



Appeal Decision

Site visit made on 24 April 2025

By G Powys Jones MSc FRTPi

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/Y3940/W/24/3358152

8 The Orchard, Urchfont, Wiltshire, SN10 4QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by The Estate of Mrs P Cridland against the decision of Wiltshire Council.
 - The application Ref is PL/2024/02062.
 - The application sought planning permission for the use of existing garden building as a domestic annexe without complying with conditions attached to planning permission Ref 20/08600/FUL, dated 10 December 2020.
 - The conditions in dispute are condition 2 & 3 imposed on the permission.
 - Condition 2 states: *The development hereby permitted shall be carried out in accordance with the following approved plans: the Drg Title: Site Location and Block Plan (including parking plan). Drg No: HW-1. Drg Title: Plan and Elevation. Drg No: HW.2.*
 - Condition 3 states: *The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as '8 The Orchard' and it shall remain within the same planning unit as the main dwelling.*
 - The reasons given for the conditions are: Condition 2: *For the avoidance of doubt and in the interests of proper planning*, and Condition 3: *The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.*
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Decision

1. The appeal is dismissed.

Procedural matters.

2. My visit was originally arranged as an access required visit, but no-one was at home when I called. However, having regard to the representations and the reason for refusal I could see all I needed to see from the property's driveway and the street outside to make a proper assessment. I therefore conducted an unaccompanied visit.
3. I note that since the submission of the appeal planning permission has been granted for development in the property's garden which includes the provision of a parking space and dropped kerb.
4. The appellant has made an application for costs against the Council. This is the subject of another decision.

Main Issue.

5. This is the effect on the character of the surrounding area and the living conditions of neighbouring residents with particular reference to additional activity, noise and disturbance.

Reasons

6. The appeal property is a detached bungalow situated at the end of a quiet, pleasant cul-de-sac of a modest length comprised of similar dwellings. When I visited, it did not appear to be occupied, and some rooms appeared to be used for the storage of building materials and products, and this was also evident in the garden.
7. The original application was determined on the basis of the information contained within the accompanying planning statement. This clarified that the use proposed for the annex was for self-contained holiday accommodation or, sometimes, for temporary accommodation where '*needed for a few days*', and a suggested amendment to condition 3 was proposed. That largely remained the case in the appellant's statement of case, although the concept of the unit being used by a person in local employment was introduced.
8. In the final comments, the appellant's proposed use is further clarified, and the range or description of proposed uses expanded, including short term residential lets of up to 90 days. A Management Statement in respect of the annexe was introduced for the first time. A further amended condition 3 was also proposed, which to my mind is materially different from the suggestion made in the planning statement accompanying the original application.
9. The use of the conjunction 'or' in the latest suggested condition 3 signifies to me that the appellant seeks considerable flexibility in the future use of the annexe. Indeed, this is highlighted in the appellant's final comments, where it is said:

The use of the phrase "holiday accommodation" was only in (sic) ever adopted as a shorthand phrase for describing the proposal, which is actually to use the annexe for a wider range of short term residential stay accommodation than was permitted by the original restrictive condition.
10. It is asserted that the existing planning unit would not be subdivided by reason of the ownership of the bungalow and annexe remaining the same. However, the annexe would be physically separate, have its own separate amenity area and parking space, and may be occupied by up to two persons for residential purposes with no connection, familial or otherwise, with the bungalow's occupants. Indeed, there appears to be no provision in the Management Statement to prevent the bungalow being separately let by its owners, who may be living elsewhere. Accordingly, there is no certainty that the management and supervision of the annexe would be undertaken by the bungalow's occupants.
11. That the whole of the land and property would remain in the same ownership, does not convince me that the appellant's proposals, were permission granted, would not result in the creation of a divided planning unit. The degree of flexibility sought may result in the creation of two distinct units of residential accommodation, notwithstanding the intention to restrict the occupation of the annexe to relatively short, fixed periods. The annexe could thus conceivably be used and occupied as a separate residential unit continuously, albeit that its residents would be expected to change every 90 days. To my mind, this would result in a development of a

materially different character to that for which permission was originally granted, that is, as an annexe to be used for purposes ancillary to the residential use of the bungalow, (not as a self-contained studio apartment as described in the appellant's initial grounds of appeal).

12. There is a recognition in the provisions of the Management Statement that this is a quiet residential area and that the inappropriate use of the annexe by its occupants could cause a nuisance to neighbouring residents. The degree of flexibility sought by the appellants would to my mind, significantly increase the risk of the annexe being occupied by some transient residents who may not respect the value placed by neighbouring residents on the quiet enjoyment of their pleasant surroundings.
13. Whilst I acknowledge the appellant's point that transient residents or holidaymakers may be well behaved and respectful of their surroundings, but that cannot be guaranteed. In my experience, problems of noise, disturbance and inappropriate activities can and inevitably arise with the type of use proposed for the annexe, even in rural areas. In the absence of effective management and enforcement provisions, it is the neighbouring residents who would suffer the harmful consequences. In the light of the appellants' greater clarity on the proposal I intend to adopt a precautionary approach, since I can think of no planning condition which would effectively overcome my concerns, and none of those suggested would either.
14. I therefore conclude that the use of the annexe as proposed would on occasion likely result in harm to the living conditions of nearby residents by reason of noise and other disturbance. Accordingly, a conflict arises with those provisions of Core Policy 57 of the Wiltshire Core Strategy expecting all new development to be complementary to the locality, to be compatible with adjoining uses and by the failure to provide persuasive information demonstrating how the development would make a positive contribution having regard to the impact on existing occupants.

Other matters

15. I understand the executors' reasons for greater flexibility, but there is no evidence, or none that has been made available to me, that the bungalow would not be attractive to potential occupants as matters stand, notwithstanding the condition currently applying to the annexe.
16. All other matters raised in the representations have been considered, including the references to the *National Planning Policy Framework*. I have also considered the comments made by the Parish Council and local residents. No other matter is of such strength or significance as to outweigh those considerations that led to my conclusions.
17. Accordingly, the appeal is dismissed.

G Powys Jones

INSPECTOR