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## Appeal Decision

Site Visit made on 9 August 2021

**by M Chalk BSc (Hons) MSc MRTPI**

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

**Decision date: 19<sup>th</sup> August 2021**

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**Appeal Ref: APP/K0235/W/21/3275948**

**Yew Tree Cottage, Honeydon, Bedford, MK44 2LP**

- 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 Sidney Chapman against the decision of Bedford Borough Council.
  - The application Ref 19/00308/S73A, dated 10 February 2019, was refused by notice dated 16 February 2021.
  - The development proposed is described as "construction of a new single storey recreational and storage building".
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The outbuilding had been substantially completed at the time of my site visit. I have determined the appeal accordingly.
3. The Government released a revised National Planning Policy Framework in July 2021. The main parties were invited to comment on the revised document.

### Main Issue

4. The main issue is whether the outbuilding is tantamount to a separate dwelling.

### Reasons

5. Policies 7S, 28S and 29 of the Bedford Borough Local Plan 2030 (the LP) collectively require that development in the countryside be appropriate, including in terms of its size and appearance. With regard to the creation of ancillary domestic outbuildings, Policy 7S states that such development will be permitted where it is in accordance with Policy 66 of the LP. That policy requires, among other criteria, that such buildings not be used for any other purpose other than the enjoyment of the existing dwelling or as a residential annex to the dwelling.
6. The outbuilding is of substantial and permanent construction, although it is a single-storey structure. It is separated from the host dwelling by a considerable distance. While smaller than the host dwelling, it is nevertheless a large building that contains several separate rooms including a shower room, and has a sizable kitchen area. These considerations weigh in favour of it being viewed as being independent of the host dwelling.

7. Set against this, the building is located within the garden of the host dwelling, and while there is a fenced-off hard-surfaced parking area between the two, there is no formal separation of the two buildings within the grounds. The buildings share a single highway access. While large, the building sits within substantial grounds of which it occupies a relatively small area and its appearance is akin to a domestic outbuilding. The building was used to provide accommodation for a family member with medical needs. It is no longer required for that purpose and is now in use for domestic storage.
8. My attention has been drawn to appeal decisions in which the use of an outbuilding was at issue. Full details of the cases were not available, but each case presented differs from this one either in terms of the scale of the development proposed or of the host site, the nature of the application or the degree of physical independence between the host property and outbuilding. Nevertheless, the Inspectors in each case assessed the extent to which the outbuilding or annex could be occupied separately from the host property, and their findings do carry weight in the determination of this appeal.
9. Whether or not the proposal is tantamount to a separate dwelling is a judgment based on a matter of fact and degree. Given its size when taken together with the extent of existing fittings, the building can be used to provide independent accommodation with the occupiers not reliant on the host dwelling. It would afford to those who use it the facilities required for day-to-day private domestic existence. The lack of a separate access or curtilage to the building, while indicative, are not in this instance sufficient to show that the building is incapable of occupation separately from the host dwelling.
10. As a matter of fact and degree, therefore, the building is tantamount to a separate dwelling. It therefore conflicts with Policies 7S, 28S and 29 of the LP, the requirements of which are set out above.

### **Conclusion**

11. There are no material considerations to indicate that this appeal should be determined other than in accordance with the development plan.
12. Therefore, for the reasons set out above, the appeal fails.

*M Chalk*

INSPECTOR