



Appeal Decision

Site visit made on 6th February 2025

by Jonathan Price BA(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/Z1510/D/24/3353292

Sugar Lane Cottage, Sugar Lane, Sible Hedingham, Essex CO9 3LX

- 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 Mrs Helen Dunbar against the decision of Braintree District Council.
 - The application Ref is 24/01659/HH.
 - The development proposed is conversion of a stables to an annexe, closure of existing access to the dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for conversion of a stables to an annexe, closure of existing access to the dwelling at Sugar Lane Cottage, Sugar Lane, Sible Hedingham, Essex CO9 3LX in accordance with the terms of the application, Ref 24/01659/HH, 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 submitted drawing no. 2024-843-002 Rev. B.
 - 3) The accommodation hereby permitted shall not be occupied until the existing drive to Sugar Lane Cottage has been removed and returned to garden land as shown in the submitted drawing no. 2024-843-002 Rev. B.
 - 4) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Sugar Lane Cottage as identified on the submitted plans. It shall not be sold, transferred, leased or otherwise disposed of except by way of a disposal comprising the whole of the site edged red on the submitted drawing no. 2024-843-002 Rev. B.

Main Issue

2. Whether the proposal can demonstrate a physical and functional relationship with the host dwelling and be considered as annex accommodation, taking account of development plan policy and any other material considerations.

Reasons

3. Sugar Lane Cottage is a three-bedroom house standing on its own within surrounding countryside. This location is outside the development boundaries defined by the Braintree District Local Plan 2013-2033 (LP), where Policy LPP 1

confines uses to those appropriate to the countryside. Irrespective of this, LP Policy LPP36 allows residential alterations, extensions and outbuildings to existing dwellings subject to a number of criteria.

4. In this case the residential alterations would comprise the conversion to annexe accommodation of a small stable building at the end of the back garden. The Council's refusal was over this failing to demonstrate a physical and functional relationship with the host cottage and, rather than ancillary accommodation, being tantamount to the creation of a new dwelling.
5. The proposal includes the removal of the existing drive serving Sugar Lane Cottage, such that both it and the proposed annex would share the second access leading to the stables, as well as the adjacent garaging and storage space. The stable building was approved in 2002 and has evidently been previously used for keeping horses, with a large paddock situated to the rear. The concrete apron at the rear of the building, presumably to facilitate the cleaning out of the stables, is not part of the red line application. Therefore, as proposed, this would not become a private rear patio for the annex, and it would just share the existing garden with the host dwelling.
6. The amount of accommodation provided is very small, comprising a bedroom with ensuite and a single living room with kitchenette. The Council is concerned that the annex conversion does not include the tack room, which could at some future point create a larger residential unit. However, I can only make my decision on the plans before me and this tack room would remain available as ancillary storage space.
7. The proposal would offer separate accommodation for both the appellant and her son, allowing them to live close to each other to better provide the mutual support required. Whilst providing independent living space, the annexe would not be entirely self-contained, continuing to share the garden, vehicular access, car parking space, garaging, laundry and storage facilities with Sugar Lane Cottage. On this basis, the annex would share a physical and functional relationship with the host dwelling, in compliance with criterion h of LP Policy LPP36. There is no dispute over this proposal satisfying the other criteria in this policy and, furthermore, the development plan considered as a whole.

Conditions and conclusion

8. In addition to applying the standard time limit and plans compliance, I consider further conditions are necessary in the interests of certainty. These secure the single shared access and clarify the ancillary nature of the accommodation. Subject to these conditions, I conclude the appeal should succeed.

Jonathan Price

INSPECTOR