



Appeal Decision

Site visit made on 8 May 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th May 2025

Appeal Ref: APP/K0235/D/24/3353939

The Pyghtle, Robins Folly, Thurleigh, Bedford MK44 2EQ

- 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 Narvin Powar against the decision of Bedford Borough Council.
 - The application Ref is 24/01091/FUL.
 - The development proposed is described on the application form as 'residential annexe'.
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Decision

1. The appeal is allowed and planning permission is granted for a residential annexe at The Pyghtle, Robins Folly, Thurleigh, Bedford MK44 2EQ in accordance with the terms of the application Ref 24/01091/FUL, subject to the conditions in the attached schedule.

Main Issue

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

Reasons

3. The proposed development comprises the erection of a single-storey structure within the garden area of The Pyghtle. It would measure approximately 80sqm and would be physically separate (approximately 29m) from the main house. The building would be finished in render and timber cladding. It is set out that the building would be for accommodation ancillary to the main dwelling, in particular for family members to use.
4. Policy 7S of the Bedford Borough Local Plan 2030 (LP) sets out that development outside defined Settlement Policy Areas and the built form of Small Settlements will be permitted in certain situations. Whilst the Council argue that the proposed building could be capable of independent residential occupation, this is based on a hypothetical eventuality. There is no evidence before me that indicates that this would be the case.
5. Having regard to the domestic nature and setting of the proposed development, its relative proximity to the main house, and its clear association with the main house, the proposed development could reasonably be considered as an annex or extension to the main property. The proposed development would not, as indicated, contain all facilities required for day to day living and it would not involve the physical subdivision of the existing curtilage or garden area. The existing garden areas and driveway would be retained and shared with the annex. Moreover, a suitably worded condition, as suggested by the Council in its

questionnaire, would provide sufficient certainty to ensure that this would remain the case.

6. There is no dispute between the Council and appellant in respect of the effect on the character and appearance of the surrounding area, the environment or biodiversity or any other impacts that would adversely affect the use and enjoyment of the countryside by others. I have no reason to find differently.
7. My attention has been drawn to an appeal case at Shems Barn, Hertfordshire under reference APP/J1915/D/19/3232061. This, in part, relates to the character and appearance of the area, which is not a matter in dispute here. That case also included a kitchen, bedroom, lounge and wet room. This differs markedly from the appeal proposal before me which does not include such areas. Therefore, I am unable to draw any direct comparisons between the two schemes.
8. Overall, the proposed development would not be occupied as a separate self-contained dwelling. Consequently, it would not be contrary to the relevant provisions of LP Policy 7S. This policy, in summary, seeks to ensure that only appropriate development takes place in the countryside.

Other Matters

9. The appeal site is located within the wider surroundings of Grade II listed, Park Farmhouse. Mindful of the statutory duty set out in s66(1) of the Act, I have had special regard to the desirability of preserving its setting. The verdant surroundings of this building, of which the appeal site forms part, positively contributes to its significance. Nevertheless, given the location and extent of the proposed development, I consider that it would preserve the setting of this listed building and the contribution it makes to its significance. I note the Council had no concerns in this regard either.
10. Reference has been made to several appeal decisions, including APP/B1930/W/18/3217177 and APP/L3815/A/01/1079596. Under these decisions, the Inspector found an annex occupancy condition to be unenforceable. The same matter is discussed in decision APP/W03040/W/22/3291473. Nevertheless, whilst these decisions are noted, I am not bound by their conclusions, particularly where there are differences in circumstance. Based on the appeal scheme proposed and the evidence before me, I am satisfied that an occupancy condition would be necessary and enforceable in this instance. Ultimately, this matter has not led me to an alternative conclusion on the main issues.

Conditions

11. The Council has suggested a set of conditions in the event that the appeal is allowed. In imposing conditions, I have had regard to the tests within the National Planning Policy Framework, the Planning Practice Guidance, and relevant statute, and have accordingly amended the wording of certain conditions proposed by the Council without altering their aim.
12. In addition to the standard time limit condition, I have imposed a condition requiring compliance with the relevant plans. This is imposed in the interests of certainty.
13. I have imposed a condition requiring that the proposed development is used only for purposes ancillary to the residential use of the dwelling known as The Pyghtle.

This is for the avoidance of doubt and to ensure that the building is used as proposed and assessed above. A condition requiring the submission of the details of materials is imposed in the interests of the character and appearance of the surrounding area. A condition is imposed relating to an archaeological strategy. This is necessary in the interests of the protection of the historic environment.

Conclusion

14. 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

SCHEDULE OF 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 drawing numbers: 44368_100, 44368_103, 44368_101, 44368_102.
- 3) No development above slab level shall take place until full details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until an archaeological strategy for evaluation, and if necessary a further mitigation strategy based on the outcome of the evaluation, have been submitted to and approved in writing by the Local Planning Authority. The archaeological mitigation strategy shall include a timetable and the following components:
 - (i) fieldwork and/or preservation “in situ” of archaeological remains;
 - (ii) a post-excavation assessment report (to be submitted within six months of the completion of fieldwork); and
 - (iii) a post-excavation analysis report, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of fieldwork).

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.
- 5) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Pyghtle.