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## Appeal Decision

Site visit made on 24 November 2020

**by Thomas Hatfield BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3<sup>rd</sup> December 2020

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### Appeal Ref: APP/L3245/D/20/3256655

#### 1 Rowe Lane Cottages, Rowe Lane, Welshampton, Ellesmere, SY12 0QD

- 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 Mr Richard Clark against the decision of Shropshire Council.
  - The application Ref 20/00722/FUL, dated 19 February 2020, was refused by notice dated 12 June 2020.
  - The development proposed is described as "*The removal of an existing outbuilding and construction of a new 2 Bedroom Annex to accommodate the owners' daughter and daughters' baby who are temporarily living in the existing house*".
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a new 2 bedroom annex at 1 Rowe Lane Cottages, Rowe Lane, Welshampton, Ellesmere, SY12 0QD in accordance with the terms of the application, Ref 20/00722/FUL, dated 19 February 2020, subject to the following 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: WD.01 B; WD.90 B; WD.91 B; WD.100 B; WD.101 B; WD.300 B.
  - 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 1 Rowe Lane Cottages.

### Procedural Matter

2. The description of development given in my formal Decision omits some of the text from the description provided on the planning application form. The omitted text refers to an 'existing outbuilding' that has already been removed. In addition, it identifies the intended occupants of the building, which does not describe acts of development.

### Main Issue

3. The main issue is whether the development would constitute an ancillary residential annex or whether it would be tantamount to a new dwelling.

## Reasons

4. The appeal site comprises a part of the side/rear garden area to No 1 Rowe Lane Cottages. It is positioned on a bend in Rowe Lane and is largely surrounded by open countryside.
5. The proposed annex would be located at the rear of the garden, on land that was previously occupied by an outbuilding. It would contain a kitchen / living area, a bathroom, and 2 double bedrooms and so would include all the facilities necessary for independent living. However, the building would be positioned at the rear of the plot and would share its vehicular and pedestrian accesses and garden area with the host property. The layout of the garden and the position of an existing conservatory would also make it difficult to occupy the building separately as this would be likely to result in a significant loss of privacy to the host property.
6. I further note that the application proposes a residential annex, was submitted to the Council as a householder development, and was validated on that basis. The occupancy of the building is also capable of being controlled by condition, and any change of use to create a separate dwelling would require a further grant of planning permission. Moreover, the building is intended to be occupied by family members who currently reside at the host property.
7. In terms of its scale and appearance, the building would be a single storey flat roofed structure with a significantly smaller internal floorspace than the host property. It would be constructed in similar materials to the adjacent garage/workshop and would be on land that previously contained an outbuilding. The building would also be set back significantly from the road, and it would not visually compete with the host property in my view.
8. For the above reasons, I conclude that the development would constitute an ancillary residential annexe to the existing dwelling. It would therefore accord with Policies CS1, CS4, and CS5 of the Shropshire Core Strategy (2011) and Policies MD1, MD3, and MD7a of the Shropshire Site Allocations and Management of Development Plan (2015). These policies seek, amongst other things, to restrict new dwellings in the countryside.

## Conditions

9. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. I have also imposed a condition restricting the occupancy of the proposed building in order to ensure that it is not used as a separate unit of accommodation. This is necessary in the interests of residential amenity and in order to comply with development plan policy.

## Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

*Thomas Hatfield*

INSPECTOR