



Appeal Decision

Site visit made on 30 July 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th August 2024

Appeal Ref: APP/W3520/D/24/3344182

Churn Milk Farm, Brettenham Road, Buxhall, Suffolk, IP14 3DZ

- 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 Mr & Mrs L Hammond against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/05503.
 - The development proposed is erection of detached annex (following demolition of existing stables).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application originally included the erection of a cartlodge, but this was omitted by agreement between the parties prior to its determination. As such, drawing no. 535-004 Rev B is relevant only insofar as it shows the red-edged Location Plan and the siting of the appeal building on the Proposed Site Plan.

Main Issues

3. The main issues are (1) the effect of the scale and position of the proposed building relative to the dwelling, given its countryside location; and (2) whether the proposed building would constitute a separate dwelling.

Reasons

Scale and Position

4. The appeal site is located in a rural area that is characterised by sporadic dwellings set within an open landscape. The host dwelling, Churn Milk Farm, appears as a large house located off a private track. It sits in a generous plot, and has a stable block to the side of the house, set behind a parking area. The stables are set on lower ground than the dwelling and its parking area, behind a low wall and accessed via steps. There is a single vehicular access to the dwelling.
5. The Council considers the existing stable block to be prominent and incongruous adjacent to the host dwelling. I agree that it is a notable feature on the site as a result of its size and the open setting. However, although

- reasonably large in footprint, the stable block appears subservient to the host dwelling due to its lower ground level, partly open design, and shallow pitched roofs. The timber-clad walls and metal roofs emphasise its appearance as an ancillary outbuilding to the host house.
6. The proposed replacement building would follow the L-shaped layout of the stables to be demolished, would be smaller in footprint, and set on the existing area of the stables (and so presumably at the same lowered ground level). However, whilst the inclusion of a steeper pitched roof may enhance the appearance of the building, it would result in a materially greater roof height and massing than the existing stables.
 7. Policy LP02 of the Babergh and Mid Suffolk Joint Local Plan – Part 1 2023 (JLP) supports the provision of a residential annexe subject to three criteria. The Council has concerns about only criterion a), which is the requirement for an annexe to be ancillary and subordinate in scale to the host dwelling.
 8. The main house appears generous in size, but no detail has been provided of its accommodation. Notwithstanding the size of the house, the scale of the proposed annexe would be significant and it would not appear as a subordinate ancillary building to the host dwelling. Whilst its footprint would be less than the existing stables, this benefit would be offset by the increased height and mass of the proposed structure, and its more robust construction and materials. It would be visible in the open landscape, as although screened in some views, it would be apparent on approach from the south along Brettenham Road; the existing stables are already seen in gaps in roadside planting. In this regard, I do not share the Council's assessment in its officer report, that the proposed annexe would not be any more visually intrusive in the landscape than the existing stable block, for the reasons set out above.
 9. Planning permission was granted for an annexe and garden store at the site under application ref. 2235/15. Although this has lapsed, I agree with the appellants that this offers support to the principle of an annexe at the site, as does JLP Policy LP02. However, the previous permission offers little support to the appeal, as in the absence of fuller details I cannot gauge similarities with the proposal in terms of building size, design and location.
 10. The appellants have identified planning permissions for annexes elsewhere in the district, although limited details have been supplied of the proposals and the reasoning behind the grant of those permissions. All pre-date the adoption of the current JLP, but indicate that the Council approved detached annexes under Policy H19 of the Mid Suffolk Local Plan 1998, albeit that policy appeared to permit annexes through the subdivision or extension of an existing dwelling.
 11. I note the appellants' view that the requirements of Policies H19 and JLP Policy LP02 are very similar, but the former does not specifically refer to the need for the annexe to be ancillary and subordinate in scale to the host dwelling. JLP Policy LP02 appears to be less restrictive, but the scale of the proposal would nevertheless fail to satisfy this policy requirement. Whilst I note these other examples, on the basis of the information provided they offer only limited support to the specifics of this proposal.
 12. I therefore conclude that, as a result of its scale and siting, the proposal would conflict with JLP Policy LP02 a), and in so doing would conflict with JLP Policy

SP03, which seeks to limit development outside of defined settlement boundaries, in the interests of creating sustainably located new development.

Proposed Use

13. I acknowledge that the proposed annexe would include self-contained accommodation that could be occupied independently of the main house. However, case law¹ has established that the facilities provided would not necessarily determine whether an annexe would become a separate planning unit from the main dwelling, and that it would be a matter of fact and degree, including how the accommodation would be used.
14. The appellants advise that the building is to be used by family members with a greater need to be closer to their family, and the submitted plans do not show a separate vehicular access, parking or garden area to serve the annexe. The annexe would be a short walking distance from a side door into the host house. A separate dwelling was not the development applied for, and therefore not the subject of this appeal. If 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.
15. I am satisfied that the occupancy of the building in connection with the main house could be controlled by a suitably worded planning condition which would meet the tests of necessity, relevance to planning and the development applied for, enforceability, precision and reasonableness.
16. On this point, I find no conflict with JLP Policies LP02 and SP03, but that does not alter my conclusion on the first main issue. I do not find paragraph 84 of the National Planning Policy Framework to be applicable, as the annexe would not constitute an isolated home in the countryside.

Conclusion

17. For the reasons given above the appeal should be dismissed.

H Lock

INSPECTOR

¹ Including *Uttlesford DC v SSE & White* [1992]