

AGENDA ITEM NO: 8/2(e)

Parish:	West Walton	
Proposal:	Change of use from temporary residential annex into permanent annex including associated alterations.	
Location:	Cashelbawn Mill Road West Walton Wisbech	
Applicant:	Mr John Cook	
Case No:	19/01309/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 26 September 2019 Extension of Time Expiry Date: 11 October 2019

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation.

Neighbourhood Plan: No

Case Summary

This application involves an out-building that previously was being used as residential accommodation on a temporary basis while the main dwelling was undergoing renovation (ref: 17/01200/F). The renovation of the dwelling has finished and the building is no longer required for use as temporary accommodation. The previous approval required the out-building to be re-instated to a garage / office upon cessation of its use as accommodation. The current application seeks to change the use of part of the same out-building to an annexe on a permanent basis, with the remainder of the building to be re-instated to a garage / office as originally intended.

The site lies on the south east side of Mill Road in Ingleborough, opposite Ingleborough Mill. It is a hamlet that lies in the countryside between West Walton and Walpole St Peter. The land is outside any development boundary so it is classified as being in the countryside.

Key Issues

Planning history
Principle of development
Other material impacts or issues

Recommendation

APPROVE

THE APPLICATION

The application seeks to allow part of the existing out-building to be used as an annexe. The accommodation will comprise 1 bedroom, a lounge and a bathroom at first floor level, and a kitchenette and lobby at ground floor level. The remainder of the ground floor of the building is to be re-instated to its originally approved use as a double garage with hobby room/study to the side.

The site lies on the south east side of Mill Road in Ingleborough, opposite Ingleborough Mill. It is a small collection of dwellings and associated agricultural buildings that lie in the countryside between West Walton and Walpole St Peter. The land is outside any development boundary so it is classified as being in the countryside. The site is accessed via a track to the south-west of the site, and is contained by established boundary planting, so it is not readily visible from Mill Road.

SUPPORTING CASE

The agent has submitted the following statement in support of this proposal:

“Regarding the Parish Council's consultation objection based on the previous decisions, there is no logic to these or planning reasons regarding the current application to justify their objection. The building is already there and has been approved twice. There are no material alterations to the building of planning significance. The only significant planning issue we can think of is a possible small increase in parking space and there is more than enough space for this and turning on the site.

The Parish Council's objection is therefore not only unjustified with no evidence to support it, but also unreasonable and inconsistent with their support of the previous applications.”

PLANNING HISTORY

17/01200/F: Application Permitted: 23/11/17 (Delegated) - Retention and use of outbuilding as temporary residential annex during extension and refurbishment of existing house. To be converted back to garage and office on completion of works to existing house - Cashelbawn, Mill Road, West Walton, PE14 7EU

15/01871/F: Application Permitted: 13/01/16 (Delegated) - Variation of condition 2 of planning permission 13/01017/F - Cashelbawn, Mill Road, West Walton, PE14 7EU

13/01017/F: Application Permitted: 09/09/13 (Delegated) - Single and two storey extensions, insertion of dormer windows in connection with loft conversion and construction of detached garage - Cashelbawn, Mill Road, West Walton, PE14 7EU

RESPONSE TO CONSULTATION

West Walton Parish Council: OBJECT

The application should be refused based on the previous planning consents and correspondences as below:

The retention and use of outbuildings as temporary residential annexe during the extension and refurbishment of the existing house was considered in correspondence from the planning department on 18th November 2015. Said correspondence states:

"The use of the garage building hereby approved shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling and shall at no time be used for independent residential accommodation or for any business or commercial purposes".

Further correspondence issued by the planning office on 28th September 2017 deals with the request for the retention and use of the outbuilding as a temporary residential annexe during the extension and refurbishment of the existing house, to be converted back to a garage and office on completion of the works. Consent for this was granted subject to compliance with certain conditions namely:

"This permission shall expire on 31st December 2018 or upon completion of the main dwelling, whichever is the sooner, and unless an extension of this temporary permission is made and approved, on expiry:

- (a) The building shall cease to be used as a self-contained unit of residential accommodation and,
- (b) Within two months of the temporary permission ceasing, the works of conversion into a garage, tool room and office shall be completed to accord with the approved plan.
- (c) Within two months of the temporary permission ceasing, the enclosing picket fence subdividing the garden shall be removed to the satisfaction of the Local Planning Authority and retained as such hereafter".

The planning department also set out the reasons for this decision:

"In order that the Local Planning Authority may retain control over the development, as a permanent residential dwelling in this remote countryside location would be unsuitable and contrary to the provision of the NPPF, Policies CS06 & CS08 of the LDF and Policies DM1 & DM2 of the SADMPP".

Accordingly, to grant planning permission to planning application 19/01309/F is contrary to the earlier decision of the planning department taken in 2017.

In addition, the development is being referred to as an annexe. However, the Parish Council submits that use of the term 'annexe' or 'granny annexe' is misleading as the development is not annexe; it is an independent dwelling house.

Highways Authority: NO OBJECTION

On the basis that the building would ultimately remain as an annexe, I would not have an objection to the principle of the application.

Environment Agency: NO OBJECTION

Applicant's attention is drawn to the letter received from the Environment Agency, received on 3rd September 2019.

Emergency Planning Officer: NO OBJECTION

The occupiers should sign up to the Environment Agency flood warning system, and a flood evacuation plan should be prepared (more details at www.gov.uk/flood).

REPRESENTATIONS

No third party representation received.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

DM7 - Residential Annexes

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

PLANNING CONSIDERATIONS

The main considerations are:

- The planning history.
- The principle of development.
- Other material impacts or issues.

Planning History

The building in question was originally approved for use as a garage / office with a shower room as part of application ref: 13/01017/F to renovate and update the existing dwelling. Later, under application ref: 15/01871/F, the siting and design of the garage / office building was changed and a boot room was added to the south east elevation. While the dwelling was undergoing renovation, the applicant was living in the out-building. Subsequently, retrospective permission was sought for the use of the out-building as an annexe on a temporary basis under application ref: 17/01200/F. This application also altered the design of the garage, adding a new room to the north-west elevation. Permission was granted for this accommodation subject to the following conditions:

Condition 1:

This permission shall expire on 31st December 2018, or upon occupation of the main dwelling known as 'Cashelbawn', whichever is the sooner, and unless on or before that date application is made for an extension of the period of permission and such application is approved:

- (a) the building shall cease to be used as a self-contained unit of residential accommodation, and
- (b) within 2 months of the temporary permission ceasing, the works of conversion into garage, tool room and office shall be completed to accord with the approved plan: COOK.13:5.2 to the satisfaction of the Local Planning Authority and retained as such thereafter.

Condition 2:

Within 2 months of the temporary permission ceasing, the enclosing picket fencing subdividing the garden shall be removed to the satisfaction of the Local Planning Authority and retained as such thereafter.

At some point prior to the current application being made, the use of the out-building as temporary accommodation ceased as the renovations to the main dwelling were substantially completed and was therefore occupied. However, the building as it stands is in breach of condition 1, because rather than reverting the entire building back to a garage / office as per the original plan, parts of the building have been retained as residential accommodation in the form of an annexe. This application seeks to regularise this annexe on a permanent basis, while the other parts of the building are to be reverted to their originally approved use as a garage and study.

The principle of development

The response from the Parish Council states that the application should be refused based on the previous planning permissions as set out above and that the building is actually an independent dwelling and not an annexe.

The time limit condition under 17/01200/F was applied in order that the Local Planning Authority may maintain control over development, as a new permanent residential dwelling in this location would be contrary to established countryside protection policy. However, an annexe is not a new permanent residential dwelling; it is used as ancillary accommodation to an existing dwelling. Therefore both of the conditions mentioned from previous planning permissions do not indicate that a residential annexe would be unacceptable, rather that a separate dwelling would be unsuitable. It is not considered that a decision to grant permission in this case would be contrary to any previous decisions and that the use of the building as an annexe can be satisfactorily controlled by conditions. In any case, all applications should be determined on their own merits, and in some cases this can result in decisions contrary to past applications where new information may come to light or as a result of policy changes.

Ingleborough is not recognised in the settlement hierarchy, and the site lies outside any development boundary and so it is classified as being in the countryside. This does not mean that the provision of an annexe is prohibited. Rather, residential annexes in the countryside are allowed subject to the criteria contained in Policy DM7 of the SADMPP 2016. The annexe will be in the same ownership as the principal dwelling, be subordinate in scale, and will share its access, parking and garden with the main dwelling. The decision would be conditioned to ensure that the annexe stays within the ownership of the dwelling and is only used as ancillary accommodation. Overall, it is considered the principle of development is acceptable and conforms with policy DM7 of the SADMAP.

Other material impacts or issues

With regard to flood risk, the submitted flood risk assessment states that safe refuge is available at first floor level; therefore it is considered that occupiers of the annexe would be safe for the lifetime of the development.

The proposal to use part of the building as a permanent annexe would have no significant impact on the character and appearance of the area as the building already exists. For the same reason, it would also not pose any significant impacts in terms of neighbouring residential amenity.

CONCLUSION:

As explained above, it is not considered that any of the previous planning permissions or conditions indicate that permission should be resisted in this case. The proposed annexe would accord with all relevant criteria contained in Policy DM7 of the SADMPP 2016. In addition, no new operational development is proposed, so the application would have no significant impacts on the character and appearance of the area or the amenity of neighbouring occupiers. For the above reasons, the recommendation is to approve the application.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition Within 3 months of the date of this decision, the alterations to the building shall be implemented in accordance with the following approved plans. Dwg nos. COO.19-L (Location Plan), COO.19-0-A (Proposed Site Plan), and COO.19-2-B (Proposed Garage Floor Plans, Elevations and Section). The building shall be retained in that form unless otherwise agreed in writing by the Local Planning Authority.
- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition The additional residential accommodation, garage and study/hobby room hereby approved shall only be used as ancillary to the main dwelling, and no part of the building shall be used as an independent unit of residential accommodation, or for business or commercial purposes.
- 2 Reason For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.