



Appeal Decision

Site visit made on 29 January 2019

by **Paul T Hocking BA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th February 2019

Appeal Ref: APP/R3325/W/18/3212824

Raisey Cottage, Raisey Lane, Combe St Nicholas, Chard TA20 3HN

- 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 Andrew Griffiths against the decision of South Somerset District Council.
 - The application Ref 18/00104/FUL, dated 9 January 2018, was refused by notice dated 5 April 2018.
 - The development proposed is erection of single storey one bedroomed annexe.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. whether the proposal would be an acceptable form of accommodation in the countryside; and
 - ii. the effect of the proposal on the character and appearance of the area.

Reasons

Form of accommodation

3. The appeal site consists of a detached two-storey dwelling with a garage, set to the rear of the plot, as well as a further outbuilding. These buildings are set on a sloped plot that runs upwards from the road. The appeal site is outside of any defined settlement boundary and so is in the countryside for planning policy purposes.
4. The proposal is for a detached single-storey one bedroom annexe. The appellant would reside in the annexe enabling his daughter and her family to then occupy the main dwelling. It would be situated close to the road, approximately 39m from the nearest corner of the dwelling as shown on the plans and would provide a lounge, kitchen/dining area, bathroom, bedroom and study. It would therefore offer all the facilities necessary for occupation as a separate, independent, residential unit. It would have a total footprint of approximately 90sqm.
5. In order for an annexe to be considered as ancillary accommodation to the residential use of the main dwelling, in my view it is common to demonstrate

that there would be either a physical or functional link between the two buildings. The appeal proposal does not include any physical link between the annexe and the main dwelling.

6. A functional link could be a consequence of the annexe being occupied by family members who have a degree of dependence on the occupants of the house. This could be supported by a clear indication that the occupant of the annexe would undertake some activities within the main dwelling. However, the case of the appellant is that he wants *'to allow his daughter to move into and live independently in his existing 3 bedroomed detached residence, with her husband and their young family to enjoy.'* His daughter would then be able to provide company and general day to day assistance to the appellant as and when required.
7. Other than the shared vehicular access, there is little evidence presented which suggests the appellant, as the occupant, would then rely on facilities within the main dwelling or actively require the support of its occupants. Indeed, the appellant has discounted the potential to extend the main dwelling as this would result in *'a lack of privacy and independence to residents of both units.'* I therefore find the proposed annexe cannot be considered as providing ancillary accommodation to the main dwelling. This is reaffirmed as the proposal is also described by the appellant as *'a low carbon footprint dwelling'*.
8. I accept the supply of utilities, such as power, water and waste disposal will be taken from the main dwelling, but this has little effect on how the development would function and would not prevent it from being effectively independent.
9. In the absence of a demonstrable functional link to the main dwelling the proposal would provide self-contained accommodation and be tantamount to the creation of a new dwelling in the countryside. This would be contrary to national policy set out in Paragraph 79 of the Framework, which states that local planning authorities should avoid new isolated homes in the countryside, unless there are special circumstances. In this case there are no special circumstances as set out in Paragraph 79 of the Framework.
10. I therefore conclude the development would not be an acceptable form of accommodation as it would not be an ancillary annexe to the main dwelling. This would conflict with Policy SS1 of the South Somerset Local Plan (2006-2028) adopted March 2015 (the LP) which, amongst other things, sets a settlement hierarchy in order to restrict new units of residential accommodation in the countryside. It would also conflict with the Framework, as set out above, and LP Policy SD1 which state that only proposals that accord with the local plan will be approved.

Character and appearance

11. The appeal site is situated in rural surroundings approached via a single track road, Raisey Lane. The site is prominent as it is elevated above the lane and has extensive views over countryside to the north. It is adjacent to an Area of Outstanding Natural Beauty (AONB). Residential development in the area is sporadic.
12. The proposed building would be situated in close proximity to the lane and would be set at an elevated level above both the lane and within the context of the extensive landscape to the north. The proposal would be set behind a

hedgerow which includes some trees. It would have a low pitched roof. Whilst the existing hedgerow would filter some views and this could be supplemented by additional planting, I find the appeal proposal would still be clearly visible from the lane and within the wider landscape owing to the prominence of the site.

13. Whilst the use of materials would be similar to that of an agricultural building, the proposal would contain a number of windows along its length and have glazed bi-fold doors in one of the end elevations. I find this design would not appear as an agricultural building, as suggested by the appellant, owing to these domestic features. In my view the extent of these features would emphasise the presence of the building at the appeal site which would result in a conspicuous development.
14. Whilst I appreciate the appellant has considered alternative locations for his proposal, the appeal scheme is set in a prominent position and because it is close to the lane I find this would be harmful to the visual amenities of this rural area. In my view the scale, design and prominence of the building would be out of keeping with its rural location and would neither preserve nor enhance the character and appearance of the area.
15. I therefore conclude the development would be harmful to the character and appearance of the area. This would conflict with Policy EQ2 of the LP. This policy, amongst other things, seeks to preserve or enhance the character and appearance of the District.

Conclusion

16. For these reasons and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Paul T Hocking

INSPECTOR