



Appeal Decision

Site visit made on 30 June 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/Z2315/W/25/3363520

Banks Farm Barn Sparrable Row, Briercliffe, Lancashire BB10 3QW

- 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 M Collins against the decision of Burnley Borough Council.
 - The application Ref is FUL/2024/0210.
 - The development proposed is conversion of garage to create residential annexe.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal represents a residential annexe having regard to its nature; and
 - The effect of the development on the character and appearance of the area.

Reasons

Residential annexe

3. The appeal proposal relates to a substantial detached four-bay garage. The proposed conversion would have an internal arrangement, comprising an open plan kitchen-diner, lounge, utility, storage and shower room on the ground floor, and two bedrooms with en-suite bathrooms within the roof space as well as a dressing area. The resultant living accommodation would therefore be self-contained because any future occupant would not be reliant on the main dwelling for aspects of day to day living, for example cooking or bathroom facilities.
4. It is established in case law, that even if an outbuilding contains the accommodation to enable independent living, provided that there is a clear and functional link between the house and the appeal building, then it is a matter of fact and degree whether an independent dwelling, has been created.
5. The proposed development is described as a residential annexe, and this is the starting point in an assessment of the proposal. The appellant advises that the appeal building, and the host property would remain within the same ownership. The intention would be that he and his partner would move into the proposed annexe, and one of their children and their family would reside in the main house. This may lead to an interrelationship between the occupants of the two buildings, and specific examples given include childcare, and care and well-being support as

the appellant advances in age. This is a familial link, and I do not doubt that comings and goings between the two buildings would arise as a result. However it is not clear that the relationship would be one of inter-dependency, operating as a single household. For example, there is very little evidence of a functional need such as required care, in respect of any medical or mobility conditions.

6. The building is physically separate to the main house and has a substantial floor area, with sizeable and separate rooms serving each day to day function. I acknowledge that there is shared outside space, in the form of the access, parking and manoeuvring area, and potentially the garden. However, overall, I consider that the nature and scale of the development would have more in common with a detached house than a functional extension to the main dwelling.
7. Combining these factors, and based on the evidence before me, I find that it has not been adequately demonstrated that the proposal would be integral to, and part and parcel with, the main dwellinghouse. I find this to be the case, even though the appeal proposal is described as a residential annexe.
8. I have been referred to various appeal decisions in support of the appellant's case. However, the full detail has not been provided and I am unable to establish whether there any direct parallels. These cases are not determinative in any event, as my decision is made on a fact and degree basis, relating to the specific circumstances of this case.
9. For these reasons, I conclude that the proposed development would not represent a residential annexe having regard to its nature. Consequently, the proposal would conflict with the relevant provisions of Policy SP4 of Burnley's Local Plan, July 2018), (the Local Plan). Amongst other things, the policy directs new development including housing, to sustainable areas within the settlement hierarchy, whilst strictly controlling development in open countryside.

Character and appearance

10. The garage is predominantly built into the hillslope and orientated partially towards the main dwelling. As such its roof, including the upper portion of the gables are the main visible features viewed from outside of the site. Within the site, including from the public footpath that passes through the land, the building has a utilitarian appearance due to its four tall garage bays and metal doors. However, its overall form, including the dominant roof slopes, are in character with the main dwelling and the wider cluster of traditional rural buildings.
11. The proposed alterations would introduce a simple vertical emphasis, and a soft recessive material palette to the front elevation, through the use of vertical timber panelling and doors, and black framed glazing panels. Whilst large additional rooflights are proposed, an existing solar panel array already covers much of the roof slope. The patio door and window to the side elevation are domestic in appearance but are largely hidden from wider views. Overall the proposal would be no more substantial, domestic or intrusive than the existing building, and it would be sympathetic to the appearance of the main dwelling and wider cluster of buildings.
12. For these reasons, I conclude that the proposed development would not have a harmful effect on the character and appearance of the area. As such, in this regard, I find no conflict with the relevant provisions of policies SP5, HS5 and NE3

of the Local Plan. Amongst other things, these policies require high standards of design and construction, including respecting the landscape setting and established character of the locality, relating well to local topography and built form, amongst other things.

Other Matters

13. The proposal would re-use an existing building, make use of the renewable energies available on the site, and would allow the appellant to have family close by. These are benefits of the scheme; however they do not diminish the harm I have found in relation to the first main issue.
14. I acknowledge the appellant's procedural concerns in respect of the processing of the planning application by the Council. However this does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Planning Balance and Conclusion

15. Whilst I have not found harm in respect of the character and appearance of the area. I have found that the proposal would not represent a residential annexe having regard to its nature, thus undermining the development plan settlement hierarchy. This shortcoming draws the proposal into conflict with the development plan as a whole. The other considerations before me, do not indicate that I should make my decision other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

E Heron

INSPECTOR