



Appeal Decision

Site visit made on 27 November 2025

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th December 2025

Appeal Ref: APP/K0940/D/25/3370317

Newland Bottom Farm, Newland, Ulverston LA12 7QB

- 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 Tim Redshaw against the decision of Westmorland and Furness Council.
 - The application reference is 2025/0360/HOU.
 - The development proposed is described as 'Change of use for a garage/outbuilding to single bedroom annex accommodation to house an elderly relative'.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of garage/outbuilding to form ancillary annexe accommodation for an elderly relative at Newland Bottom Farm, Ulverston, LA12 7QB, in accordance with the terms of the application, reference 2025/0360/HOU, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the above decision, I have taken the description of development from the Council's Decision Notice. This description has been agreed by both main parties.

Main Issues

3. The main issues are (a) whether the proposed development would constitute a residential annexe or a separate residential unit, and subsequently, whether this is a suitable location for the proposal in the context of development plan policies for the location of new development, and (b) the effect of the proposed development upon the character and appearance of the area.

Reasons

Whether a residential annexe or a separate residential unit

4. The appeal site comprises a detached outbuilding, used as a garage and carport in connection with the dwelling to the immediate east. Access to the host dwelling is provided by a long private track extending from Alpine Road. Additional parking provision is available to the front of the host dwelling, beyond which is a large expanse of grass. A large, enclosed garden is located to the rear.
5. The appeal scheme would involve the partial demolition and re-building of this existing outbuilding, including the addition of a first floor, to create additional living space. An open lounge, dining area and kitchen, and downstairs toilet, would be provided on the ground floor, with one bedroom and an en-suite shower room on

the first floor, which would have access to a small terrace. The existing garage would be retained, with a utility added.

6. I have not been provided with full details of the kitchen and utility facilities to be installed, and so I cannot be certain that these would meet day-to-day cooking and washing requirements. However, the available space suggests that these facilities could be accommodated. As such, it appears that the proposed development would provide the facilities for independent day-to-day living. Nevertheless, case law¹ has established that even if accommodation provides for independent day-to-day living, it is a matter of fact and degree whether a separate planning unit from the main dwelling would result, requiring a judgement to be made in each case. I have not been directed to any development plan policies relating specifically to the consideration of residential annexes, and so it is necessary to consider the physical and functional relationship in this case.
7. From the description of the development, it is clear that the application has been made on the basis of a residential annexe to accommodate an elderly relative. While a level of independence would be afforded to this relative, flexibility is sought to accommodate potential care needs. As such, there would be a familial relationship between the occupiers and there would be likely comings and goings between the two. I am advised that the proposal would share utilities and services with the main house. It is also stated that there would be no dedicated parking, and the garden would be shared, albeit the proposed small terrace would be privately accessed from the annexe.
8. Access to the site would be shared down the private lane. The proposal would be positioned close to the host dwelling, providing convenient access between the two buildings and to the shared garden and parking areas. I have not been provided with the size and layout of the host dwelling. However, I was able to observe on site that the size of the additional living space provided by the annexe, albeit two storeys, would remain smaller in scale than the host dwelling, providing a modestly sized living space, with only one bedroom and en-suite shower room.
9. Due to the orientation and proximity of the proposed annexe, there would be a degree of mutual overlooking. However, given the intended use as a residential annexe and familial relationship between users, this relationship would be acceptable.
10. Based on the available information, I am satisfied that the proposal would be a residential annexe and not a separate residential unit. As I have found contrary to the council on this matter, I find no conflict with policy CS1.1 of the Council's Core Strategy (CS)², which contains the Council's sustainable development principles and seeks to ensure that development is sustainably located. In this case, the nature of the proposal as a residential annexe to the host dwelling dictates its location.
11. The Council's first refusal reason also makes reference to CS policy CS8.10 and policies DM1 and DM2 of the Council's Development Plan Document (DPD)³. While my consideration of this first main issue has had regard to the physical characteristics of the proposed annexe, particularly its scale in relation to the host

¹ Uttlesford DC v SSE & White [1992] JPL 171

² South Lakeland Local Development Framework Core Strategy Adopted 20 October 2010

³ South Lakeland Development Management Policies Development Plan Document Adopted 28 March 2019

property, I have not found these policies to be determinative in terms of the spatial strategy for the area. I will return to these policies below, in my consideration of the second main issue.

12. While the Council's Decision Notice does not reference DPD policy DM16, conflict with this policy is set out in the Council's Officer Report. The purpose of this policy is stated as "To set policy and criteria to indicate how and when traditional buildings in rural areas may be converted to other uses", while the supporting text refers to support in the National Planning Policy Framework for the re-use of redundant or disused buildings. The appeal building is already within domestic use, and as a residential annexe, it would not involve conversion to another use, or the re-use of a redundant or disused rural building. Rather, it seeks to extend the accommodation available to the existing use. As such, I do not find this policy to be determinative in my consideration of this main issue.

Character and appearance

13. As a result of the proposed development, the position of the subject building would not change, and the overall footprint of the existing outbuilding would not increase significantly. However, it would increase in height because the section of carport to be demolished would be replaced by a two-storey section. This section would be similar in height to the host property. As the outbuilding is set on rising land, the roofline of the proposed annexe would sit higher than the host property overall.
14. Nevertheless, the proposed residential annexe would remain smaller in overall scale and massing than the host property, given its smaller footprint. While it would step up in height from the host property, this is not unusual where ground levels rise. The host dwelling itself has a stepped ridgeline due to the changing ground levels, and so the stepped change in height would not be out of character. Further, the outbuilding is set at 90 degrees to the host property, and it is set back from the host dwelling's frontage. As such, it would not appear visually dominant when viewed in context with the main house. Due to its close physical relationship to the host dwelling and only a modest increase in size, it would not impact detrimentally on the low-density rural setting of the site and surroundings.
15. While no Heritage Statement has been provided, in design terms, the proposed residential annexe would be sympathetic to the traditional appearance of the host property. The Council raises no concerns with the choice of materials, or the use of solar panels, and accepts that the proposal would not harm the wider area or countryside setting. Having considered the site's context, I have no reason to disagree. The use of slate to the roof, and local stone and render to the external walls, would be in keeping with surrounding properties, while the undulating landform and the prevalence of mature trees, would limit the visibility of the proposal in the wider context.
16. For these reasons, the proposal would not harm the character or appearance of the area. Consequently, I find no conflict with CS policy CS8.10, or DPD policy DM2, which collectively require that development is of high quality that responds to local context, and that the siting, design, scale and materials of all new development is of a character that maintains or enhances the quality of the landscape or townscape, in keeping with the local vernacular tradition.

Other Matters

17. Reference has been made to two grade II listed buildings in the locality, a bridge and a mill. These lie some distance away, and I am satisfied, given the modest scale of the proposal and the intervening landform, that the proposal would not harm any significance derived from the setting of these listed buildings.

Conditions

18. Both main parties have had the opportunity to comment on the conditions imposed. In addition to the standard time limit condition for implementation, it is necessary, in the interests of precision, to define the plans with which the scheme should accord. A condition controlling external finishes is necessary in the interests of the character and appearance of the area. As the description of the development does not specify that the proposed residential annexe would relate specifically to Newland Bottom Farm, a condition requiring that the building can be used as additional living space for this host dwelling is included to provide certainty.

Conclusion

19. Having had regard to the development plan and all other material considerations, for the above reasons I conclude that the appeal should be allowed.

S Brook

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Scale 1:2500 at A3 and Scale 1:200 at A3, Proposed Ground Floor Layout, Proposed First Floor Layout, Proposed Roof Plan, Proposed Front Elevation, Proposed Rear Elevation, Proposed Right Elevation, Proposed Left Elevation.
- 3) The development hereby permitted shall be carried out in accordance with the proposed materials and finishes detailed on the submitted application form, dated 5 June 2025.
- 4) The residential annexe hereby permitted shall not be occupied at any time other than for the purpose of providing additional living space to the residential use of the dwelling known as Newland Bottom Farm.