



Appeal Decision

Site visit made on 17 June 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2025

Appeal Ref: APP/X1545/W/24/3349854

Paynes Cottage Walden House Road, Great Totham, Essex CM9 8PN

- 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 Andrew Marven against the decision of Maldon District Council.
 - The application Ref is 24/00372/FUL.
 - The development proposed is described as the conversion of existing outbuilding to annexe.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing outbuilding to annexe at Paynes Cottage, Walden House Road, Essex, CM9 8PN, in accordance with the terms of the application, Ref 24/00372/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by the appellant and the Council. These applications are the subject of separate decisions.

Main Issue

3. The main issue in this appeal is whether the proposed annexe would be ancillary to the main dwelling.

Reasons

4. The appeal site comprises an existing two-storey brick building located to the rear of Paynes Cottage. The outbuilding appears to be attached to part of the neighbouring property, Walden House, and forms the boundary wall between the neighbouring plots. To the south there are several industrial/commercial buildings and open fields beyond.
5. The proposed annexe would be located within the curtilage of Paynes Cottage. Although not physically attached, the degree of separation would be modest and would allow for frequent and convenient access between the two buildings across a shared garden and patio area. The annexe would be visually subservient in both scale and form, comprising a modest two-storey structure with a simple roof profile, one bedroom, limited internal space, and no enclosed garden or private parking area. The submitted plans show it would be materially smaller than the host dwelling and lacking in external features typically associated with independent accommodation. Its siting behind the main house also reinforces its secondary status on the plot.

6. The Council contends that the development would be excessive in scale and layout, with the inclusion of a bathroom and kitchen/living space rendering it tantamount to an independent dwelling. However, whilst the building would be physically capable of self-contained occupation, such accommodation may still constitute an annexe where it is used in connection with the main dwelling and does not form a separate planning unit.
7. The evidence indicates that the intended occupier of the annexe would be the appellant who would rely on the main dwelling for key daily functions – laundry, meals, social time, and in particular, care support provided by family members residing in the main house. There would be regular and ongoing interaction between the buildings, with no intention or opportunity for the annexe to function independently.
8. A neighbouring resident raised several concerns about the claimed care needs of the appellant. Whilst no formal medical documentation has been provided, the appellant has outlined clear personal and practical reasons amounting to sufficient evidence that the annexe is intended to support ongoing family care needs and would rely on the main house for domestic functions. These arrangements may co-exist with other forms of day-to-day activity, and the existence of business interests on the site does not preclude a legitimate need for care or ancillary accommodation. The degree of dependency, and not the complete incapacity of the occupier, is the relevant consideration. I am satisfied that the functional relationship described is credible.
9. Although the previous appeal on this site¹ concluded there was insufficient justification for a standalone annexe, that scheme was noticeably larger and more self-contained. The current proposal addresses those issues: it is smaller, without a separate garden or parking, and is accompanied by evidence of personal circumstances and functional dependence. While a subdivision of the plot or separate access could theoretically be created in the future, no such arrangement is proposed, and any future intensification would require separate planning permission.
10. Furthermore, any concern regarding potential independent use can be effectively controlled by the imposition of a planning condition restricting the occupation of the annexe to purposes ancillary to the residential use of Paynes Cottage.
11. For these reasons, I conclude that the proposed annexe would be ancillary to the main dwelling. It would not conflict with Policies S8 and H4 of Maldon District Local Development Plan and the Specialist Housing Needs Supplementary Planning Document insofar as they seek to ensure that development in the countryside is appropriately scaled and designed, and that annexes are, amongst other things, ancillary, subordinate and have a functional link to main dwellings.

Other Matters

12. The neighbouring resident at Walden House expressed concerns about the scale and siting of the proposal in relation to the common boundary, suggesting it would appear physically connected to Walden House and would adversely affect their living conditions. However, the scale of the appeal building would not be increased where it flanks the neighbouring property. The extension to the eastern side of the

¹ Appeal ref APP/X1545/W/22/3312727

building would be modest, positioned away from the boundary, and would not impact the living conditions of the neighbouring occupiers.

13. The neighbouring occupant also questioned the accuracy of the plans however I have not been provided with all the details and plans relating to the previous application². My decision is therefore based on an assessment of the submitted plans. Concerns were also raised regarding the structural integrity of the building, however, matters relating to construction would be dealt with separately by Building Regulations.
14. The Council did not object on amenity grounds and found no harm in terms of overlooking, dominance, or loss of privacy. Whilst concerns about noise are noted, the annexe would be used for domestic, ancillary purposes and is unlikely to result in unacceptable disturbance.
15. I acknowledge the neighbour's view that the main dwelling is substantial and could, in theory, accommodate an internal annexe. However, it is not required that the appellant demonstrates that no alternative form of accommodation is possible, only that the proposed annexe would be subordinate and ancillary in use. In this case, the appellant has provided adequate justification for using the existing outbuilding, including the desire to retain a degree of privacy and independence whilst remaining closely connected to the main dwelling. The chosen arrangement would be a reasonable and proportionate response to the family's circumstances.

Conditions

16. In addition to the standard commencement condition, a condition requiring compliance with the submitted plans is necessary for reasons of certainty. In order to safeguard the character and appearance of the proposed dwelling and surrounding area, I have imposed a condition requiring the external surfaces of the development are constructed in the materials shown on the proposed plans.
17. In order to ensure the building hereby permitted is not used as a separate independent dwelling, I have imposed a condition stipulating the annexe is only occupied for purposes ancillary to the residential use of the host dwelling.
18. As recommended by the Environmental Health Officer, I have imposed a pre-commencement condition requiring an assessment of the risks posed by any contamination at the site and setting out the measures to be undertaken if any is found. These measures include remediation works and the submission of a verification report. This condition is necessary to ensure the site is suitable for development and occupation.
19. A pre-commencement condition regarding the submission of a detailed surface water drainage scheme for the site was necessary to ensure appropriate drainage is provided. I have also imposed a pre-commencement condition relating to the submission of a Construction Method Statement to limit and control the impacts of the construction on highway safety and the living conditions of neighbouring residents.

² Application ref 22/00926/FUL

Conclusion

20. The proposal does not conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
21. For the reasons given above the appeal should be allowed.

Thomas Courtney

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 nos 165 01, 165 02 and 165 03A.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 165 03A.
- 4) 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 Paynes Cottage.
- 5) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) the site has been remediated in accordance with the approved measures and timescale; and
 - iii) a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 6) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,

- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 7) The building hereby permitted shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.