
Appeal Decision

Site visit made on 4 November 2025

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2025

Appeal Ref: APP/X3540/W/25/3365102

Barsham Rigg, Bungay Road, Barsham, Suffolk NR34 8HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Meil Peek against East Suffolk Council.
 - The application Ref is DC/25/0756/FUL.
 - The development proposed is an 'annex building'.
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Decision

1. The appeal is dismissed and planning permission for an annex building is refused.

Application for Costs

2. An application for costs was made by Meil Peek against East Suffolk Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether or not the annex would be suitably subordinate and well-related to the dwelling and the effect of the proposal on the character and appearance of the host dwelling, site and area.

Reasons

4. The appeal site includes a two-storey detached dwelling with an attached single-storey pool extension. The dwelling sits at a higher ground level to Bungay Road within a substantial landscaped plot which is for the most part surrounded by open fields and areas of woodland providing for a strong rural quality to this part of the countryside.
5. The proposed annex would sit to the side of the pool extension, connected by a link passageway. Although it would have a large footprint which the Council suggests would be comparable to the host dwelling, it would be single-storey in height; markedly lower than the pool extension and substantially lower than the two-storey dwelling. This would give a clear impression of subservience and having regard to the generous plot, I consider that the overall scale of the annex building would be generally subordinate to the host dwelling.
6. However, a substantial patio area would extend from the south side of the annex to cut into a landscaped bank, projecting out much further than the far more modest areas of hardstanding alongside the main dwelling and pool extension. In this respect, I am not satisfied that the proposal as a whole would be subordinate in scale and design to the host dwelling which is one of the requirements for annex

development outlined in the Rural Development Supplementary Planning Document 2024 ('the SPD').

7. The appellant indicates that the occupier of the annex would be related to residents of the main dwelling and that utilities and other services would be shared. Be that as it may, its position beyond the end of the pool extension means that it would be set apart from the dwelling and would lack a direct connection, relying instead on access through the pool extension and a linking passageway which would be somewhat awkward and inconvenient. The proposal also includes a fairly significant extension to the existing driveway to serve parking within a carport attached to the furthest end of the annex. I appreciate that access from Bungay Road would be shared with the dwelling, but the proposal would therefore be at odds with further requirements in the SPD setting out that development should share vehicle and pedestrian access and parking facilities and be closely related in terms of position and proximity to the original, main dwelling.
8. The annex's position beyond the pool additionally means that extensions would cumulatively project a substantial distance from the dwelling and irrespective of the use of gabion walls, the indicated patio and driveway would exacerbate the spread of development. Notwithstanding that I have found the scale of the annex building itself to be generally subordinate, this would cause distortion of the overall form and proportions of the host dwelling, and a notable encroachment of built form across the site.
9. Moreover, the submitted plans indicate a flat roof and beige rendered walls to the annex's southern and western elevations while the northern elevation would have a pantile pitched roof and black timber and feather edge cladding exterior. In my view, the distinct architectural styles would create an awkward and jarring contrast between the different elevations of the annex, and both approaches would further contrast with the red and buff brick to the dwelling and pool extension. While the design of the southern elevation may be intended to reflect existing sheds and outbuildings on the site, the annex would be attached to the host building where I find its design would result in a discordant and unsympathetic addition. I am also concerned in the absence of an east elevation plan or any other clear details to illustrate the interface between the roofs to the parts of the annex (which the available details suggest would be of different heights and form) that this relationship would exacerbate the discordant appearance of the development.
10. The position of the annex set back and at a higher level than the road together with vegetation along the site frontage means that public views of the development would be limited. However, I observed glimpses into the site from Bungay Road and the 'Angles Way' footpath which connects opposite the site. I accept that it would not be prominent, but there would consequently be at least some potential for views of the annex, even if partial and glimpsed. Although it may be seen against the landscaped bank behind, I find for the above reasons that the annex would not be of suitably high-quality design and its awkward appearance and relationship with the dwelling and encroachment to the open site would detract from the character and appearance of the building, site and area.
11. For these reasons, I am not satisfied that the annex development would be appropriately subordinate and well-related to the dwelling and I conclude that the proposal would cause harm to the character and appearance of the host dwelling, site and area. As a consequence, there would be conflict with Policies WLP8.9,

WLP8.10 and WLP8.29 of the Waveney District Local Plan 2019 which include requirements broadly for high quality design and extensions that will not adversely affect the character and appearance of the building, plot or rural setting; and set out that annexes in the countryside should reflect the character and setting of the original dwelling.

Other Matters

12. Ashmans Hall is a Grade II* listed building, comprising a large country house dating to around 1820. Given the significant separation to this building, the scale of the proposal and the information before me, I am satisfied that the setting and significance of the listed building would be preserved. However, this is a neutral factor which weighs neither for nor against the proposal.
13. The National Planning Policy Framework ('the Framework') advises that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. However, while the appellant highlights a lack of engagement from the Council, this is not a matter which alters my assessment of the planning merits in this case.

Other Considerations

14. The appellant asserts that a detached outbuilding of similar size could be built under permitted development rights at Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). However, this permitted development right is restricted to buildings required for a purpose incidental to the enjoyment of the dwellinghouse. Insofar as the annex would provide primary living accommodation, it would not comply with this restriction. The exercise of permitted development rights does not therefore offer a realistic fallback for the development that is proposed. Moreover, an outbuilding would be unlikely to be appreciated in such close juxtaposition to the dwelling as the proposed annex and would not directly alter its form and proportions such that I am not persuaded that effects on character and appearance would be comparable to the appeal scheme. For these reasons, the suggested fallback attracts limited weight in my decision.
15. The annex is intended to provide accessible accommodation with provision for live-in care for an older person who would be related to occupiers of the main house, enabling family support and care. The Framework highlights the importance of providing housing for those with specific needs including older people. The appellant has also referred to an Equality and Human Rights Commission report¹ as highlighting an acute shortage of accessible and adaptable homes in England and indicating that delays in older and disabled people being able to secure suitable housing can lead to deterioration in health, loss of independence, and avoidable strain on social care services. Dismissing the appeal could result in uncertainty and delay around accommodation and care arrangements that would be detrimental to the proposed occupier and in this context, the provision of an annex would be an important benefit of the proposal.
16. I have also taken into account that age is a relevant protected characteristic for the purposes of the Public Sector Equality Duty set out in section 149 of the Equality

¹ Housing and Disabled People: Britain's Hidden Crisis 2018

Act 2010 ('the PSED'). The PSED requires due regard to the need, amongst other things, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Advancing equality of opportunity involves having due regard to considerations including the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; and to take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. In addition, I have had regard to rights conveyed within the Human Rights Act 1998 ('HRA'), and particularly rights under Article 8(1) to respect for private and family life, home and correspondence.

17. However, there is no substantive evidence to show that the appeal proposal would be the only realistic means by which any needs for an annex could reasonably be met. In particular, the appellant refers to providing accessible accommodation and space for a live-in carer, but the evidence does not explain any particular need that would justify the relatively extensive living space and the considerable patio area. The appellant's evidence also describes the annex as 'providing flexible living space for family members and guests', but there is no firm evidence to show why guest accommodation would be necessary which raises some doubt in my mind about the requirement for the indicated space. Furthermore, it is unclear why any annex would need to be of the architectural design proposed or located beyond the pool which are notable elements contributing to the harm that I have identified. The information before me does not therefore demonstrate that the development, as it is proposed, is necessary in order to realistically address the appellant's needs as they assert. Consequently, I can only afford moderate weight to this matter.
18. Furthermore, the annex applied for is intended as a permanent building. A temporary permission which may reduce the adverse effects of the proposal but which would require demolition would not therefore be appropriate and while the appellant's current personal circumstances could be expected to change, the development would remain on the site where it would continue to harm the character and appearance of the dwelling and area.
19. That protected or significant trees would not be harmed is a neutral factor that weighs neither for nor against the proposal. Native planting could promote biodiversity and the appellant suggests that the annex will incorporate energy-efficient construction materials and techniques and that opportunities for rainwater harvesting and improved insulation will be explored, but no firm details have been provided. The extent of any benefit is therefore unclear which limits the weight that I afford to these factors.

Planning Balance and Conclusion

20. Drawing matters together, the proposal would not be suitably subordinate and well-related to the dwelling and there would be harm to the character and appearance of the host dwelling, site and area resulting in conflict with the development plan.
21. Against the harm, the proposal would provide accessible accommodation for an older person enabling family support and care, but the submitted evidence does not demonstrate that this would be dependent on development of the scale and design proposed which I have found would be key aspects contributing to the identified

harm. I am sympathetic to the appellant's personal circumstances and the benefits that additional accommodation on the site would offer, but these matters therefore carry moderate weight and even taken together, I find that the weight of the other considerations advanced by the appellant would not outweigh the harm.

22. Furthermore, I appreciate that dismissing the appeal would prolong uncertainty over future accommodation and care arrangements for the appellant. However, the harm caused by the proposal outweighs its benefits in terms of advancing equality of opportunity for persons with protected characteristics. Wider adverse effects of dismissing the proposal on those with protected characteristics and interference with rights under the HRA are mitigated by the possibility of an alternative, less harmful, scheme. Dismissal of the appeal would be in accordance with the law and necessary in a democratic society in pursuance of a well-established and legitimate aim to protect character and appearance in the interests of the economic well being of the country and the protection of the rights and freedoms of others, and the protection of the public interest cannot be achieved by means that are less interfering of the appellant's human rights. In these circumstances, there would not be unjustified interference with rights for respect for the home, private or family life and I conclude that it is proportionate and necessary to dismiss the appeal.
23. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.
24. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR