



Appeal Decision

Site visit made on 18 June 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2024

Appeal Ref: APP/D2510/W/23/3329977

Ronam Cottage Pinfold Lane, Anderby, Skegness PE24 5YA

- 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 Mrs Shirley Crow against the decision of East Lindsey District Council.
 - The application Ref is N/005/00067/23.
 - The development proposed is for the erection of a detached annexe and relocation of 1 no. existing static holiday caravan.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mrs Shirley Crow against East Lindsey District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are (i) whether or not the proposal represents ancillary accommodation or a new separate dwelling; and (ii) if it represents the latter, whether or not the site would be suitable for the proposal, having regard to the development plan's approach to the location of housing, with reference to the accessibility of services and facilities; and (iii) flood risk.

Reasons

Whether ancillary accommodation

4. The appeal site comprises an area of land on part of a touring caravan site. The appeal site and caravan site is accessed via Pinfold Lane between small clusters of homes on the outskirts of the village of Anderby. Ronam Cottage is a detached dwelling associated with the operation of this business. The proposed development would be located to the western side of this dwelling, in an area of land separated from Ronam Cottage by high hedging and landscape features.
5. The proposed development would be sited in a similar location to where an existing static caravan is sited. It would be positioned close to Ronam Cottage, but outside its own garden area. Ronam cottage and the appeal site share the same access and are both situated beyond the entrance to the caravan site. Whilst this relationship is currently diminished by the high hedging and acts a barrier, cutting it off from the garden, the amended site plan shows that it

would become shared garden space, with a shared parking area and access to both buildings.

6. Appearing as a detached house, the proposed development would be large compared to the average sized annexe; however, the Council has not disputed that two-storeys are necessary to overcome flood risk. It would also be capable of providing facilities required for day-to-day living to enable it to operate independently from the main dwelling. This is because it would include two bedrooms, bathroom, an open plan dining, living, kitchen and utility facilities.
7. The development would also have its own entrance which would allow separate access from the main dwelling. There are also limited windows, which serve utility areas facing towards Ronam Cottage and the scheme includes a raised decked area not overlooked by the main dwelling. Due to the overall amount of garden area and hardstanding in the immediate area this would not preclude either property, even without physical barriers or planting in the garden, being occupied, using the grounds, accessing the properties or parking independently of each other.
8. Access to the caravan site passes immediately in front of the proposed development, with established pitches and parking areas being very close. It is reasonable to consider that the appellants would not do anything to jeopardise their own business by creating a separate dwelling to be occupied by unconnected parties in such close proximity for general access and use on a day-to-day basis. However, the existing site access to the caravan site and pitches are already close to third party properties, the location of this development would not be significantly different to those. Both the caravan pitch site and the appeal site are well enclosed by their own high hedges, which would afford privacy, and I have no substantive evidence that the operation of the site would be harmful to living conditions of future occupiers.
9. I accept that the even though the proposed building would provide facilities that might allow for independent day-to-day living, that this does not necessarily mean that the accommodation is not capable of being occupied as an annexe. However, having found there to be a limited physical relationship between the two buildings, very little information has been provided on the functional relationship, other than the proposed development would facilitate the appellant's grandson to move into Ronam Cottage with their family. It is not clear how much interaction would be involved, and particularly once the appellants retire. It has not been demonstrated that the support required to run the caravan site could only be provided from this location. I am therefore unconvinced that the proposed annexe would be capable of being ancillary to the existing dwelling.
10. I have also reviewed the planning applications provided by the appellants of other annexe buildings granted planning permission by the Council. I have mainly been provided with information relating to the dimensions of these, and do not have specific requirements. I do not know whether those presented are all outside settlements or more specific in how they would be used as annexes to the main dwelling than is the case here. I have also reviewed the appeal decision provided by the appellants and whilst there are some similarities, it was identified that the layout would make it difficult to occupy the building separately.

11. I note the appellant would agree to a condition to prevent independent use. However, practically no discernible action would need to be taken for the building to be occupied independently, thus irrespective of the appellant's current intentions, the proposal would give rise to what is tantamount to an independent dwelling. Consequently, I cannot remedy that through conditions which meet the relevant tests for conditions set out in paragraph 57 of the National Planning Policy Framework (the Framework).
12. In conclusion, and based on the information before me, the appeal proposal represents a new separate dwelling and falls to be considered against the housing policies of the development plan in relation to the location of housing and flood risk.

Location

13. The village of Anderby is identified in Policy SP1 of the East Lindsey Local Plan Core Strategy adopted July 2018 (the Core Strategy) as a small village. Although not isolated, the appeal site is detached from the continuous built-up area of the settlement. Policy SP3 of the Core Strategy identifies that as the appeal site is within the Coastal Zone, housing is constrained unless it accords with exceptions set out in Policy SP18. I have no evidence that the proposal would meet any of the criteria within policy SP18.
14. I therefore conclude that the appeal site would not be an appropriate location for housing having regard to development plan policies. The proposal would therefore conflict with the objectives of Policies SP1, SP2, SP3 and SP18 of the Local Plan which together relate to distribution of housing according to the settlement pattern of where new growth should be directed. The proposal would also conflict with the Framework where it seeks to achieve sustainable development and its emphasis that the planning system should be genuinely plan-led. The proposal would result in significant harm in this respect.

Flood risk

15. The site falls within Flood Zone 3. Although the Council has not referred to any Policies relating to Flood Risk within its reason for refusal, given the surrounding classification, flood risk is material to the consideration of the appeal. The appellant has produced a Flood Risk Assessment (FRA). However, the PPG¹ states that even where an FRA shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. The Framework excludes householder development from the sequential test.² Although the appeal has been made on the basis that the development would be an annexe for ancillary use, I have found it would be difficult to distinguish such a use from an independent dwelling.
16. On the above basis I am unable to conclude whether the proposed development would not have an adverse effect on flood risk. It would therefore conflict with paragraphs 165 -168 of the Framework that amongst other things, seek to steer new development to areas with the lowest risk of flooding from any source and not permit developments if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

¹ Paragraph: 023 Reference ID: 7-023-20220825

² The National Planning Policy Framework Footnote 60

Other Matters

17. The Council has raised no issue regarding the relocation of the caravan, and I see no reason to disagree in this respect. Whilst I have the power to issue a split decision on an appeal, this power is discretionary, and I am not obliged to use it nor have I been asked to consider this.
18. Other elements of the scheme are also found to be acceptable, such as the effect of the development on the character and appearance of the area, neighbouring residents and highway safety. However, these and personal circumstances of the appellant, the modest benefits of the housing provision and the social and economic benefits arising from this do not serve to outweigh the conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

Planning Balance and Conclusion

19. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR