
Appeal Decision

Site visit made on 14 August 2024

By David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

Appeal Ref: APP/Z1510/W/24/3338214

Annex (Poll Miles Hall), Rangers Hall, Hosdens Lane, Great Maplestead, Essex CO9 2QU

- 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 John Bentley against the decision of Braintree District Council.
 - The application Ref 23/02501/FUL, dated 6 October 2023, was refused by notice dated 8 December 2023.
 - The development proposed is change of use from annex to a dwelling, separating the annex (Poll Miles Hall) from Rangers Hall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant provided a revised floor plan and elevations drawing on submission of the appeal [Drawing reference 3113-03A] to reflect the current situation more accurately. The Local Planning Authority (LPA) has been able to respond to this revised plan as part of the appeal process. Accordingly, I have taken this revised plan into consideration.

Main Issues

3. The main issues in this appeal are as follows:
 - (i) Whether the appeal site is a sustainable location for the development proposed; and
 - (ii) Whether the appeal proposal would provide acceptable living conditions with particular reference to internal living space.

Sustainable Location

4. The appeal site is in the countryside, removed from other dwellings and distant from the settlements of Castle Hedingham, Great Maplestead and Sible Hedingham. It is undisputably, a rural, secluded location.
5. The site is some distance from nearest metalled highway, either that terminating at Hosden's Farm to the south-west or the lane to the north-east connecting Castle Hedingham to Great Maplestead. The appeal site can only be accessed from Hosdens Lane, a narrow rural track. The surface of the track at the appeal location is of a sufficient quality for cycling. The site is within cycling distance of day-to-day services and facilities, including the better range

of services in Sible Hedingham. Journeys, by bicycle would, however, involve long stretches without any natural surveillance or lighting, along generally narrow and circuitous lanes where the national speed limit predominantly applies. In my assessment these conditions mean cycling would not be a particularly attractive option for occupiers of the appeal proposal on a frequent basis, particularly in winter months.

6. There are also public footpaths extending across fields from Hosdens Lane to Castle Hedingham and to the east to Chelmshoe House Farm, closer to Great Maplestead. These are, however, isolated, and exposed paths that would not be attractive for regular day-to-day use to access local facilities over the appreciable distances involved. Consequently, occupants at the appeal site would be heavily reliant on the private motor vehicle to access services and facilities.
7. The planning history at the appeal site provided by the LPA identifies a number of extensions that have been granted planning permission at Rangers Hall (1988-2007). None of which are described as an annexe¹. Nonetheless, it is reasonable to assume that the appeal building in serving an annexe function would be occupied with a degree of reliance on the host building at Rangers Hall including fewer vehicle movements compared to an independently occupied dwellinghouse.
8. A key strand of the appellant's justification is the submission that the annexe has been in permanent residential use as a separate, self-contained dwelling, for some time. The separation of the buildings internally is shown on the submitted plans through the creation of a contained kitchen area. The annexe building is served by a separate entrance at the rear. There is some subdivision of the grounds to the front of the buildings towards Hosdens Lane albeit a gateway remains that allows occupants of Rangers Hall to pass close to the front of the appeal building to access a large gravel area for vehicle parking. I observed from the footpath to the east of the site that the rear grounds are not immediately subdivided to provide an obvious separate private amenity space or garden for the appeal building. From external observations there would still appear to be a significant degree of mutual use of spaces immediately around the appeal building with Rangers Hall consistent with an annexe rather than a permanently separated dwellinghouse.
9. Various evidence in the form of internal photographs, claiming to be from 2003, showing a kitchen and other features as well as statements from people declaring to having been associated with the building have been provided. These were only provided after the LPAs appeal statement. The issue with this form of evidence is that it is difficult to scrutinise its veracity, but it is also difficult to corroborate. The burden of proof is on the appellant. The written material and statements are not in the form of affidavits to verify or confirm the authenticity of what is being claimed. There is no evidence such as separate utility bills or Council Tax records to confirm a separate dwelling has been established over a period of time or bills/receipts from the time when works were undertaken to internally sever the annex building from its host. Overall, I do not have sufficiently robust evidence to arrive at a conclusion that the consented extension which morphed into an annexe has been separately lived in for the period of time claimed by the appellant, such that lawfully an

¹ The appellant's appeal statement refers to a bedrooms, bathroom and playroom extension, which was used afterwards as a granny annex.

independent dwellinghouse has been established in the appeal building. In any event what has been applied for is a change of use from an annexe rather than a Lawful Development Certificate.

10. The appellant also asserts that Rangers Hall was historically two dwellings and so the appeal proposal would not result in a net additional dwelling in the countryside. It is evident on site that if any merging of dwellings took place at Rangers Hall it did so some time ago (the appellant submits this took place in 1960) such that the net reduction of dwellings is well established. It would also have pre-dated the objective of the planning system and the development plan in Braintree District to carefully manage development in the countryside including the number of isolated dwellings and to more generally secure sustainable patterns of development. As such, circumstances at the appeal location over 60 years ago have little bearing on decision-making today.
11. I therefore conclude that the appeal proposal would not be a sustainable location for the development proposed. The proposal would be contrary to Policy SP3 of the Braintree Local Plan (BLP) Section 1 (Adopted 2021)² and Policy LPP1 of the BLP Section 2 (Adopted 2022). It is not a development appropriate to the countryside and so its isolated location well beyond an identified settlement development boundary and with poor accessibility by a choice of means of travel would be contrary to the spatial strategy. Furthermore, the resulting reliance on the private car because of its very rural location would be contrary to Policies SP7 and LPP42 of the BLP which seek to promote sustainable transport modes. These policies are consistent with the National Planning Policy Framework (NPPF) at paragraphs 84 and 157 which seek to avoid the development of isolated homes in the countryside and to contribute to the reduction in greenhouse gas emissions respectively.

Living conditions

12. As indicated above, the appellant submitted a revised plan with the appeal showing a larger opening serving bedroom 2. I observed on site that this opening currently exists. As such that part of the LPAs second reason for refusal regarding natural light levels to this room is no longer of concern.
13. Nonetheless, Policy LPP35 of the BLP Section 2 (Adopted 2022) requires all new development to meet technical housing standards in the form of the nationally described space standards (NDSS). This includes minimum room sizes and sufficient space for storage. Whilst it may be asserted that the current layout suits the appellant's living standards and how they occupy the space, decision-making needs to consider the needs of future occupants. It is necessary that the planning system avoids permitting houses that would be sub-standard for their intended scale of occupation. It is paramount that permanent dwellinghouses have sufficient space and circulation for people to live comfortably.
14. The appellant's design and access statement states that the internal floor area of the building is 103.5sqm across the two floor areas. The LPA has calculated that the annexe as having a maximum gross internal floor area of 88sqm. As a separate 4 bedroom dwelling the minimum reasonable occupation would be on a 5 person basis which the NDSS says for two storey dwellings would require a minimum 97sqm gross internal floor area.

² The North Essex Authorities' (Tendring, Colchester & Braintree) Shared Strategic Section 1 Plan 2013-2033

15. The appeal building includes first floor bedroom accommodation (3 bedrooms) within the pitched roof form. Any calculation of gross internal floor area must take account of the degree to which the pitch of the roof impacts usable floorspace (headroom) at first floor level. Based on the elevation drawings this would appear to be an issue given the relatively modest ridge height and the generally 45 degrees pitch of the roof. No internal sectional drawings have been provided either as part of the application or the appeal to assist this matter, despite the LPAs requests. The limited information in the form of the submitted Building Control certificate from 2023 does not greatly assist in determining the likely extent of usable floorspace at first floor level. Accordingly, I consider whether I use the appellants or the LPAs figures there is likely to be an under-estimation of the usable space were the technical requirements as they relate to headroom taken into consideration³. Overall, I am not persuaded that the modest scale of the annexe building could comfortably accommodate a 4 bedroom property to provide an acceptable standard of living conditions for a permanent dwelling.
16. I therefore conclude that the appeal proposal would result in significant harm by failing to provide acceptable living conditions with particular reference to internal living space. Accordingly, it would be contrary to Policies LPP35 and LPP52 of the BLP Section 2 (Adopted 2022), which require, amongst other things, that relevant development proposals accord with required technical housing standards on internal space and to seek a high standard of layout and design for all developments. These policies are consistent with the NPPF which states that the creation of high quality buildings is fundamental to what the planning and development process should achieve. Consequently, the appeal proposal would conflict with paragraphs 131 and 135 of the NPPF including ensuring that developments function well and with a high standard of amenity for existing and future users.

Balance and Conclusion

17. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. As set out above, the appeal proposal would conflict with various policies of recently adopted development plan.
18. At the time the LPA made its decision it acknowledged it could not demonstrate a five year housing land supply and so the tilted balance at NPPF paragraph 11(d) was engaged. As part of this appeal, the LPA claims it can now demonstrate the required deliverable housing land supply. This has not been contested by the appellant. On any planning balance, the significant environmental and social harms of an additional dwelling in such a remote, car dependent location together with the moderate social harm arising from the amount of usable internal living space for a 4 bedroom property, would significantly outweigh the very modest social benefit of an additional dwelling to meet housing needs and the moderate environmental benefit of using an existing building with the embodied carbon in its construction. Consequently, there are not the material considerations that lead me to arrive at a decision contrary to the development plan.

³ Areas of less than 1.5 metres in height should only be counted for storage and areas lower than 900mm should be discounted altogether.

19. I have had regard to all other matters raised, but there is nothing that leads me to conclude other than that the appeal should be dismissed for the reasons given.

David Spencer

Inspector.