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# Appeal Decision

Site visit made on 12 June 2024 by D Ellis MPlan MRTPI

**Decision by John Morrison BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 August 2024**

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**Appeal Ref: APP/R4408/W/24/3337802**

**119 Cross Lane, Royston, Barnsley S71 4AR**

- 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 M Alan against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref is 2023/0916.
  - The development proposed is described as 'ancillary residential annexe to 119 Cross Lane for dependent relative'.
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## Decision

1. The appeal is allowed and planning permission is granted for development described as 'ancillary residential annexe to 119 Cross Lane for dependent relative' at 119 Cross Lane, Royston, Barnsley S71 4AR in accordance with the terms of the application, Ref 2023/0916, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with Location Plan drawing no. 05-117 103; Block Plan by 'MapServe'; Proposed Floor Plans & Elevations drawing no. 119CL-001.
  - 3) No development above ground level shall take place until details/samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
  - 4) The residential annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the host dwelling known as 119 Cross Lane, Royston, Barnsley S71 4AR and as shown on the plans hereby approved.

## Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

## Main Issue

3. The main issues are whether the proposed location is appropriate for an annexe, and its effect on the character and appearance of the area.

## Reasons for the Recommendation

4. The appeal property is a two-storey detached dwelling set in a large plot. The Barnsley House Extensions and Other Domestic Alterations Supplementary Planning Document 2019 (SPD) sets out, amongst other things, that an annexe building may be permitted in a rear garden where it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area. It goes on to explain that an annex should normally have a close physical relationship with the host dwelling, be single storey and in all circumstances should only have one bedroom and no more than three rooms in total. The proposal would be single storey with one bedroom and three rooms in total and would share the access of the host dwelling. The submitted plans do not show any separate garden area therefore, and the Council accepts that no soft landscaping is proposed.
5. The annexe would be situated on an area currently used by the appellant to park vehicles. There is a section of lawn adjacent to the rear of the host dwelling with an additional grassed area beyond the proposed position of the annexe which also contains a small number of trees and shrubs, a vegetable plot and a greenhouse. Opposite the annexe would be an existing large outbuilding which contains a garage and what appears to be a habitable area at the rear. Additional structures including two cold frames would be positioned between the annexe and the rear boundaries of Nos 113-117 Cross Lane. These features are all commensurate with residential gardens and there is nothing to suggest they are not functionally linked to the host dwelling.
6. Taking this and the above into account, I am satisfied that the annexe would have a close physical relationship with the host dwelling. Certainly, no less so than the garage and given the shape of the plot, difficult to see how it could, in a practical sense, be closer given it's intended use. Even if the annexe were outside the garden in this location, no development plan policy has been provided which requires it to be within. Conflict with an SPD would not be of the same value as conflict with the development plan and I am mindful of the SPD's use of the phrase 'normally' when referring to physical distance.
7. There are several outbuildings of varying sizes to the rear of nearby properties with some, including the existing outbuilding at the appeal site, being larger than the proposed annexe. Such are not therefore uncommon. There is also a two-storey dwelling to the rear of 138 Church Hill adjacent to the appeal site which lends support to something of an informality to the layout and thus character of built form locally. The building would be fairly non descript and largely obscured from public views. It would be contextually small in scale, single storey and thus subservient. The annexe would therefore be in keeping with existing outbuildings and would not detract from the established character and appearance of the area.
8. For these reasons, it would comply with Policies GD1 and D1 of the Barnsley Local Plan 2019 and the National Planning Policy Framework 2023 insofar as they require development to be of high-quality design which respects local character and is compatible with neighbouring land. The proposal would also satisfy the general aims of the SPD in terms of annexes.

### **Conditions**

9. The Council has suggested a number of conditions, which I have considered in the light of the advice in the Framework and Planning Practice Guidance. I have suggested some changes for clarity and enforceability.
10. The standard time limit condition and a condition specifying the approved plans are necessary to provide certainty and for enforcement purposes. No details of the proposed exterior materials of the annexe are shown on the submitted drawings, and the application form says these details are "to be agreed." As such, a condition requiring the submission and approval of these details is necessary, in the interests of the character and appearance of the area. It would be sufficient for this detail to be agreed prior to works above ground level. Also, and to protect the character and appearance of the area and the living conditions of residents, a condition is necessary to ensure the occupation of the annexe is only for purposes ancillary to the host dwelling.

### **Conclusion and Recommendation**

11. For the reasons given above, I find that there are no material considerations worthy of sufficient weight which indicate that a decision should be made other than in accordance with the development plan. I therefore recommend that the appeal should be allowed, and planning permission granted subject to the conditions listed above.

*Darren Ellis*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

12. I have considered all the submitted evidence and my representative's report and on that basis I allow the appeal and grant planning permission subject to the conditions set out above.

*John Morrison*

INSPECTOR