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## Appeal Decision

Site visit made on 26 August 2025

**by J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 09 September 2025**

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**Appeal Ref: APP/D3505/D/25/3366602**

**The Nook, The Street, Assington, Suffolk CO10 5LW**

- 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 & Mrs A Benton against the decision of Babergh District Council.
  - The application Ref is DC/25/00183.
  - The development proposed is erection of detached one bedroom annexe to provide accommodation ancillary to the main dwelling for a dependant relative.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached one bedroom annexe to provide accommodation ancillary to the main dwelling for a dependant relative at The Nook, The Street, Assington, Suffolk CO10 5LW. The permission is granted in accordance with the terms of the application Ref DC/25/00183, dated 15 January 2025, subject to the conditions included in the Schedule at Annexe A.

### Main Issue

2. The main issue is whether the detached annexe would be an inappropriate form of development in the proposed location.

### Reasons

3. The Nook is a detached two storey dwelling within the settlement boundary of Assington.
4. Policy LP02 of the Babergh and Mid Suffolk Joint Local Plan – Part 1 (JLP) concerns residential annexes. The Council considers that the appeal proposal meets two of the three criteria for this type of building to be supported, as it would be ancillary and subordinate in scale to the host dwelling, and it does not involve the physical subdivision of the residential curtilage.
5. The Council's view is that the proposal would not meet the third criterion, however, which requires that an annexe should be capable of being integrated into the main building as a single dwellinghouse when the need no longer exists. To meet this requirement, the main and annexe accommodation should be directly connected by an internal link or have a close relationship with shared facilities and space.
6. It seems that the principal purpose of the policy is to ensure that annexes do not become independent dwellings. In this case, the proposed annexe would be located within the self-contained residential curtilage of the host dwelling, a short

distance from The Nook, and there would be unimpeded access between the two buildings across the garden. Consequently, there would be limited separation between the buildings and, therefore, the new building in this location could function physically as an annexe.

7. The proposed use is for the appellants' relative, and the annexe would have one bedroom and therefore be limited in terms of occupancy. The proposed building would include all the facilities for day-to-day domestic existence, although the intention is that the appellants' relative would share facilities with the host dwelling, along with the access, driveway and garden.
8. Notwithstanding these internal facilities, the size and position of the proposed annexe is not dissimilar to a relatively large domestic outbuilding that could be used for purposes incidental to the occupation of the dwelling. As such, it is possible for the building to fulfil this function in the longer term if its use as an annexe is no longer needed. This could be required by a planning condition, which would limit occupancy as an annexe to a dependant relative or other member of the household, and limit any other use of the building to purposes incidental to the occupation of The Nook as a dwellinghouse. Given its limited height and position in the rear garden, there would be no harmful effects from the proposed building either initially or over the longer term on the character and appearance of the host dwelling or surrounding area.
9. The appellants draw attention to a recent successful appeal involving a detached annexe in similar circumstances to the current proposal, where Policy LP02 was relevant<sup>1</sup>. In that case, the Inspector found that while there is no realistic prospect of integration with the host dwelling if the annexe is no longer needed, this is not determinative of the annexe becoming a separate dwelling. While each case should be determined on its individual merits, appeal decisions should also be consistent, and I find some similarities in this regard between the current appeal and the earlier one.
10. Taking these findings as a whole, despite the proposal not fully meeting the requirements of Policy LP02, I conclude that in the particular circumstances of this case and with the necessary condition in place, no material harm would result from the proposal, and there is no other policy conflict. Accordingly, for the above reasons, I conclude that the proposed annexe would not be an inappropriate form of development in this location.

## **Conclusion and Conditions**

11. For the reasons given above, it is concluded that the appeal should succeed.
12. In addition to the occupancy and use condition already mentioned, of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the proposal, one requiring development to be carried out in accordance with the approved plans. A condition requiring proportionate measures to enhance biodiversity is also necessary, in accordance with the requirements of relevant development plan policies.

*J Bell-Williamson* INSPECTOR

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<sup>1</sup> APP/D3505/D/24/3343438 dated 21 August 2024.

## Annexe A

### **Schedule – 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 the following approved plans: 2524/011 (location plan), 2524/012 Rev A (site plan) and 2524/013 Rev A (floor plans and elevations).
- 3) Prior to development above slab level, a scheme of biodiversity enhancement measures shall be formally submitted to the Local Planning Authority and have been approved in writing. The biodiversity enhancement measures shall include the following: a) detailed designs and/or product descriptions for biodiversity enhancements; and b) locations, orientations and heights for biodiversity enhancements on appropriate drawings. The approved measures shall then be implemented in full prior to first use and shall then be retained.
- 4) The detached annexe building hereby permitted shall not be occupied as living accommodation except by a dependant relative (or other member of the household) of the occupants of the dwelling known as The Nook, The Street, Assington, Suffolk CO10 5LW. Except insofar as the building is so used as living accommodation, the building shall not be used other than for purposes incidental to the use of The Nook as a dwellinghouse.

[End of Schedule]