



Appeal Decisions

Site visit made on 20 April 2026

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date 14 May 2026

Appeal A Ref: APP/H1840/C/25/3361598

Kiffissia, Pebworth Road, North Littleton, Evesham, Worcestershire WR11 8QL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Colin Jennings against an enforcement notice issued by Wychavon District Council.
 - The notice was issued on 6 February 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the operational development consisting of the erection of an extension to an outbuilding within the curtilage of a dwellinghouse.
 - The requirements of the notice are to:
 1. Demolish the unauthorised two storey extension (approximately shown filled in blue on the attached plan), remove all resulting materials from the land outlined in red on the attached plan, and restore the outbuilding to its previous condition before the development took place by using bricks render and roof tiles to match the original outbuilding, as shown in image A attached to this notice, or
 2. Alter the extension (approximately shown filled in blue on the attached plan), to accord with plan "Proposed Plans rev C" listed in condition 2 of planning permission 21/00842/HP and attached to this notice.
 - The period for compliance with the requirements is 6 (six) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).
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Appeal B Ref: APP/H1840/D/25/3360787

Kiffissia, Pebworth Road, North Littleton, Worcestershire WR11 8QL

- 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 Colin Jennings against the decision of Wychavon District Council.
 - The application Ref is W/24/02500/HP.
 - The development proposed is a two storey extension to annexe including installation of solar panels and air source heat pump (part-retrospective).
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Decisions

Appeal A

1. The appeal is dismissed and the enforcement notice is upheld.

Appeal B

2. The appeal is allowed, and planning permission is granted for a two storey extension to annexe including installation of solar panels and air source heat pump at Kiffissia, Pebworth Road, North Littleton, Worcestershire WR11 8QL in accordance with the terms of the application Ref W/24/02500/HP and subject to the conditions set out below.

- 1) The development hereby permitted shall be carried out in accordance with drawing nos 675/004 Rev A Proposed Annex Elevations and 675/002 Proposed Annex Floor Plans and 675/006 Proposed Site Block Plan.
- 2) The external walls shall be finished in brick or render to match the existing outbuilding.
- 3) The development hereby permitted shall only be used for purposes incidental to the occupation and enjoyment of the host dwelling known as Kiffissia and shall not be used as a separate unit of accommodation.

Preliminary Matters

3. The South Worcestershire Development Plan Review 2021-2041 (SWDPR) was formally adopted by the Council on 26 March 2026. The policies referred to in the refusal notice and the Enforcement Notice have subsequently been replaced by policies SWDPR 03 and 28. The appellant was notified of these changes, and confirmed that this did not change their case or introduce a new planning policy context.
4. Planning permission ref. 21/00842/HP was granted by notice dated 21 July 2021 for a two-storey extension to form a disabled granny annexe. The development proposed to extend the existing outbuilding to provide accommodation for a dependant relative, with a ground floor bedroom, shower room, kitchenette and lounge. The first floor of the existing annexe was proposed to be modified to create a bedroom for a carer. The roof space in the extended section was shown as void. The development, which has not been completed, has not built in accordance with that permitted.

Appeal B

Main Issues

5. The main issues are i.) the effect of the development on the character and appearance of the existing outbuilding and the host dwelling; ii.) its potential for providing separate residential accommodation and iii.) the effect of the development on the living conditions of the occupiers of the neighbouring property, Rosedale, in terms of overlooking and a loss of privacy.

Reasons

Character and appearance

6. The appeal concerns the extension of an existing outbuilding within the curtilage of Kiffissia, a semi-detached dwelling. The appeal site lies within a rural area in undesignated countryside. The outbuilding is positioned to the rear of the host dwelling and surrounded by agricultural land, with an adjoining neighbouring property to the east. The evidence indicates that the site historically accommodated a more extensive group of buildings, which have since been removed, and the outbuilding previously provided annexed accommodation.
7. The proposed development would extend from the existing rear gable, projecting at right angles to form an L-shaped plan with its inner angle facing towards the host dwelling. The resulting arrangement would remain visually subservient within the plot, maintaining a clear spatial relationship with the host dwelling.

8. In terms of scale, the extension would sit appreciably below the ridge height of the existing outbuilding and the dwelling, thereby avoiding any perception of visual dominance. Its form incorporates modest dormer windows on both roof slopes. While the elevations would include a range of openings, these are appropriately proportioned and functionally aligned, and they would not appear unduly prominent given the building's orientation and degree of enclosure within the site.
9. Although the footprint would increase compared with a previously approved scheme, the overall scale would remain contained. The additional floorspace over the ground floor and including accommodation within the roof, would not materially alter the building's external appearance such that it would appear disproportionate or incongruous in its rural setting.
10. The use of facing brick, in contrast to the rendered finish of the existing outbuilding, would introduce some variation in form. However, this contrast would not be harmful. The palette is typical of rural domestic outbuildings and would integrate satisfactorily with the host dwelling and wider area. The extension's detailing is restrained, ensuring a cohesive appearance when read alongside the original structure and the dwelling.
11. Given its recessed siting behind the host dwelling and the surrounding vegetation and landform, the development would have limited visibility in public views. Consequently, its influence on the character of the wider landscape would be negligible. The proposal would preserve the open and undeveloped qualities of the surrounding countryside and would not erode its prevailing rural character.
12. Taken together, the modest height, subordinate form, and contained footprint of the extension ensure that it would remain ancillary in visual terms. The proposal would not appear overbearing or visually intrusive, and it would respond appropriately to its context through its scale, layout, and design approach.
13. For these reasons, I conclude that the proposal would preserve the character and appearance of the existing outbuilding, the host dwelling, and the wider rural area. It would therefore accord with Policy SWDPR28 and the objectives of the South Worcestershire Design Guide Supplementary Planning Document (the Design Guide SPD), which seek high-quality development that respects its context and is not unduly harmful to the character and appearance of existing buildings or the wider area.

Separate residential accommodation

14. The appeal site lies outside of any defined development boundary, within the countryside where the development strategy seeks to strictly control new residential development. Policy SWDPR03 directs growth towards sustainable settlements, and the creation of additional independent dwellings in such locations would normally conflict with that objective.
15. Although the proposed layout would provide most facilities typically associated with residential occupation, the critical consideration is whether the extended outbuilding would operate as a self-contained and independent unit. In this regard, the building would remain closely related to the host dwelling. It would continue to share the same lawful planning unit, with no physical subdivision of the curtilage, no separate access arrangements, and no clear distinction in occupation or function. The absence of a kitchen is also a significant factor, as it would materially

limit the ability for the accommodation to function independently on a day-to-day basis.

16. The marginal increase in footprint compared with the previously approved scheme is noted. However, that permission represents a realistic fallback position¹ and therefore carries substantial weight. The additional floorspace proposed does not fundamentally alter the character of the accommodation or its relationship with the host dwelling. The shared access, common curtilage, and close spatial and functional association between the buildings would continue to dictate how the accommodation would likely be used. These factors strongly indicate that the extended outbuilding would remain incidental to the main dwelling, rather than forming a separate planning unit for which planning permission would be required.
17. Taking all matters into account, I am satisfied that the proposal would not result in the creation of a separate dwelling in the countryside. Instead, it would remain ancillary to and within the same planning unit as the host property. As such, the development would not undermine the spatial strategy set out in Policy SWDPR03 and would not give rise to conflict with the development plan in this respect.

Living conditions

18. The relationship between the appeal site and the neighbouring property, Rosedale, is characterised by an atypical spatial arrangement, with both properties occupying generous plots in a rural setting. The presence of ancillary buildings, extensive garden areas and intervening land results in a degree of separation that differs from that commonly found in more tightly constrained residential environments.
19. The proposed extension would introduce additional openings in the elevation facing towards land within Rosedale's ownership, with the shared boundary located close to its rear wall. These include ground floor openings and modest dormer windows within the roof slope serving habitable and non-habitable space. This relationship has the potential to give rise to some degree of overlooking.
20. However, the land directly affected does not form the principal private outdoor space associated with the neighbouring dwelling. Instead, it is used for purposes such as stabling, paddocks, and small-scale domestic activities. In addition, both properties benefit from substantial outdoor areas, affording a level of flexibility in how private amenity space is experienced and used.
21. In this context, and having regard to the scale of the plots, the intervening uses, and the overall rural character of the area, the degree of overlooking would be limited and would not result in material harm to the living conditions of neighbouring occupiers. Accordingly, the proposal would not conflict with Policy SWDPR 28 or the guidance set out in the Design Guide SPD in relation to the protection of residential amenity.

Conclusion

22. Having regard to all submitted evidence, I find that the proposal would deliver a modest and well-designed extension that remains subordinate to the existing outbuilding and host dwelling and integrates appropriately within its rural context. It would not give rise to a separate dwelling, instead remaining ancillary to the host

¹ Requirement 2 in the Enforcement Notice - Alter the extension to accord with plan "Proposed Plans rev C" listed in condition 2 of planning permission 21/00842/HP.

property, and would therefore align with the spatial strategy for the area. Moreover, owing to the site's particular arrangement and the relationship with neighbouring land, it would not result in material harm to neighbouring living conditions. Accordingly, the development complies with the development plan when read as a whole and is acceptable in planning terms.

Conditions

23. As the building work has already commenced, the standard three-year time limit condition to implement the planning permission is not necessary. A condition to specify the approved plans/drawings is required for the avoidance of doubt and in the interests of certainty. A condition to specify the external facing materials is necessary to make the development acceptable in planning terms. The condition to restrict the use of the building to the primary residential use of the house is deemed necessary to make the development acceptable and remain acceptable in planning terms.

Overall Conclusion on Appeal B

24. For the reasons given, I conclude that the appeal should be allowed.

Appeal A on Ground (g)

25. An appeal on ground (g) is that the period specified in the notice falls short of what should be reasonably allowed. Section 180(1) of the 1990 Act provides that the enforcement notice shall cease to have effect so far as inconsistent with the planning permission granted. Accordingly, there is no requirement for me to proceed further with the appeal against the enforcement notice on ground (g), however, the notice will be upheld.

S A Hanson

INSPECTOR