



## Appeal Decision

Site visit made on 6 June 2023

**by Nichola Robinson BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 July 2023**

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**Appeal Ref: APP/L3245/W/22/3304926**

**The Cottage, Duglands Junction to Severn View, Edgerley, Kinnerley, Shropshire SY10 8ER**

- 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 Coxon against the decision of Shropshire Council.
  - The application Ref 22/01902/FUL, dated 19 April 2022, was refused by notice dated 16 June 2022.
  - The development proposed is change of use of land from equestrian (Sui Generis) to residential (C3) and the siting of an annexe building ancillary to the main residential dwelling to include decked area.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use of land from equestrian (Sui Generis) to residential (C3) and the siting of an annexe building ancillary to the main residential dwelling to include decked area at The Cottage, Duglands Junction to Severn View, Edgerley, Kinnerley, Shropshire SY10 8ER in accordance with the terms of the application, Ref 22/01902/FUL, dated 19 April 2022 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: Location Plan, Site Survey Plan, 2D Elevations, Floor Plan (Contemporary Log Living dated 14.02.2022).
  - 3) No development shall take place above foundation level until full details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
  - 4) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Cottage, Duglands Junction to Severn View, Edgerley.

### Main Issues

2. The main issues are:
  - the effect of the proposal on the setting of a grade II listed building; and
  - whether the proposed development would constitute a separate unit of residential accommodation rather than an ancillary use.

## Reasons

### *Setting of the listed building*

3. The appeal site comprises a parcel of land to the northeast of The Cottage, a grade II listed building. I have been provided with the listing description for The Cottage which sets out that this building is a late 17<sup>th</sup> century one and a half storey timber framed cottage with red brick infill. A brick boundary wall surrounds the rear garden of The Cottage, separating it from the land to the rear which includes a manege and stables. Whilst it is stated that The Cottage has been restored and rebuilt following dereliction, nonetheless, the building appears to retain much of its original character. In my view the significance of this building derives from its origins, decorative architectural features and its setting within a rural context. Whilst located in close proximity to it, there is no evidence of any historical association with The Cottage and the appeal site does not affect its significance.
4. The starting point for the consideration of the impact of a development on the setting of a Listed Building is Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses. The proposal seeks consent for the erection of a temporary single storey detached annexe building to the rear of The Cottage on land which historic maps indicate once contained a detached rectangular barn. The proposal also includes the change of use of the associated land to residential use. The submission states that the annexe would be temporary and would comprise a mobile home which meets the definition of a caravan<sup>1</sup>.
5. The proposal would introduce a modern annexe building and the Council state that it is likely that the barn which was sited here would have been a traditionally styled agricultural building. Whilst I have not been supplied with any details of the barn or the form it may have taken, even if this were the case, nonetheless the introduction of built form ancillary to The Cottage would reinstate this historic relationship between the dwelling and a detached outbuilding on this part of the site.
6. The submission refers to the proposal as being temporary in nature. However, by virtue of its scale and appearance, the annexe would appear as a permanent structure. The modern, domestic design and palette of materials and decking area would differ from that of The Cottage and would not appear agricultural in nature. Nonetheless, the pitched roof form and simple design would relate well to the traditional form of The Cottage and its rural location and its domestic appearance would accord with the residential character of The Cottage. The annexe would be single storey and would clearly be read as a subservient feature to the main house. As a result, the design and mass of the proposed outbuilding would not be out of place, nor would it harm the setting of The Cottage or the wider context of the site.
7. Additionally, the modern design of the building and palette of materials would be seen in the context of existing development to the rear of the appeal site including the modern stables and manege. The structure would not be evident from the street or driveway and in this context the proposal would preserve the

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<sup>1</sup> Section 13 of the Caravan Sites Act 1968 (amended 2006)

special architectural and historic interest of the listed building and would not result in any harm to its setting or significance. Given that harm would not occur to the special architectural or historic interest of the listed building, it is not necessary to undertake the balance required under paragraph 196 of the National Planning Policy Framework, (the Framework) in respect of weighing less than substantial harm against public benefits of the proposal.

8. For the reasons set out above the proposal would not harm the setting of the grade II listed building, The Cottage. Therefore, it would not conflict with the aims of Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) or Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan- adopted plan (2015) (SAMDev). Collectively these policies seek to ensure that development protects, restores, conserves and enhances the built and historic environment, avoiding harm or loss of significance to heritage assets including their settings.

*Whether or not a separate residential unit*

9. The proposed annexe would accommodate a bedroom, wet room and an open plan lounge/ kitchen/diner. It would be located on land which does not currently form part of the residential curtilage of The Cottage and would be separated from it by an existing brick garden wall. Nonetheless, this vacant land, which comprises a small unused area which has been laid to lawn, is located alongside the residential curtilage to The Cottage. This area is small in scale and has the appearance of a residential garden, and, based on my observations on site, appears to be experienced as part of the amenity space associated with it as it is linked to it by a gate in the garden wall. Thus, this area is closely related to the amenity space associated with The Cottage. Therefore, whilst it does not form part of the curtilage of this dwelling, the siting of a building here would be closely associated with it rather than detached from it.
10. Furthermore, from my observations on site and the orientation of the entrance to the annexe, access to the building would be gained to the side of The Cottage, close to the host dwelling. As a result of this, the gated access linking the gardens of the main dwelling and the annexe, and the proximity between The Cottage and the annexe, would maintain a close relationship with the host dwelling and a degree of intervisibility between the two buildings. Furthermore, the building would be small in scale and subservient to the main dwelling and would clearly be read as an annexe to the host property.
11. The proposal would have all the facilities for independent day-to-day living. Nonetheless, the original application form makes it clear that planning permission is sought for an ancillary residential use associated with the main dwelling. I understand that the building would be dependent on the main dwelling in relation to power, gas, water, sewerage, laundry facilities and highways access, but that the Council have concerns that these matters are not determinative of what constitutes an annexe, arguing that in order to be classed as an ancillary annexe the building should be fully sited within the existing residential curtilage. Additionally, the Council state that the annexe is not fully self-contained and could be accessed independently of the main dwelling, without any access required through the dwelling itself. However, in my view, the relationship of the annexe to the main house, with regard to

access and site layout, would not lend itself to independent occupation, a factor which would further support the ancillary status of the development.

12. Furthermore, the occupancy of the building is capable of being controlled by condition and any change of use to create a separate dwelling would require a further grant of planning permission. Importantly, I have determined this appeal on the basis of what was applied for.
13. Consequently, I conclude that the proposed outbuilding would be ancillary to the main dwelling, and it would not constitute a separate unit of residential accommodation. I therefore find no conflict with CS policy CD5 or SAMDev policy MD7a which seek to restrict new residential development in the countryside.

### **Other Matters**

14. The Council suggest that an annexe building located closer to The Cottage might be more acceptable though this would have different considerations in the context of the setting of the Listed Building. Nonetheless, I am tasked with determining the proposal before me and I have found the proposal to be acceptable in relation to the main issues I have identified.

### **Conditions**

15. In addition to the standard implementation condition, it is necessary, in the interests of precision, to define the plans with which the scheme should accord. In the interests of preserving the character and appearance of the area, I have required that facing materials are approved by the Council prior to development above foundation level.
16. The Council has suggested a condition which requires that the proposed building be occupied by the parents of the applicant. I find this condition to be overly restrictive and have amended it so that the building can be used for purposes ancillary to the residential use of the main dwelling. This condition is necessary to ensure that the building functions as ancillary accommodation only. The Council also suggest a condition which requires the removal of the building following the cessation of the use by the appellant's parents. However, as I have found that the building would not result in harm to the setting of the host listed building, I find this condition to be unnecessary. A suggested condition which restricts permitted development rights is also unnecessary as outbuildings do not benefit from permitted development rights in any event.

### **Conclusion**

17. For the reasons set out above, the development would accord with the development plan taken as a whole. Therefore, the appeal is allowed.

*Nichola Robinson*

INSPECTOR