that the proposal does not meet the aims of Policy HOU9 (d) and (e) of the Ashford Local Plan 2019, which require that an annexe is sited to ensure a clear dependency is retained with the main building at all times.

Other Matters

11. A parking area next to the holiday let was found to be acceptable to the Council. However, the annexe would have a different type of occupancy and relationship with the main building altogether. Therefore, I give this little weight.
12. I acknowledge that the appellants have indicated that they no longer wish to rent out the holiday let or to market and sell the property, which is a matter of personal choice. In addition, I note that the appellants understandably wish to provide support for family members and to prepare for their future care needs.
13. However, while the proposal is supported by the Parish Council, even in combination, these matters do not justify the proposed change of use from a holiday let to an annexe at Lower Chessenden. Conditions related to occupancy would not be adequate mitigation.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR

² Bernard Wheatcroft Ltd v Secretary of State for the Environment (JPL, 1982, P37)

³ Paragraph 56 of the Framework – 'Planning 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.'