

Parish:	Gayton	
Proposal:	Retrospective Change of use of former garage to 1 Church Farm Barns to residential accommodation	
Location:	1 Church Farm Barns Back Street Gayton Norfolk PE32 1QR	
Applicant:	OHPM Ltd	
Case No:	21/01956/F (Full Application)	
Case Officer:	Mr C Fry	Date for Determination: 7 December 2021

Reason for Referral to Planning Committee – Called in by Cllr de Whalley

Neighbourhood Plan: No

Case Summary

This application seeks retrospective consent for the conversion of the garage a residential annexe at 1 Church Farm Barns Gayton.

1 Church Farm Barns (the main house) is currently being used as a holiday let.

The application site is accessed via a private road from Back Street Gayton.

The site is contained within the development boundary which is a Key Rural Service Centre.

Key Issues

1. Principle of Development
2. Impact upon Visual Amenity
3. Impact upon Neighbour Amenity
5. Highway Safety
5. Any other material considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks retrospective consent for the use of the garage at 1 Church Farm Barns, Gayton as residential annexe accommodation. The annexe residential

accommodation provides 1 bedroom, wet room and kitchen/living facility. The application also makes provision for an access ramp.

The applicant is required to live in the annexe for health reasons as it provides a level access and living accommodation.

The building is currently fenced off from the main house by trellis.

The application site is contained within the settlement boundary of Gayton. The site is not contained within an area of outstanding natural beauty or Conservation Area.

SUPPORTING CASE

No supporting statement to accompany the application has been submitted to date.

PLANNING HISTORY

2/80/3615/CU/F Conversion of agricultural buildings to four dwellings Approved 19th January 1981.

RESPONSE TO CONSULTATION

Parish Council: OBJECTION on the following grounds

- non-compliance with the previous planning permission.

The original planning permission for 1 Church Farm Barns (2/80/3615/CU/f) condition 7 states that no outbuilding within the curtilage of any dwelling shall be used for purposes other than those incidental to the needs and personal enjoyment of the occupants of the dwelling and at no time shall be used for business or commercial purposes. The Parish Council suggests that the original dwelling is being used as a holiday let business. The Parish Council suggests that this application does not conform to condition 7 of the original planning approval as it goes beyond using an outbuilding for purposes "incidental" to the needs etc. of the occupants of the main house.

- Inadequate parking provision

Church car park:- The land outside of the boundary of 1 Church Barns is a shared access and the Church carpark belongs to the Church for users of the Church and is not an overspill facility for 1 Church Farm Barns. This is a car park for users of the Church and for when the community attends relatives' graves. The cars "using" 1 Church Farm Barns are habitually parking in the Church Car Park and the PC objects to this application as it is likely to continue and exacerbate this parking problem.

- Inappropriate design of the annex

The garage at 1 Church Farm Barns is now a separate dwelling but with the garage door still in place so that it looks, to all intents and purposes, like a garage but it has a "home" behind them.

Gayton Parish Council also wishes to draw the following relevant matters to the attention of the planning officer:-

Planning Committee
10 January 2022

- The property is covenanted and stipulates a limit of 6 dwellings each for a single family and the dwellings are not to be used for business purposes.
- The plot, as detailed in the application is incorrect permission is being sought over a much larger area than that which belongs to this property. The Parish Council requests that the curtilage of 1 Church Farm barns is shown correctly with immediate effect.
- This applicant appears to have already carried out the work
- The Parish Council believes that 1 Church Farm is being run as a holiday let and the people living in the garage are doing the changeovers, making beds, clearing etc. and the conversion of the garage is a creeping development to enhance this business?
- The Parish Council is not clear about the planning permission how the permission can be granted for 5 years. Will the planning permission clearly state it is to be returned to its original usage? Will the planning department check upon this property and ensure that it is converted back to use as a garage or will be forgotten and remain as two dwellings forever.

Local Highways Authority: NO OBJECTION

REPRESENTATIONS

18 letters of **OBJECTION** to the application

- The applicants drawing shows that the church car park is included in this application.
- The house is being used as Air BnB accommodation and often uses the church carpark for parking or the patrons of the Air BnB accommodation do.
- The access roads are not under the applicants control as they are under shared ownership
- The owners converted the garage before occupying the house. There was therefore no intention to occupy the house
- The application shows shared use of laundry room and downstairs room in the main house. The Air bnb website mentions that you can have the whole house to yourself.
- Separate fencing has been provided between the house and garden
- The Gayton and Gayton Thorpe Neighbourhood Plan states that a 4 bedroom unit requires at least 3 carparking spaces and one bedroom unit requires at least 1 car parking space. 1 Church Farm barns has only 3 carparking spaces.
- Contravention of a covenant on the title, stating that "other than the conversion shall be for the erection of 6 private dwellinghouses and each for the occupation of one family only and no building to be erected or to be erected on the property hereby converted shall be used otherwise than as a private dwellinghouse or a private garage and no trade or business shall be carried on upon the said property.
- Increase disturbance from the use of cars

- Does not comply with the original planning application
- 5 year time limit will be impossible to manage
- 3 cars cannot fit in the driveway
- The application should be turned down on the ground alone to protect the church and amenities which have stood therefore 400 years without interference.
- Can the planning department ask the applicant to provide a detailed, scale drawing for proposals after 5 years to demonstrate what the garage will look like in 5 years' time, if this is to be temporary arrangement.
- I would imagine that the documentation for No.1 Church Farm Barns needs to be accurate before the Planning Department can even consider this further or is retrospective the way to circumnavigate the correct procedures for planning applications.
- There is a duty of care towards residents who are tax payers in regards to unauthorised building works. It took 6 months to June to place and enforcement notice to stop using the garage extension.
- The red line of the application site is not the same as the land registry red lined title plan.

Councillor de Whalley: Concerns include the overdevelopment, loss of amenity, lack of parking/vehicle storage and safety fear regarding increased traffic turning into/from Back Lane.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM7 - Residential Annexes

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2019

PLANNING CONSIDERATIONS

The main planning considerations in regard to the application are:-

1. Principle of Development
2. Impact upon Visual Amenity
3. Impact upon Neighbour Amenity
4. Highway Safety
5. Any other material considerations

Principle of Development

The site is contained within the development boundary of Gayton

The proposal seeks retrospective consent for the use of the former garage as residential annexe accommodation which will be used in association with the main house.

Policy DM7 of the Site Allocation and Development Plan Policy refers to the principles of allowing Residential Annexes. The supporting paragraph c.8.1 states that “residential annexes can be defined as being accommodation ancillary to the main dwelling within the residential curtilage and a form of extra accommodation in the same way an extension to the dwelling would be. Annexes should be well related to the main dwelling and for it not to be considered a separate dwelling, it must share the same garden, parking and access as the main dwelling. It should also be smaller or subordinate to the main dwelling, as close as possible to the main dwelling and it should not be designed as being capable of being sold or let as a separate unit. Annexes can be formed by extensions to the main dwelling, conversion of a building ancillary to the dwelling such as a garage or the development of a new separate unit”.

Within designated settlements, annexes are generally an acceptable form of additional accommodation for residents. The design, layout and scale of annexes are crucial factors in determining the impact on the amenity of existing or new residents and on the visual form and character of the local area. Ensuring that there remains a safe and adequate parking and access is also a key factor in assessing applications. Problems arise when developing annexes separate from the main dwelling, because they appear to be used as separate dwellings and are intrusive in the landscape in countryside locations.

Policy DM7 therefore has 5 principles that need to be established as to whether development of residential annexes will be approved only subject to the following being secured by condition or planning agreement:-

- It remains in the same ownership as, and is occupied in conjunction with the principal dwelling and does not appear tantamount to a new dwelling
- It is ancillary and subordinate in scale to the principal dwelling
- Its occupants share the existing access, garden and parking of the main dwelling
- Occupation of the annexe is subsidiary to that of the main dwelling; and not capable of sub-division.

Planning Committee
10 January 2022

In this case, the application has been supported by a DAS to support the application and considers the following criteria.

Remains in same ownership and is occupied in conjunction with the principal dwelling and does not appear tantamount to a new dwelling

The DAS states that the occupation of the annexe is in the same ownership as the main house (principal dwelling). It is occupied in conjunction with the main dwelling as the owner uses half of the ground floor of the house as a utility room/laundry room which is shared with the main house, cupboard/storeroom for spare laundry for the main house as well as other household items and an office and bedroom. The western half of the house and the upper floors are used as the holiday let, which is managed by the applicants.

The annexe has a kitchen/living room, bedroom and wet room with a access ramp.

It is ancillary and subordinate in scale to the principal dwelling

The DAS states that the annexe building is subordinate in scale and appearance to the main dwelling.

Its occupants share the existing access, garden and parking of the main dwelling

The plans and DAS that have been submitted with the application states that the parking and access are shared.

Occupation of the annexe is subsidiary to that of the main dwelling

The DAS refers to the service and management functions of the owners meaning that the scale and functional terms of the occupancy is subsidiary.

Not capable of subdivision

The DAS states that it is not the applicant's intention to create a separate dwellings on site; the reliance on the annex on some rooms within the main house for storage and laundry is such that a separation to create a separate dwelling would not be practical in functional terms – also the garden would need significant reconfiguration to create separate garden areas which would be likely to harm the amenity of the dwellings.

The LPA considers that in line with Policy DM7 and notwithstanding the separate curtilage (through the erection of the trellis), through the erection of a trellis, the holiday let and annexe still function as one planning unit, as a C3 use. Accordingly your officers considers that the annexe is occupied in connection with the principal dwelling and does not appear to be tantamount to a new dwelling.

Reading as one planning unit, the scale of the 1 bedroom annexe is ancillary in terms of its function and is subordinate in scale to the dwelling (C3 use) and uses the existing access and parking arrangements with the main dwelling. The occupation remains subsidiary to that of the main dwelling.

By virtue of the planning unit remaining as one unit, it is not considered necessary to impose the original 5 year request that made by the applicant's agent that this annexe by used for a temporary period. Instead a condition will be imposed that it is held and occupied in association with the dwelling.

The proposal complies with Policy DM7 of the SADMPP 2016.

Impact upon Visual Amenity

In order to facilitate the annexe the only external alterations have been the sealing off of the garage door and the provision of a ramped access. The ramp is on the northern side of the garage and is not evident from the public domain. The proposal therefore complies with the provisions of Policy DM15 of the Site Allocation and Development Policies Plan and paragraph 126 and 130 of the NPPF.

Impact upon Neighbour Amenity

The ramped access is on the northern side of the building, and this elevated platform does not provide any outlook into neighbouring properties. The intensification of parking and turning for residential use in a residential area causes no undue noise and disturbance that would warrant any conditions to be imposed or a refusal of the application. The proposal therefore complies with the provisions of Policy DM15 of the Site Allocation and Development Policies Plan and paragraph 126 and 130 of the NPPF.

Impact upon Highway Safety

Misconceptions from 3rd parties and the Parish Council are that the red line is trying to demonstrate an extended curtilage of the site, in order to provide ample space for parking for the annexe and holiday let. The red line of the application has been drawn in such a way to identify the access to the public highway and the applicant's agent has served the required certificate B ownership certificates.

Notwithstanding the above, the applicant has demonstrated that within the curtilage of the building there is enough parking to accommodate three cars which is the minimum number of parking spaces that could legitimately be requested in line with NCC Parking Standard requirements for a 4+ bedroom property. This is compliant with Policy GT 1 of the Draft Gayton Thorpe and Gayton Neighbourhood Plan which is currently at Regulation 14 stage.

The Highways Officer has confirmed that they have no objection to the proposal. The proposal therefore complies with Policy DM15 of the SADMPP 2016.

Other Material considerations

The site is contained within Flood Zone 1, the least restrictive flood zone.

The existing property and annexe are not listed, however they are within close proximity to the Grade I listed Church and a Grade II listed cottage on the corner Back Street, Lynn Road and the B1153. The ramp cannot be seen in context with the setting of the listed cottage as it is screened by the existing garage structure on the site. Accordingly no material harm is caused to the setting of these designated heritage assets.

The planning history of the site is noted (2/80/3615/Cu/F) and condition 7 of that permission states that no shall be used for the purposes other than those incidental to the needs and personal enjoyment of the occupants of the dwelling and at no time shall be used for business or commercial purposes. The applicant is in breach of that condition in so far as to the use of the building being ancillary and not incidental and hence this is why the application has been submitted. The outbuilding is not being used for commercial purposes.

Any breach of restrictive covenants on the property and land is a civil matter and not within planning control.

CONCLUSION

The application seeks retrospective consent for the conversion of a garage into annexe accommodation. It is your officer's opinion that the site remains one planning unit, a C3 use. Accordingly, the annexe is subordinate to the main dwelling and through conditions imposed, it will be held and occupied in association with it in accordance with Policy DM7 of the SADMPP 2016.

There are no parking, neighbour amenity or visual amenity issues resulting from the conversion of the garage and its use as an annexe.

Therefore, your officers are recommending that the application be approved subject to the following conditions.

RECOMMENDATION:

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

- 1 Condition: The additional residential accommodation hereby approved shall only be used as ancillary accommodation to the main dwelling and shall at no time be used as an independent unit of residential accommodation.
- 1 Reason: For the avoidance of doubt and to ensure that the building is not used for unrelated purposes that would be incompatible with the provisions of the NPPF.