



Appeal Decision

Site visit made on 25 February 2025

by Chris Preston BA (Hons) Town and Country Planning, Bachelor of Planning (BPI) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2025

Appeal Ref: APP/J0540/W/23/3331031

Thatch Cottage, Tallington Road, Bainton, STAMFORD, PE9 3AF

- 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 Chamberlain against the decision of Peterborough City Council.
 - The application Ref is 23/00581/HHFUL.
 - The development proposed is described on the application form as demolition of existing outbuilding and erection of a timber pre-fabricated single storey granny annexe for ancillary use to the main dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Two appeals are before me in relation to the same site. In addition to this appeal I have also determined an appeal against the refusal to grant a Certificate of Lawful Use (CLOPUD) in relation to the proposed siting of a mobile home for purposes ancillary to the main use of the dwellinghouse¹. However, whilst linked, the two forms of appeal are quite different in nature so I have issued each decision in a separate letter.
3. Notwithstanding the above, my decision in relation to the CLOPUD appeal does have some bearing on the scope of the appeal against the refusal of planning permission in respect of the nature of development for which permission is sought. The proposed development is described on the application form in the manner set out in the banner heading, above. That refers to the “erection” of a timber pre-fabricated annex. However, in the CLOPUD appeal, the parties agreed that the structure was effectively a mobile home which would fall within the definition of a caravan.
4. As such, it is not a building and permission is required for the use of land as opposed to operational development. In line with my findings in the CLOPUD appeal I have considered the present appeal on the basis that permission is sought for the siting of the mobile home/ caravan which would involve a material change of use of the land, as described in that associated decision.

Main Issues

5. The main issues are:

¹ Appeal Ref: APP/J0540/X/23/3330648

- i) Whether the proposed annex would be likely to result in the creation of a separate unit of occupation; whether it would be ancillary in scale to the original dwellinghouse and whether the accommodation could reasonably be provided through an extension to the dwellinghouse.
- ii) The effect of the proposal on the character and appearance of the area, including the Bainton Conservation Area and on the setting of Thatch Cottage, a Grade II listed building.

Reasons

Relationship between the proposed annex and the original dwellinghouse

6. Policy LP34 of the Peterborough Local Plan (2019) (the Local Plan) identifies that planning permission will be granted for the creation of residential annexes where a number of criteria are met. Those criteria are multi-faceted, covering issues relating to design but also to ensure that any annex remains ancillary to and associated in use to the original dwellinghouse, as opposed to a separate unit of occupation.
7. For reasons set out in my associated decision relating to the COPUD appeal, I am satisfied that the manner in which the unit would be occupied would not lead to the creation of an independent unit of occupation. It would remain in the same ownership as the dwelling; would not result in the formation of a separate planning unit; would have a functional relationship with the main dwelling; would share access to the garden and parking areas; and would share services and utilities. In those respects there would be no conflict with paragraphs a), b), d), e) and g) of policy LP34.
8. Criteria c) requires that the annex is ancillary in scale and subordinate in size compared to the existing dwelling and of a design which complements the original dwelling. I shall address the later point in relation to the second main issue. However, in terms of scale the annex would represent a second detached mobile home on the site, adding to the sizeable structure that is occupied by the appellants. The purpose of the policy is clearly to ensure that any additional accommodation is of an ancillary and subordinate scale and it seems reasonable to take account of the existing annex when assessing that in the round. Failure to do so would defeat the object and could result in multiple smaller units which, of themselves, may not be disproportionate but combined would be of significant scale.
9. In my view, the combined scale of the two annexes would not be ancillary or subordinate to the modest scale of the original dwelling. The footprint of the existing annex is broadly comparable to that of the dwelling. The proposed annex would be shorter in length but wider and would add significantly to the extent of additional accommodation that would be provided outwith the dwelling. Each annex would have its own kitchen, living area and two bedrooms. Given that there are only two bedrooms in the original dwelling the provision of four bedrooms in mobile homes is an indication that the level of accommodation would not be ancillary. Therefore, I find conflict with the requirements of policy 34(c) in that respect.
10. Criteria (f) of the policy requires that the annex is not capable of subdivision from the original dwelling to create a new planning unit. Whether the proposal is

capable of being used in such a manner and whether it actually would be are two different things. For reasons set out in the associated CLOPUD decision, I am satisfied that the family would reside as a single group such that no new planning unit would be created. The appellants have also indicated that they would be willing to accept a condition to the effect that the unit would not be occupied independently of the main dwelling.

11. Therefore, the unit does not strictly conform to the requirements of the policy because it would be “capable” of subdivision as it contains all of the facilities required to enable independent living. However, it would not be utilised in such a manner and that could be secured by condition. Accordingly, no harm would arise out of the technical infringement of criteria (f) and it is not a matter that weighs heavily against the proposal.
12. In addition to the specified criteria (a) to (h) policy LP34 also states that residential annexes will only be permitted where it has been demonstrated that additional accommodation cannot reasonably be accommodated through an extension to the existing dwelling. The fact that Thatch Cottage is a Grade II listed building would undoubtedly make it more difficult to extend than will often be the case. However, there is no evidence that any consideration has been given to an extension which is what the policy requires. I also note that the proposal is said to be for a single occupant, the appellants’ daughter and there is no obvious reason why two bedrooms would be required or a separate kitchen. In other words, it may be that any extension would not need to be as large as the current proposal to accommodate the needs of a single occupant.
13. Thus, whilst I have found that the proposal would not result in the creation of a separate planning unit, there is conflict with policy LP34 on account of the scale of accommodation proposed, which would not be subordinate to the existing dwelling. Moreover, it has not been demonstrated that the needs couldn’t be provided for through an extension to the dwelling itself.

Effect on the Character and Appearance of the Area and the Setting of the Listed Building

14. The list entry describes Thatch Cottage as an 18th century structure, with coursed rubble walls and a thatched roof. The Bainton Conservation Area Appraisal (the CAA) notes that there is evidence that the cottage is a rebuild of an earlier structure. It is listed on account of its age and historic interest and is a good example of simple, vernacular architecture. The simplicity of the design and floorplan, allied to the use of local materials and traditional building techniques give the building its special interest, as does its siting and association with the wider village.
15. The CAA identifies Bainton as a rural village with agricultural origins, containing a medieval core and many 17th and 18th century stone buildings, including Thatch Cottage. Various features give the village its historic interest, including the characteristic stone cottages, predominant use of local building materials, along with attractive boundary walls, hedges and green spaces and remnant parkland associated with Bainton House².

² Section 4.0 of the CAA

16. Thatch Cottage clearly contributes positively to the character and appearance of the CA being a well-preserved example of a vernacular cottage and one of only three remaining thatched buildings. Whilst it is set back from Tallington Road it is visible on the approach to the site through gaps in the hedgerows, particularly at the site entrance. It is experienced in the local context as a detached cottage within its own grounds. That sense of separation plays an important role in the setting of the building, enabling it to be appreciated as a free standing structure. Nonetheless, the association with other buildings within the village is also of significant importance to its setting on account of the continuity in design and consistency in building materials which enables the dwelling to be understood as part of its association with the wider development of the settlement.
17. The garage that would be removed to make way for the annex is of no particular historic interest and the timber frame and doors do not reflect the vernacular materials which predominate in the area or the design of the listed cottage. However, I concur with the assessment of the Council's Conservation Officer that it does have a subordinate relationship with the main dwelling and reads as such. It is not uncommon to see outbuildings with different materials within the curtilage of properties in the CA.
18. That said, the proposed building would be notably more overt in residential appearance, with a pre-fabricated appearance typical of mobile homes commonly found in caravan sites. The light coloured cladding, often referred to as "New England" style, is typical of such units and would contrast awkwardly with the traditional materials of the dwelling. It would represent a decidedly modern incursion that would be unsympathetic when set against the stone and thatch of the cottage.
19. The structure would clearly be visible along the driveway and the width would be greater than that of the cottage, with the shallow roof pitch also contrasting against the steeply pitched thatched roof. Moreover, the resulting arrangement would lead to two similar modern structures sat either side of the modest cottage. The cumulative impact would be substantial with accommodation formed by pre-fabricated structures becoming the dominant visual presence within the site.
20. Whilst the existing garage is not a positive influence on the setting its impact is more restrained and subordinate in comparison to the proposal which would draw the eye as a result of the contrast with the listed building. The harm arising would impede the ability to appreciate the listed building in its detached setting. Moreover, the overtly modern design and materials would disrupt the comparative harmony in traditional building materials found within the wider setting to a much more noticeable degree than the existing garage. For those reasons the development would cause harm and would fail to preserve the setting of the building.
21. Given that local materials and style are of clear importance to the significance of the CA and that Thatch Cottage represents a fine example of an 18th century cottage, the harm that I have identified is such that the proposal would also fail to preserve or enhance the character and appearance of the CA.
22. For the reasons, the development would be contrary to the aims of policy LP19 of the Local Plan which seeks to protect designated heritage assets and their

settings. The design of the proposal would also fail to complement the character of the original dwelling, contrary to the requirement of criteria (c) of policy LP34.

23. The harm to the CA would be localised and the harm to the setting of the listed building would be less than substantial given that the structure of the building itself would be untouched. Nonetheless, given the statutory duties in respect of designated heritage assets and harm is still a matter that carries significant weight in the planning balance. In line with paragraph 215 of the National Planning Policy Framework (the NPPF) where a proposal would lead to less than substantial harm to a designated heritage asset that harm must be balanced against the public benefits of the proposal. I shall address the benefits that have been advanced by the appellant below and in the planning balance at the end of my decision.

Other Matters

24. The annex would provide accommodation for the appellants' daughter who would reside on site and assist with their care needs and help with tasks around the wider home, including in the garden and main house. The personal circumstances in that respect do carry weight in the determination of the appeal. However, the weight I attach is moderated on account of a number of factors.
25. Firstly, the existing annex is a substantial structure with two bedrooms and its own living area away from the main dwelling. Therefore, whether significant extra accommodation is required to enable a single extra occupant to reside at the site is not clear. I can appreciate that separate space may be desirable but even then, the scale of accommodation proposed seems greater than would be needed for a single occupant. Moreover, there is no indication that the appellants' daughter would be unable to secure alternative accommodation in the absence of the proposed development, be that on site, in the existing space, or off-site close by. For all of those reasons, whilst I am mindful of the personal benefits that would arise I afford the matter moderate weight in the planning balance.
26. It appears to me that the provision of onsite care by the daughter to her parents is essentially a private benefit as opposed to a public benefit. Whilst her presence would no doubt be a significant help to her parents no evidence has been presented that they would be unable to reside at the site without the additional on-site presence. Similarly, living on site would offer a cheap form of accommodation for the daughter, compared to the cost of purchasing a property but that is also a private benefit as opposed to a public matter. Even if it was a public benefit, no information has been submitted to demonstrate that other accommodation would be unaffordable.
27. Nor am I satisfied that the alleged diversification of the housing market is a public benefit of any notable weight. The site already affords flexible living arrangements with the dwelling and a sizeable annex and no evidence to support any wider public need for a dwelling with two annexes has been provided, nor is there any evidence of a shortage of larger accommodation where multi-generational needs could be catered for. Similarly, whilst the structure may use sustainably sourced materials and techniques, any new building is required to comply with recognised building standards and there is nothing out of the ordinary in respect of the proposed unit that would amount to a notable public benefit in sustainability terms.
28. The appellant has referred to a number of appeal decisions where annexes have been permitted within the residential curtilage of the host property, including two

examples, from different parts of the country, where the dwelling was a listed building. I have not been provided with plans and it is not clear that the circumstances are the same as the present appeal in terms of the design and location of the annexes, the relationship with the main dwelling and the personal circumstances of each case. Nor is it clear that the local policy context is the same, having regard to the specific criteria of policy LP34 of the Local Plan.

29. The annex in respect of Wisteria Cottage³ was set at the bottom of the garden “physically and visually well separated” from the house. That is not the case in the present appeal where the unit would be directly adjacent. In respect of The Cottage⁴ the Inspector noted that “the pitched roof form and simple design would relate well to the traditional form of The Cottage and its rural location and its domestic appearance”. For the reasons given above, the roof form and design of the proposal in the present appeal would not relate well to the design and appearance of Thatch Cottage.
30. In addition, none of the appeals refer to situations where the proposed annex would be the second such structure, both in close proximity to the listed building. Accordingly, reference to the appeals does not lead me to alter my conclusion on the harm that would be caused or set a precedent for the proposal.
31. Whilst the structure would be sited close to the boundary with neighbouring properties, the only window facing the boundary would be a small bathroom window which would be fitted with obscured glazing. As such there would be no loss of privacy. In addition, the structure would be located next to the blank gable of the adjacent dwelling such that no overbearing impact would result.
32. Whilst a mobile unit such as that proposed represents a use of land as opposed to a building, the plans are specific in terms of the proposed siting and I have considered the appeal on that basis. Any alternative proposal or application would be for the Council to consider.

Conclusion

33. For the reasons given, the proposal does not comply fully with the requirements of policy LP34 of the Local Plan with regard to its scale relative to the original dwelling, its appearance and the lack of any indication that an alternative approach of extending the dwellinghouse has been considered. It would also cause harm to the character and appearance of the area, including the CA and the setting of the Listed Building, contrary to the aims of policy LP19. The harm in those respects is such that it would fail to comply with the aims of the development plan, taken as a whole.
34. I am doubtful whether any of the benefits put forward could be considered “public” benefits. However, even if the tenuous link could be formed to a public matter, evidence to justify any notable weight being apportioned is limited. Accordingly, no public benefits have been put forward that would outweigh the harm to designated heritage assets, contrary to the requirements of the Framework in that respect.
35. Furthermore, whilst I attach moderate weight to the personal circumstances of the intended occupant and extended family, that does not outweigh the significant

³ Appeal Ref: APP/K3415/D/18/3208618

⁴ Appeal Ref: APP/L3245/W/22/3304926

weight I attach to the harm to designated heritage assets and does not amount to a material consideration that would outweigh the conflict with the development plan as a whole. It follows that the appeal should be dismissed.

Chris Preston

INSPECTOR