



Appeal Decision

Site visit made on 15 July 2025

by **N Kempton BAHons, PGDip, MA, IHBC, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal Ref: APP/U2750/W/25/3364332

Hillsvie, Moor Lane, Bagby, North Yorkshire YO7 2AG

- 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 S. Meredith against the decision of North Yorkshire Council.
 - The application Ref is ZB24/02235/FUL.
 - The development proposed is demolition of existing sheds, construction of replacement shed and conversion of remainder of existing outbuilding to extend existing residential annex.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing sheds, construction of replacement shed and conversion of remainder of existing outbuilding to extend existing residential annex at Hillsvie, Moor Lane, Bagby, North Yorkshire YO7 2AG in accordance with the terms of the application, Ref ZB24/02235/FUL, and the plans submitted with it, subject to the following 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 no.s 349-07C, 349-06B and 349-05A.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no.s 349-06B and 349-05A.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area paying particular regard to whether it would result in a self-contained unit that lacks a clear functional link to the main dwellinghouse.

Reasons

3. The appeal site is a detached bungalow with a detached annex, office, outbuildings and cattery to the rear, set in extensive, landscaped gardens with an orchard. The site is in an isolated rural location, to the northeast of the village of Bagby.
4. Policy E1 of the Hambleton Local Plan, February 2022 (LP) is entitled 'design' and states that all development should be of a high quality. It sets out general criteria against which to assess proposals in this respect. Additional specific criteria are applicable to proposals for the extension of existing residential dwellings or the provision of ancillary development within the residential curtilage. These include

(p) which states 'in the case of a detached residential annex, the annex is within the curtilage of the main dwelling, visually subordinate to the main dwelling, sited to ensure a clear functional link between the annex and main dwelling and shares the same access, parking and garden areas'. This is reiterated in supplementary design guidance for domestic extensions. Essentially the parties disagree as to whether the proposal meets this criterion.

5. The accommodation in the existing residential annex comprises a bedroom, shower room, kitchen, utility and lounge. The southeastern end of the annex comprises an office serving the cattery. The annex is occupied by a family member related to the owner- occupiers of the main dwellinghouse. There is an inter-relationship between the main house and the annex, with the occupiers managing business operations for the on-site cattery, as well as spending time together and taking some meals together. I am satisfied that there is a familial relationship between the occupiers of the accommodation on the site.
6. Situated within the curtilage of the main dwellinghouse, the siting of the annex ensures a clear functional link between the annex and the main dwellinghouse. The established layout of the main dwellinghouse, the existing annex, office and the cattery is intertwined and interlinked. There is a close relationship between these buildings in terms of operation, occupation, intervisibility and proximity. The annex shares facilities with the main dwellinghouse, including access and a shared driveway and parking, garden and services/utilities. Whilst the main dwellinghouse also benefits from a garage and separate driveway and parking to the front of the property, the existing driveway which serves the annex, the cattery and the main dwellinghouse would remain unchanged.
7. The existing annex is smaller than the main dwellinghouse and even extended, as proposed, the annex would remain visually subordinate and ancillary in size and in terms of the level of accommodation provided. The proposal to change the use of the room that is presently used for the cattery kitchen and store, would extend the annex living accommodation for the family and to accommodate cattery staff on an occasional, relief basis. The proposal would not extend the footprint of the existing annex building and visually would appear broadly similar to the existing form and appearance of the structure.
8. I note concerns that the extensive garden could be subdivided following demolition of the existing sheds, and the siting of the proposed replacement shed. However, this is not the proposal before me. Rather, siting the replacement shed between the cattery and the isolation unit would be advantageous in the interests of the efficient operation of the cattery. The removal of the assortment of redundant sheds, which appeared to be in disrepair, would constitute enhancement in the interests of the appearance and legibility of the site for business customers and visitors. The close relationship between the annex, the main dwelling and the cattery would remain.
9. The Council's primary concern is that the proposal could result in a self-contained unit which may in the future lead to a separate dwellinghouse. However, there is no proposal for a separate dwelling before me and the Council do not assert otherwise. If the building is not used as proposed, or if there is a material change in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement

action if such permission is not granted. As such, a planning condition limiting the use to that which is proposed, would not be necessary.

10. For these reasons, the proposed development would have an acceptable effect on the character and appearance of the area, and I am satisfied that it would meet the specific design criteria for residential annex accommodation set out in Policy E1 of the LP.

Conditions

11. In addition to the statutory time condition (1), which is required to ensure compliance with Section 91 of the Town and Country Planning Act 1990, a condition listing the approved plans (2) is needed to ensure clarity. Condition (3) refers to materials to be used in the external finishes of the development and is warranted to secure an appropriate palette, in the interests of the appearance of the development.
12. For reasons already outlined, I have omitted one of the Council's suggested conditions, which related to the ancillary use of the annex, as I do not consider it would pass the test of necessity in this instance.

Conclusion

13. The living accommodation provided in the annex, as extended, would be additional accommodation to the main dwellinghouse and its use would be ancillary to the main dwellinghouse. As such, I have found that the proposal would not result in a self-contained unit that lacks a clear functional link to the main dwellinghouse, there would be no harm caused to the character and appearance of the area, and it would align with the design approach set out in the development plan and supporting guidance.
14. For the reasons given above, I conclude that the development would be in accordance with the development plan taken as a whole and the appeal is allowed.

N Kempton

INSPECTOR