
Appeal Decision

Site visit made on 1 July 2025

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 6 August 2025.

Appeal Ref: APP/H1840/D/25/3361421

Rosemary Cottage, Manor Lane, Bredon's Norton, Tewkesbury GL20 7EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Bretherton against the decision of Wychavon District Council.
 - The application Ref W/24/00916/HP, dated 13 May 2024, was refused by notice dated 29 January 2025.
 - The development proposed is a domestic extension and garage conversion to create a residential annexe for Rosemary Cottage.
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Decision

1. The appeal is allowed, and permission is granted for a domestic extension and garage conversion to create a residential annexe for Rosemary Cottage at Rosemary Cottage, Manor Lane, Bredon's Norton, Tewkesbury GL20 7EZ, in accordance with the terms of the application, Ref W/24/00916/HP, dated 13 May 2024, subject to the attached schedule of conditions.

Preliminary Matter

2. With the agreement of the main parties, the description of the application has been amended to provide clarity as to the purpose of the development.

Main Issues

3. The main issues are:
 - whether the proposal would amount to an unacceptable independent dwelling; and
 - the effect of the proposal on archaeological remains.

Reasons

Independent dwelling

4. The proposal is for the adaptation and extension of the existing outbuilding adjacent to Rosemary Cottage, a good-sized detached house set in a large plot within the Bredon's Norton Conservation Area (CA) just south of the Grade II listed church. The outbuilding comprises a double garage with storage on the ground floor with a small two-bedroom flat above. This was granted planning permission in 1979¹ with a restriction limiting its use to staff accommodation

¹ Ref W/1846/79

ancillary to the main house. A further planning permission was granted for conversion of the ground floor to annexe accommodation in 2006² but this does not seem to have been fully implemented.

5. The proposal is to extend and convert the whole outbuilding to form three-bedroom annexe accommodation for occupation in association with Rosemary Cottage, initially by family members to provide care when necessary for the occupiers of the main house.
6. The loss of the double garage is acceptable as there is ample space within the overall plot to provide hardstanding for two further cars. Following the receipt of amended plans, the proposed extension to the outbuilding is also acceptable to the Council given its discreet position to the rear, its subservience in scale, height and massing and its high-quality design that integrates effectively with both the outbuilding and host dwelling and utilises high quality materials.
7. The Council's primary concern is that the converted and extended outbuilding would provide relatively large and entirely self-contained accommodation that would have no real dependence on the host dwelling and could be occupied entirely independently of it. However, the existing two-bedroom flat above the garage is similarly self-contained, albeit smaller, and establishes the principle of ancillary accommodation at the site. The physical relationship of ancillary accommodation to main dwelling is also already established, with a narrow gap between the two buildings and separate entrances. The current proposal just increases its size, which is not harmful in itself. As explained above, there are no objections to the physical changes proposed.
8. Whilst the ancillary accommodation would be generous internally, in practical terms the close and connected physical relationship of the host building and outbuilding, if and when converted and extended, would require its occupation as annexe accommodation to Rosemary Cottage. The severance of the two buildings into two separate ownerships with a physical boundary between the two would result in an unduly small plot for the outbuilding in conflict with the character and appearance of this part of the CA with its distinctive character of spacious plots. The size of the rear garden of the outbuilding would also be unduly small to be commensurate with the needs of a three-bedroom dwelling. To address these valid concerns, the appellant accepts the need for a condition precluding independent use or severance of the two buildings. Permission would not be acceptable without this condition. Amendment of the description of the development also makes this restriction explicit.
9. For these reasons the proposed conversion and extension would not amount to an unacceptable independent dwelling and can be allowed to go ahead. The proposal would not conflict with Policy SWDP21 of the South Worcestershire Development Plan 2016 (the SWDP) which requires development to be of high design quality, to integrate effectively with its surroundings and to complement the character of the area. Whilst the proposal would conflict with paragraphs 8.3.26 and 8.3.29 of the South Worcestershire Design Guide SPD 2018 that annexe proposals should demonstrate dependency and be capable of use in future as part of the main dwelling, the relationship between the outbuilding flat and main dwelling is already established in this case.

² Ref W/06/02141/CU

Archaeology

10. The application has not addressed the potential for archaeological remains on the site given that the plot may have formed part of the medieval cemetery associated with the church to the north. The Council's archaeological advisor seeks a trench evaluation of the site prior to determination of the application. However, there is no evidence that the graveyard was previously larger, that construction of the existing outbuilding disturbed any remains nor the recent rear extension to the main dwelling which has a similar relationship to the adjacent churchyard. No archaeological conditions were imposed on that permission³. In this case a requirement to allow archaeological supervision of excavation works would be proportionate to the likelihood of remains being found on the site. This would be sufficient to satisfy SWDP Policies 6 and 24 which seek to conserve heritage assets including archaeology and require investigation and recording proportionate to the asset's significance.

Conclusion

11. Subject to suitable conditions, the proposal would provide high quality ancillary accommodation for Rosemary Cottage without causing harm to the character and appearance of this part of the CA or the archaeology of the site.
12. The Council put forward a number of conditions should the appeal be allowed and these have been assessed against the relevant tests and amended where necessary. In addition to the standard implementation time limit the approved plans should be defined in the interests of certainty. Notwithstanding the information on the approved plans, given the location in the CA it is necessary to require prior approval of the materials to be used although the level of detail sought by the Council is excessive and has been reduced. As explained above, a condition is necessary to allow archaeological supervision of excavation works. A condition is necessary to ensure the building is used as annexe accommodation only and not sold separately as put forward by the appellant. Conditions are also required to support bat/bird nesting in the interests of ecology and the implementation of water management to minimise flood risk. Finally, although opposed by the appellant, a condition is necessary to remove permitted development rights given the sensitive nature of the site within the CA and the succession of incremental additions to the property that have been made over the years.
13. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

³ Ref W/22/01221/HP

- 2) Unless where required or allowed by other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the information (including details of the proposed materials) provided on the application form and the following plans/drawings/documents:
Location Plan
Drg no. S2500 - Land Survey
Drg no. S2501 - Existing Floor and Elevation Plans
Drg no. 1431/1B - Proposed Plans and Elevations Rev B dated 8-11-24
Drg no. 1431/2B - Site Plan as Proposed Rev B dated 15-11-24
Drg no. 1431/3 - Site Plan as Existing
- 3) No development above ground level shall take place until full details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in strict accordance with the approved details/samples.
- 4) The developer shall give at least 14 days' written notice to the local planning authority of any ground excavation works at the site and shall afford access at reasonable times to any archaeologist nominated by the local planning authority to observe the excavations and record features of interest and any finds. Should no archaeologist be nominated but any features or finds be discovered during excavation works those works shall cease and shall not recommence until the local planning authority has been notified in writing and given 14 days to arrange for an archaeologist to attend.
- 5) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Rosemary Cottage. The development shall not be used as an independent self-contained dwelling separate from the dwelling known as Rosemary Cottage. The annexe shall not be sold or otherwise disposed of as a unit independently of Rosemary Cottage.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Schedule 2 Part 1 Class A - E of the Order shall be undertaken without the submission and approval of a planning application.
- 7) No development above ground level shall take place until details of a bat roosting feature and/or bird nesting box have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include an implementation timetable. The feature(s) shall then be provided in accordance with the approved details and in accordance with the approved timetable.
- 8) Prior to the first use/occupation of the development hereby permitted, the details set out in the submitted Water Management Statement shall be fully implemented and shall remain at all times thereafter.