



Appeal Decision

Site visit made on 5 November 2024

by R Jones BA(Hons)DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2024

Appeal Ref: APP/M2840/D/24/3342468

Whitefriars, Main Street, Barnwell PE8 5PU

- 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 and Mrs Barker against the decision of North Northamptonshire Council.
 - The application Ref is NE/23/01229/FUL.
 - The development proposed is pool house conversion into an annexe with pool infill.
-

Decision

1. The appeal is allowed and planning permission is granted for pool house conversion into an annexe with pool infill at Whitefriars, Main Street, Barnwell PE8 5PU in accordance with the terms of the application, Ref NE/23/01229/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Annexe Support Document; Proposed floor and roof plan - 201032-P-001; Proposed sections and elevations - 201032-P-002; Proposed elevations - 201032-P-003; Site and block location plans - 201032-SL-001, all received by the Local Planning Authority on 27.11.2023
 - 3) The residential annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Whitefriars, Main Street, Barnwell, and shall not be severed from the main house Whitefriars, Main Street, Barnwell and occupied as a separate and unconnected dwelling.

Main Issue

2. The main issue in this case is whether the proposed conversion would reasonably be considered ancillary to the main dwelling, having particular regard to the level and nature of the accommodation.

Reasons

3. Whitefriars is a large, detached bungalow set well back from Main Street on its western side. To the north-west of Whitefriars, within its garden, is an outbuilding ('the pool house') enclosing a swimming pool. It is proposed to infill

the swimming pool, replace the polycarbon roof and add additional windows in the north-east and north-west elevations, to facilitate conversion to residential accommodation (as an annexe).

4. The Council's case is that the proposed annexe could be occupied totally independently from the main house because of the nature (and amount) of living space it accommodates, so would be tantamount to a new dwelling. The existing pool house is a large building (around 115sqm) and the proposed floor plans show a lounge/kitchenette/diner, two double bedrooms, two bathrooms, a games room and an office. Although shown as a kitchenette with no laundry facilities, I concur with the Council that there is more than sufficient space, and little to prevent, these being added at a later date. It is accepted therefore that the proposal would have all the facilities for day-to-day living.
5. The Council's *Residential Annexes Supplementary Planning Document (2021)* (SPD) sets out in Table 1 a 'Simple guide to annexes' which includes a number of characteristics which annexes should have. This includes sharing main functions of the host dwelling, such as a kitchen and garden, access and external amenity. The nature and amount of accommodation is not, however, itself determinative of whether a proposal constitutes an annexe, and I note the example layout shown in the SPD of a residential annexe, itself includes a kitchen.
6. In terms of other functional links, I observed on my site visit that the access to, and layout of, the annexe would not lend itself to independent occupation. First, it could not be independently accessed; it would share a driveway and the occupiers of the annexe would need to use the existing passageway to the side of Whitefriars, passing very close to a window on the front and rear elevation which appeared to serve a bedroom. Further, although sited to the side, the south-east elevation of the annexe (which would include its main entrance door) would face, at reasonably close proximity, a patio area and a window on the rear elevation of Whitefriars. There would therefore be a physical link and opportunities for intervisibility between the annexe and host dwelling, such that there would be a shared relationship or dependence between the occupiers of the two.
7. I acknowledge that because of the size of the garden and siting of the pool house (to the side of Whitefriars) a separate garden could be created, but because of the access arrangements (I have described above), the land could not easily be sub-divided. Nor does this form part of the proposal before me. It is also the appellant's evidence that services (utility meters, refuse/recycling bins) would not be conducted under a separate system, so would be dependent on Whitefriars.
8. The SPD guidance further states that an annexe should be designed in such a way as to easily allow the annexe to be brought back as an integral part of the main dwelling at a later date. The Council allege that because it is physically separated from the main dwelling, the annexe could not be easily incorporated into the main layout if there is no longer a need for it. Noting both that the pool house is an existing building, and that the SPD does not preclude detached annexes, I am not persuaded by this as there are any number of purposes ancillary to the main dwelling the building could be used for; indeed the existing use is integral to the main dwelling.

9. Importantly, I have determined this appeal on the basis of what was applied for, namely an annexe, and the appellant's 'Annexe Supporting Document' explains that it would be used by visiting friends and relatives, and the home office by themselves. Furthermore, the use and occupancy of the annexe is capable of being controlled by condition and any change of use to create a separate dwelling would require a further grant of planning permission.
10. Consequently, I conclude that there is no conflict with the tenor of the SPD guidance, which supplements Policy 8 of the North Northamptonshire Joint Core Strategy (2016). The proposed pool house conversion to an annexe would be ancillary to the main dwelling and would not be tantamount to a new dwelling.

Conditions

11. The Council have suggested three conditions should the appeal be allowed and I have considered these against the tests in the National Planning Policy Framework. In addition to the standard timeframe for implementation, in the interests of certainty, I have imposed a condition specifying the approved drawings. A condition is also necessary to ensure that the annexe functions only as ancillary to Whitefriars.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

R. Jones

INSPECTOR