



Appeal Decision

Site visit made on 5 November 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2024

Appeal Ref: APP/W3520/W/24/3338988

Annexe at 3 Sandford Road, Old Newton, Suffolk IP14 4PW

- 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 Penny Nicholls against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/05053.
 - The development proposed is the change of use of the existing annexe to a residential dwelling along with the subdivision of the plot.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the proposed development is tantamount to the creation of a self-contained dwelling in the countryside.

Reasons

3. The appeal site comprises a single-storey property positioned amongst a series of established residential dwellings. It is set back from Sandford Road behind a parking area and is set within its own private garden plot. It is physically detached from any neighbouring property, although is understood to have historically formed the garage of 3 Sandford Road. A later planning consent allowed its use as an annex. The property does not fall within a defined settlement boundary.
4. Policy LP02 of the Babergh and Mid Suffolk Joint Local Plan – Part 1 (LP, 2023) relates principally to the construction of residential annexes. It requires that new annexes are restricted by condition or legal obligations to limit their occupation as an annex and to avoid their use as separate dwellings. LP Policy SP03 relates to the sustainable location of new development. It sets out that development outside of defined settlement boundaries will normally only be permitted if the site is either: allocated for development; in accordance with a made neighbourhood plan; is in accordance with one of the listed policies of the local plan; or is in accordance with paragraph 80¹ of the National Planning Policy Framework (the Framework). The preamble to LP Policy SP03 states that development needs to be accommodated in settlements where the need to travel can be reduced, through good access to facilities and services and where significant adverse impacts can be avoided or mitigated.

¹ Paragraph 84 in the latest iteration of the Framework.

5. The proposal seeks the use of the annex as an independent property in this out-of-settlement location. By reason of the location of the appeal site, occupiers would rely entirely on car travel to access all day-to-day services and facilities. There is no evidence before me that demonstrates that alternative means of sustainable transport exist, such as convenient and safe access to services by foot or public transport. Moreover, based on the evidence before me, the proposed development would not meet any of the exceptions set out within Policy SP03(2).
6. On this point, the appellant sets out that the Local Plan cannot be expected to cater for each and every development proposal, noting that there is no policy relating specifically to the subdivision of a site to use an annex as a dedicated dwelling. While this is accepted, the objectives of LP Policies LP02 and SP03 are clear in that they seek to steer development away from out-of-settlement locations and towards more sustainable locations.
7. The appellant draws my attention to paragraph 84 of the Framework. This relates to isolated homes, and I accept the reference to these provisions within LP Policy SP03(2.d). Nevertheless, the reference to this paragraph in that policy does not mean that an out-of-settlement site should automatically be deemed 'isolated'. While there is a rural character here and the site lies outside of any settlement boundary, there are nevertheless a cluster of residential properties lining Sandford Road and positioned either side of the appeal site. In that context the site cannot reasonably be described as isolated within the terms of the Framework. Accordingly, the provisions of paragraph 84 are not applicable in this case and do not form an exception.
8. Overall, I conclude that the proposed development would form a separate dwelling in an unsustainable, out-of-settlement location, contrary to the relevant provisions of LP Policies LP02 and SP03. These policies, in summary, seek to steer development to sustainable locations.

Other Matters

9. I note the appellant's comment that opportunities exist to improve the biodiversity of the site, having already improved the green space at the site to date. I also note the proposed electric car charging facilities. While these objectives are acknowledged, the improvement of the site in biodiversity terms, and the introduction of a vehicle charging point, are not wholly reliant on the scheme before me.
10. I also note the personal statement provided by the appellant. These points are acknowledged and I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. It does not follow from the PSED that the appeal should succeed and wider planning considerations are paramount but nevertheless the particular need of the appellant in this location is a matter to which I give moderate weight in assessing the proposal.
11. I have reasoned above the significant harm that the proposed development would cause to the wider public. Moreover, the proposed development would remain long after the current personal circumstances cease to be relevant. For

these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused, and which is contrary to the objectives of the development plan.

12. Moreover, that the property is already in use as a standalone dwelling, with independent services and provides a one-bedroom unit of accommodation, is not reason to automatically accept the appeal scheme where harm has been identified. In addition, there is no dispute between the Council and appellant in respect of highway matters, character and appearance, land contamination, heritage or flood risk and drainage. These matters are neutral in my determination of the appeal.
13. The appellant argues that economic benefits would arise from the scheme including during construction and following occupation. However, the property is already constructed and occupied with no proposed external works. Any benefits in this regard would be minimal.
14. My attention is drawn to several cases involving annex developments. Although I have very limited information before me in respect of these cases, it is clear from the Appeal Decisions that Winslade Manor, Bluntswood Cottage and Woodlands were sites all determined to be isolated in the terms of the Framework. This differs markedly from the scheme before me, where I have not identified the same circumstances. Accordingly, these schemes are not directly comparable to the scheme before me. Ultimately, I have considered this appeal on its own individual circumstances.

Conclusion

15. For the reasons above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR