ANCILLARY GRANNY ANNEXE

Planning, Design and Access and Heritage Statement

The Old School
Dean Head
Barkisland
Halifax
HX4 0EA

Date: May 2024

Document Ref: NAPC/JD/1421/JM

01285 283200 | www.napc.uk | info@napc.uk
Registered office: NAPC Limited, Watermoor Point, Watermoor Road, Cirencester, GL7 1LF|
Company number: 12849395 VAT Registration number: GB366872746

TABLE OF CONTENTS

Introduction 3

Proposal 4

Site Context 5

- Application Site 5
- Site Designations 5

Planning Policy 6

- Kirklees Local Plan (2019) 6
- SPD's/SPGs 6
- NPPF (2023) 6

Planning Assessment 7

- Principle of Development 7
- Layout and Siting 8
- Scale and Amount 8
- Access 8
- Appearance 9
- Green Belt 9
- Heritage 11

Sustainability 12

- Offsite Manufacturing 12
- Materials 12
- Economic 13

Material Considerations 15

- Appeal Precedents 15
- Consistency in Decision-Making 15
- Personal Need 15
- Planning Precedents 16
- Permitted Development Rights 17

Conclusion 18

Appendices 19

- Appendix A – Supporting Letter 19
- Appendix B – Appeal Ref: APP/Q5300/D/16/3147827 20
- Appendix C – Appeal Ref: APP/B3438/A/12/2188171 21

Introduction

This planning, design and access statement has been prepared by NAPC Ltd to support the planning application for the erection of a single-storey timber prefabricated granny annexe, for ancillary residential use associated with the dwelling *The Old School, Dean Head, Barkisland, Halifax, HX4 0EA*.

The purpose of the proposed annexe is to accommodate the applicant's parents. Due to advancing age and declining health, the proposed annexe necessitates the close care and support of their family. The erection of this annexe will allow the applicant's parents to maintain a level of independence while having the necessary care readily available.

In support of the application, a supporting letter has been included (Appendix A), offering additional context and background to demonstrate the need for the proposed annexe.

Other supporting documents submitted as part of this application will include:

- Location Plan
- Existing Block Plan
- Proposed Block Plan
- Proposed Elevations
- Proposed Floor Plan
- Supporting Letter from the Applicant
- Community Infrastructure Levy (CIL) Forms 1, 2 and 8 (for CIL-charging authorities)

Proposal

This application seeks approval for the erection of a single-story timber granny annexe within the curtilage of an established Class C3 dwellinghouse.

The purpose of the annexe is to serve as an ancillary space to the main dwelling, fostering strong functional connections between the two. The occupants will regularly engage in activities within the main dwelling, including preparing and consuming meals, relaxing, socialising with family, and utilising existing household facilities.

It is important to note that the proposed annexe will **not** have any separate or independent:

- Address
- Post box
- Utility metres
- Services (such as internet, phone line, and television)
- Parking area
- Garden area or curtilage
- Access

In summary, this proposal is for an ancillary granny annexe situated within the existing residential curtilage of a Class C3 residential dwellinghouse.

The use of the annexe is heavily reliant on the host dwelling. It is important to note that this proposal does **not** constitute a separate, standalone dwelling and it could not operate as such, given the site constraints and reliance on the host dwelling.

Site Context

Application Site

The application site is situated at the terminus of Church Lane, located north-east of Deanhead, Barkisland, Halifax, within the administrative boundaries of Kirklees Council. The primary residence is two-storey detached dwelling, featuring a stone façade, and pitched tiled roof. The site benefits from ample private amenity space to the south-east and off-road parking to the front of the dwelling.

The plot is bordered by St Bartholomew's Church to the west, dwellings to the north and east and open countryside to the south and east. The curtilage is clearly defined by a stone wall and vegetation, serving as an effective screen to minimise any potential impact on neighbouring amenity.

A redundant access to St Bartholomew's Church is located to the south-east of the dwelling, with the residential curtilage beyond. The garden comprises a shed and patio areas.

The surrounding area is primarily rural; it is therefore not out of character to find ancillary buildings in gardens.

Site Designations

As per the adopted Kirklees Local Plan (2019) policy map extract below, the application site is within the North-West Green Belt.

The Environment Agency's Flood Map confirms that the site is within Flood Zone 1, indicating a low risk of flooding.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions must be made in accordance the Local Development Plan unless material considerations suggest otherwise.

The relevant policies for assessing this proposal are outlined in the adopted Kirklees Local Plan (2019), the National Planning Policy Framework (NPPF) (2023), and any relevant Supplementary Planning Documents/Guidance (SPDs/SPGs). Compliance with these policies is fundamental in the decision-making process.

Kirklees Local Plan (2019)

- Policy LP 1– Achieving sustainable development
- Policy LP 2 – Place shaping
- Policy LP 24 – Design
- Policy LP 35 – Historic environment
- Policy LP 57 – The extension, alteration, or replacement of existing buildings

SPD's/SPGs

- House Extensions and Alterations SPD
- Housebuilders Design Guide SPD

NPPF (2023)

- Paragraph 8 – Achieving sustainable development
- Paragraph 11 – Presumption in favour of sustainable development
- Paragraph 38 – Approaching decision making in a positive and creative way
- Paragraph 63 – Meeting housing needs for older people
- Paragraph 96 – Achieving healthy, inclusive and safe places and beautiful buildings
- Paragraph 97 – Providing the social, recreational and cultural facilities and services the community needs
- Paragraph 123 – Making effective use of land
- Paragraph 131 – Creating high quality, beautiful and sustainable buildings and places

Planning Assessment

Principle of Development

Personal Need

This proposal seeks to erect a granny annexe to serve as ancillary accommodation for the applicant's parents, who, due to advancing age and declining health, requires an increasing level of care and support from their family (refer to the attached Supporting Letter in Appendix A for further details).

The erection of the granny annexe is motivated by the family's desire to have the peace of mind that comes with proximity, enabling them to provide ongoing support now and in the future. The annexe is essential to fulfil the care and support needs of the applicant's parents, and the family is committed to addressing day-to-day requirements such as cooking, socialising, laundry, errands, appointments, and overall support without relying on state care.

This proposal aligns with the current central government stance that promotes and supports multigenerational living. This approach not only alleviates stress on state-funded care but also contributes towards sustainable development, a concept endorsed at the local level.

Regarding its relationship with the main dwelling, although the annexe won't be physically attached, it will have a clear dependence on the main dwelling for essential services. The chosen location, replacing an existing outbuilding, is therefore considered optimal. The evident functional connections between the main house and the annexe, along with the site layout, clearly indicate that independent use would be challenging and undesirable.

To confirm, the proposed annexe will have **no** distinct or separate:

- Access
- Address
- Utility metres
- Garden
- Curtilage
- Septic tank
- Post box

The points mentioned above carry notable significance considering the Uttlesford v SoS (Environment & White) landmark case. In that case, the Inspector acknowledged that the annexe, while equipped with all the facilities for day-to-day domestic life, had the potential to function as a separate dwelling.

However, the Inspector emphasised that the capability for independent use did not necessarily imply that it had been used as such. Notable factors in this determination included the lack of separate utility meters, a distinct postal address, and a dedicated telephone line. Additionally, the Inspector highlighted the absence of any separate curtilage or distinct access arrangements as relevant considerations in assessing the independent nature of the annexe.

Future Use

The applicant would be happy to agree to an appropriate condition to restrict the use of the annexe solely for ancillary purposes. Whilst the National Planning Practice Guidance published on 6th March 2014 and Circular 11/95 was cancelled, Appendix A of the Circular is currently retained. Therefore, such a condition continues to be promoted by the Government.

Quoting the circular, it emphasises that if there are valid planning reasons why the creation of an additional dwelling would be unacceptable, it is appropriate to impose a planning condition ensuring that the building permitted is used solely as accommodation ancillary to the main dwelling house.

The applicant is willing to accept the following condition, derived from model condition 47 from Circular 11/95:

> *"The proposed building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling."*

If the LPA deems a condition insufficient to control use, the applicant is also amenable to agreeing to a Section 106, ensuring that the annexe is never separated from the main dwelling.

Considering the above, we believe that the principle of having an ancillary annexe, with further assessment on amenity, design, and visual impact, should be deemed acceptable.

Layout and Siting

Local planning policy emphasises the importance of new developments being appropriately located and providing a high standard of design that aligns with the character of the nearby area. In adherence to these principles, the proposed annexe will be sited in the southern part of the garden. Careful consideration has been given to its placement, ensuring that the development does not adversely affect neighbouring land uses, while preserving its ancillary connection with the main dwelling.

The proposed annexe would have no greater impact on the surrounding area than any permitted residential paraphernalia. In essence, the annexe is designed to seamlessly integrate into the garden and the broader context, visually harmonising with the established pattern of nearby built developments. This approach ensures that the proposal aligns with local planning policies and contributes positively to the overall character of the area.

Scale and Amount

The size of the proposed annexe has been well considered to offer comfortable accommodation while minimising its impact on the surroundings and landscape. Careful attention has been given to ensuring that its dimensions reflect the characteristics of a traditional ancillary residential outbuilding. The single-storey design is specifically chosen to present a subordinate appearance in terms of mass and scale when compared to the host dwelling and neighbouring properties.

Given the size of the host plot, the proposed annexe does not appear out of place when viewed in conjunction with the overall context. It is our contention that the proposal's impact on the surrounding area would be no greater than that of a permitted outbuilding under Class E of The Town and Country Planning GPDO 2015. It is a strong material consideration that reducing the height would potentially allow the applicant to construct the physical structure under Class E Permitted Development Rights.

Access

Access to the proposed annexe will utilise the existing arrangement, with no provision for independent access. This means there will be no requirement for a separate highway access or any alterations to the existing access point.

Appearance

Considerable attention has been dedicated to the design and materials of the granny annexe to ensure that it remains subordinate to the main dwelling and reflects the local character and host dwelling.

The proposed materials for the construction are as follows:

- **Foundations** – Screw Pile Foundation System
- **Roof Construction** – Dark Grey Calderdale pitched roof
- **Fenestration** – White PVCu windows and doors
- **External Cladding** – Fibre Cement Lap Weatherboard Cladding (Finished in Light Grey)

The choice of materials aligns with the character of the area and seamlessly integrate into the garden context. This thoughtful selection aims to ensure that the granny annexe complements the overall aesthetic of the locality while maintaining a subordinate relationship with the main dwelling.

Green Belt

The application site is in the North-West Green Belt. Policy LP57 of the Kirklees Local Plan states that:

'Proposals for the extension, alteration, or replacement of buildings in the Green Belt will normally be acceptable provided that:

a. *In the case of extensions, the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building.*

b. *In the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing.*

c. *The proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access.*

d. *The design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.'*

The proposed annexe (89 sqm footprint) is clearly inferior and subordinate to the existing main dwelling (304 sqm footprint), so is therefore an ancillary structure that does not compete in size and scale with the main dwelling. The annexe is located physically close to the main dwelling and would not encroach into the openness of the green belt or the surrounding area.

As the annexe is replacing a 23 sqm timber residential garden shed, this further minimises the net increase in the level of development on the site, meaning only a net increase of 66 sqm would be added to the overall developed footprint. This is clearly proportionate in size and scale to that of the main dwelling. Furthermore, the annexe would retain the residential use previously held by the garden shed, which would ensure there would be no change to the residential character of the site.

The development would be contained within the residential application site and would not lead to infilling or a loss of open countryside; the annexe would always be viewed in the context of built development.

The design of the annexe, including its Light Grey cladding creates a neutral and unintrusive appearance and does not look at odds with the design and appearance of the existing dwelling or the surrounding landscape. The pitched roof creates a 'cottage-like' appearance and reduces the annexe's impact and massing on the surrounding area, which means it will have a negligible impact on the openness of the green belt.

Furthermore, residential annexes are typically considered as house extensions, albeit detached. As noted above, the annexe will only occupy just under 89 sqm of the expansive site. This clearly demonstrates that the annexe is proportionate in relation to the size and scale of both the main dwelling and the site. Furthermore, the annexe will be sited physically close to the main dwelling to prevent encroachment into the countryside and to prevent the annexe from appearing as inappropriate or infill development within the green belt.

Chapter 13 of the NPPF states that there are five key purposes of the green belt (see table below).

NPPF Criteria	**Does the proposal comply?**
a. to check the unrestricted sprawl of large built-up areas.	**Yes** – The proposal would not result in the unrestricted sprawl of the built-up area.
b. to prevent neighbouring towns merging into one another.	**Yes** – The proposal would not lead to the merging of multiple towns.
c. to assist in safeguarding the countryside from encroachment.	**Yes** – The proposal is for a single, standalone annexe that would be ancillary, and physically close to the main dwelling.
d. to preserve the setting and special character of historic towns.	**Yes** – The proposal would be well screened from the street scene and public realm and would preserve the setting and special character of the nearby listed buildings.
e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	**Yes** – The proposal uses previously development land

Furthermore, Para. 154 Section C of the NPPF states that:

'154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

c. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.'

The Old School does not have any previous planning history, including any extensions or alterations to the main dwelling. As discussed above, the proposed annexe would have a footprint of 89 sqm. The main dwelling has a footprint of 304 sqm. As the annexe will be replacing a 23 sqm garden shed, this results in a net increase in the level of development on the site of 66 sqm (21.7% increase). This is clearly proportionate in size and scale to that of the main dwelling and is not an excessive level of development within the green belt.

Considering the above, we consider that the proposed annexe is appropriate development within the green belt and would not lead to a loss of its openness, nor would it erode into the open countryside.

Heritage Statement

The application site lies adjacent to St Bartholomew's Church (and its Gate Piers) and Yew Tree, which are Grade II Listed, as of 1985. St Bartholomew's Church (Listing NGR: SE0463216003) and its Gate Piers (Listing NGR: SE0464815995) are listed due to their mid to late C19 gothic architecture.

The church features hammer dressed stone with ashlar dressings; a steeply pitched grey and purple slate roof; and coped gables with footstones and kneelers. The Gate Piers feature two square ashlar gate piers with carved motifs and pitched ashlar cap with roll top.

Yew Tree (Listing NGR: SE0467916044) is of late C18 to early C19, with recent alterations. It features a hammer dressed stone façade, quoins, a pitched tiled roof, bargeboards, and moulded footstones.

Para. 1 of Policy LP 35 of the Kirklees Local Plan (2019) states that:

'Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm, or all the following are met:

a. *The nature of the heritage asset prevents all reasonable uses of the site.*

b. *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.*

c. *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible.*

d. *The harm or loss is outweighed by the benefit of bringing the site back into use.'*

The design and appearance of the proposed annexe has been carefully considered so that it does not harm the character, setting and integrity of the nearby listed buildings.

The annexe will be sited on land that is on a lower level to the listed church, which screens the annexe from views within the vicinity of the church. This both preserves the views of the surrounding countryside and ensures that the annexe will not detract from views to and from the church, therefore preserving the setting of this heritage asset.

As highlighted in the previous section, the annexe's Light Grey cladding creates a neutral and unintrusive appearance and does not look at odds with the design and appearance of the existing dwelling or the surrounding landscape. The pitched roof creates a 'cottage-like' appearance, which sympathies with the pitched roof of both the church and Yew Cottage. This ensures the annexe will integrate seamlessly into its nearby surroundings and not look at odds with the listed buildings or the surrounding area.

Furthermore, the size of the proposed annexe is clearly subordinate to the existing main dwelling and has the visual appearance of a subservient, ancillary outbuilding. This ensures that the scale of the annexe is not overly dominating in its setting and will not be intrusive or overbearing on the nearby listed building, ensuring that their character and integrity and setting is preserved.

Considering the above, we consider that the proposed annexe will preserve the nature of these heritage assets and will not bring about any harm to their character, appearance, or integrity. As such, we consider that the proposed annexe is acceptable in terms of its negligible impact on heritage assets.

Sustainability

The National Planning Policy Framework (NPPF) (Section 2 Para 7) states that *'the purpose of the planning system is to contribute to the achievement of sustainable development.'*

This is done through three overarching objectives: economic, social, and environmental. This planning statement has clearly demonstrated how the proposed annexe is compliant with the social objective of sustainability. The environmental and economic objectives will be discussed further in this section.

At the heart of the iHUS annexe is sustainability; we believe in 'doing our bit.' By making conscious choices on materials, processes, and logistics we can help make an impact towards a better future.

Offsite Manufacturing

Most of the annexe is pre-constructed in the iHUS factory, this includes the floor cassettes, wall panels and roof panels or trusses, these kits are then transported from the central factory out to site.

Offsite construction offers many advantages over traditional on-site building methods. This includes:

- **Reduced environmental impact** – Construction waste and emissions can be halved, by virtue of production efficiencies and increased recycling.
- **Reduced waste** – Factory production brings about design consistencies to minimise the waste of components. WRAP believes this to be as much as 70-90% waste savings.
- **Environmentally friendly** – The reduced time on actual building sites provides a less intrusive environment for surrounding businesses, households, and road networks.
- **Safety** – The factory is a far more predictable setting than the physical construction site, which eliminates the variables of weather and visibility. Having the conditions be the same every time makes errors much less likely. Most of onsite construction's most dangerous hazards: like fall from height and equipment accidents, are not an issue in the factory.
- **Less greenhouse gas** – As well as the solid waste that goes to landfill, the machinery used in construction can't avoid pumping various pollutants into the atmosphere. However, if air pollution can't be avoided, it can at least be minimised. Reducing works traffic reduces noxious nitrates, which limits local air pollution but greenhouse gases like carbon dioxide are a more global problem that are already causing significant climate change around the world.

Materials

The materials that are used to construct the annexe are sustainably sourced or are used due to their environmentally friendly qualities.

Foundations

The foundations used are a screw pile system. This creates almost zero mess, removing the need for skips or other transport requirements for waste spoil a traditional foundation system would produce. Screw Piles are helping drive down carbon emissions against conventional methods. Concrete is now the second most consumed substance on Earth after water. On average, each year 3 tonnes of concrete are consumed for every person on the planet, with 10% of all global carbon emissions because of cement production.

Timber Frame

95% of the timber used in the construction of the annexe is FSC grade certificate wood. FSC controlled wood is defined as: virgin wood or wood fibre which has been verified as having a low probability of including wood from any of the following categories:

1. Illegally harvested wood.
2. Wood harvested in violation of traditional and civil rights.
3. Wood harvested in forests in which high conservation values are threatened by management activities.
4. Wood harvested in forests being converted from natural and semi natural forest to plantations or non- forest use.
5. Wood from forests in which genetically modified trees are planted.

Forest management certification is awarded to forest managers or owners whose management practices meet the requirements of the FSC Principles and Criteria and the applicable FSC national forest stewardship standard.

OSB

OSB3 is an engineered, load-bearing wood-based panel product used to create the wall panels, free of knots and voids, and suitable for structural use in humid situations.

FSC certified OSB3 is a safe and sound choice for the construction industry and is used extensively in timber frame housing and for flooring, wall sheathing, roofing. OSB3 is sourced from locally managed forests that are independently certified to Forest Stewardship Council (FSC) criteria. Logs used to manufacture OSB3 are a natural bi-product of the thinning process that takes place in managed woodlands to help it thrive. Only the smaller trees are selected to make OSB3, leaving the larger, stronger trees to grow on for years and provide suitable raw material for the saw milling industry.

Electric Heating and Waste

Electric heating is environmentally friendly because it does not create emissions and leaves the inside and surrounding outdoor air clear. Electric heating does not produce dangerous carbon monoxide and leaves no build-up of debris like other heating sources. Government figures released in 2018 show that electric heating is better for the environment than gas. This revelation is due to investments in renewable energy, plus a reduced reliance on coal-fired power stations. Another big influence is a re-think on how carbon emissions for new houses are measured.

Lighting

All LED used throughout the annexe is A+ rated and ninety percent energy saving vs Halogen with 25,000 Hr life.

Economic

This objective seeks to build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure.

The proposal provides an affordable unit of ancillary accommodation for the applicant's family member, and in many cases releases a family home into the housing stock.

Multigenerational living also has great financial savings because households share common resources, such as food, childcare, eldercare, heat, electricity, transportation, and mortgage/rent, thereby reducing the cost of living relative to individual or single-family living arrangement. The family will care for each other this will reduce the use of state funded social health services therefore reducing the burden on such provisions.

iHUS also employ over 50 staff members over both operations and construction sectors of the business, the coupled with using local builders' merchants and suppliers, each annexe that is constructed contributes to economy and bolsters the construction industry.

The proposal also uses brownfield land and in most case gardens that are underutilised, therefore, this makes efficient use of land within residential areas.

Material Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should align with the local development plan unless material considerations indicate otherwise. In the case of the proposed granny annexe, several material considerations are deemed significant in the decision-making process.

Appeal Precedents

Appeal Ref: APP/Q5300/D/16/3147827 (Appendix B)

Summary: The appeal, challenging the refusal of a granny annexe application by the London Borough of Enfield, was allowed. Despite concerns that the proposal might create a separate dwelling, the Inspector disagreed, emphasising the importance of a model condition to restrict use to ancillary purposes.

Relevance: This precedent highlights the Inspector's view that the presence of facilities for independent occupation doesn't necessitate such use, highlighting the enforceability of a condition restricting the annexe to ancillary only.

Appeal Ref: APP/B3438/A/12/2188171 (Appendix C)

Summary: The appeal, against the decision of Staffordshire Moorlands District Council, resulted in permission being granted. The Inspector acknowledged that while the proposed annexe could contain independent facilities, its small size and basic amenities were indicative of ancillary use. The Inspector also recognised the enforceability of a model condition to maintain ancillary occupation.

Relevance: This case reinforces the notion that certain characteristics, such as size and amenities, support the ancillary nature of the proposed unit. It emphasises the enforceability of conditions outlined in national guidance.

Consistency in Decision-Making

Importance: While recognising the uniqueness of each application, consistency in decision-making is crucial for instilling confidence in the planning system. This principle aligns with legal precedents and decisions by appeal Inspectors.

Legal Significance: Consistency is not only paramount for public confidence but has legal weight, as evidenced in High Court decisions and appeal Inspector statements.

Considering the above, it is argued that the proposed granny annexe aligns with established principles, emphasising the enforceability of conditions to restrict usage. These considerations should carry weight in the decision-making process to ensure a fair and consistent application of planning principles.

Personal Need

The personal circumstances surrounding the need for the proposed annexe, as detailed in the supporting documents, hold significant weight in the planning decision-making process. Lord Scarman's commentary in Westminster City Council v Great Portland Estates plc [1985] emphasises that personal circumstances, including personal hardship, are essential factors in the administration of planning control, as excluding the human factor would be inhuman pedantry.

The legal precedent set by Great Portland Estates plc v Westminster City Council [1985] A.C. 661 further supports the acknowledgment of personal circumstances as exceptional or special circumstances in the context of development control.

It is asserted that the personal circumstances of the applicant's parents constitute a strong material consideration that warrants due weight in the decision-making process. The documented supporting letter outlines the significant need for the annexe, aligning with the 'relevant protected characteristics' under Section 149 of the Public Sector Equality Duty in the Equality Act 2010.

The proposed development is essential to cater to the specific needs of the applicant's parents, encompassing various aspects of daily life and health care that cannot be adequately addressed in their current accommodation. A refusal of the application would have severe and negative consequences on their day-to-day lives and overall health.

Considering the above, it is respectfully asked that the council recognises the compelling personal circumstances and the critical need for the proposed annexe, giving them due consideration in the decision-making process. This approach aligns not only with legal principles but also with a compassionate and human-centric perspective.

Planning Precedents

Whilst we note that all planning applications should be judged on their individual merit, it is important to consider the successful approvals of applications in the same local area as the application site, or those of a comparable nature, by the Local Planning Authority (LPA). This approach ensures fairness and consistency in the decision-making process. As such, it is worthwhile noting that the below applications were all granted planning permission by the LPA.

2023/62/91733/W | Erection of detached building to create dwelling forming annex accommodation associated with Mulberry House, 8, Hungerford Road, Edgerton, Huddersfield, HD3 3AL (within a Conservation Area)

The above annexe was approved in 2023 and featured a lounge area, office space, and kitchen.

2022/62/92757/W | Erection of building to create dwelling forming annex accommodation associated with Laithe House, 5, Laithe Court, Holmbridge, Holmfirth, HD9 2HU and demoliton of existing outbuilding

The above annexe was approved in 2022 and featured a bedroom, kitchen, living area, dining room, shower room, and snug.

2022/62/92490/E | Demolition of existing garage and erection of detached dwelling forming annex accommodation associated with 4, West View, Norwood Grove, Birkenshaw, BD11 2HN

The above annexe was approved in 2022 and featured a bedroom, living area, water closet, and ample amounts of open living space.

2022/62/92276/E | Erection of outbuilding to create dwelling forming annex accommodation associated with 1, Lincoln Grove, Roberttown, Liversedge, WF15 7NE

The above annexe was approved in 2022 and featured a bedroom, bathroom, kitchenette, and large living space.

2022/62/91631/W | Erection of detached building to create dwelling forming annex accommodation associated with 27, Rawthorpe Lane, Dalton, Huddersfield, HD5 9NT

The above annexe was approved in 2022 and featured ample space to accommodate assisted living, including a living area, kitchen, and an accessible water closet.

2022/62/91110/E | Erection of detached building to create dwelling forming annex accommodation associated with 50, Upper Batley Lane, Batley, WF17 0NQ

The above annexe was approved in 2022 and featured a bedroom, living room, kitchen/diner, and a bathroom.

The approval of the above applications sets a clear precedent regarding the LPA's position regarding the use of detached annexes for ancillary residential use to their respective host dwelling. These clearly demonstrate that the LPA considers detached, self-contained annexes to be acceptable in principle, provided there is a clear functional relationship between the annexe and the main dwelling.

Permitted Development Rights

As previously mentioned above, it is our contention that the proposal's impact on the surrounding area would be no greater than that of a permitted outbuilding under Class E of The Town and Country Planning (GPDO) 2015. It is a strong material consideration that reducing the height would potentially allow the applicant to construct the physical structure under Class E Permitted Development Rights.

The applicant would in theory be able to erect an outbuilding which has a larger footprint than that of the proposed annexe, provided it meets the height criteria to be considered Permitted Development. An outbuilding of such would be more likely to impact on the openness of the green belt and on the surrounding countryside. This should hold significant weight in the determination of this application and given that the proposed annexe would only increase the developed footprint by 66 sqm, this would be a far more desirable proposal for this site.

Conclusion

This planning, design and access statement has been prepared by NAPC Ltd in support of the application for the erection of a timber pre-fabricated single-storey ancillary granny annexe within the curtilage of *The Old School, Dean Head, Barkisland, Halifax, HX4 0EA*.

This statement has demonstrated that the proposals align with both national and local planning policies, particularly regarding amenity, design, and visual impact.

The proposal seeks to erect an ancillary granny annexe to enable the family to stay together, while facilitating the provision of essential care and support. Beyond the familial context, the proposal also addresses a broader societal concern by alleviating pressure on our public healthcare system. Additionally, it is an extremely sustainable form of development which should be championed.

We therefore respectfully request that this application is granted without delay.

Appendices

Appendix A – Supporting Letter

Naomi Charlesworth Helme

The Old School
Deanhead
Barkisland
HX4 0EA

Dear Sir/Madam,

Re: Proposed granny annexe at above address.

I am writing to express my full support for the planning application submitted for the erection of an annexe on The Old School, Dean Head to accommodate Noel and Linda Cox, my elderly parents. As a concerned family member, I believe this annexe will significantly enhance the quality of life for all involved.

I have approached this endeavour with great care and consideration, driven by a sincere desire to provide my parents with the support and proximity they need in their later years. The proposed annexe will not only offer a comfortable and accessible living space for both but will also foster closer family bonds and facilitate the provision of care and assistance whenever necessary.

My parents have both suffered with ill health over the last few years (arthritis, diverticulosis, emphysema, vitreous floaters impairing sight), with the greatest impact on my dad who last year experienced side effects from a booster Covid injection. This significantly impacted his strength and mobility, requiring the use of walking aids and a long-term recovery. As my parents live a distance away, it is becoming increasingly difficult to offer presence and support as both my husband and I are employed full time and share five young children.

It is important for both my parents and I, that we have accessibility and support from each other while maintaining a balance of independence and privacy. The option of an annexe, we feel is the best compromise and provides security for the future.

The presence of grandparents will undoubtedly enrich family life with the grandchildren and will promote intergenerational interaction and support, contributing to the well-being of all family members involved.

In conclusion, I wholeheartedly endorse this planning application for the erection of the annexe. It represents a compassionate and practical solution to ensure the well-being and happiness of our elderly community members while strengthening family ties. I respectfully urge you to grant approval for this project, which embodies the values of compassion, family, and community that are integral to our society.

Thank you for your attention to this matter.

Yours sincerely,

Naomi Charlesworth

Appendix B – Appeal Ref: APP/Q5300/D/16/3147827

The Planning Inspectorate

Appeal Decision

Site visit made on 13 July 2016

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 August 2016

Appeal Ref: APP/Q5300/D/16/3147827
82 Perry Mead, Enfield EN2 8BS

- 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 Leslie Ernest and Ella Blinko against the decision of the Council of the London Borough of Enfield.
- The application Ref 16/00020/HOU, dated 5 January 2016, was refused by notice dated 1 March 2016.
- The development proposed is the erection of an ancillary granny annexe.

Application for costs

1. An application for costs was made by the appellants against the Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for the erection of an ancillary granny annexe at 82 Perry Mead, Enfield EN2 8BS in accordance with the terms of the application Ref 16/00020/HOU, dated 5 January 2016, subject to the conditions set out in the schedule to this decision.

Main issues

3. The main issues are firstly, whether the proposal would constitute a separate unit of residential accommodation, rather than an ancillary use; and secondly, the effect of the proposal on the character and appearance of the local area.

Reasons

Whether a separate unit of residential accommodation

4. Although the Council considers that the proposal is tantamount to a new independent unit of residential accommodation that is not what has been applied for. The application forms lodged with the Council make clear that planning permission is sought for the erection of an ancillary granny annexe. The Council validated the application on that basis.

5. The Council supports its opinion with reference to the intended occupier, which would be the appellant's daughter, the self-contained nature of the accommodation to be provided, the limited connection to the main house, and the ability to provide separate access and to subdivide the plot that is to be shared with No 82. With a bedroom, lounge, kitchen, bathroom and store, the

new building would have adequate facilities and sufficient space within and around it potentially for independent use by a separate household. Therefore, the Council's concern is not unfounded.

6. However, the evidence is not conclusive that the proposal would actually be used in this way. The appellants contend and have repeatedly stated in writing that it would not. The new building would provide for the needs of the appellant's daughter, enabling her to be on hand to care for her elderly parents that reside within the main dwelling. From my inspection of the plans, the use of the site, in its entirety, would remain for single-family occupation. The proposal would not have a separate address nor would it have separate utility provision or garden. All of these matters consistently point towards the ancillary nature of the proposal.

7. The use of the new building as an annexe could also be controlled by a condition if planning permission were to be granted. The model condition for granny annexes put forward in national guidance is designed to prevent the creation of an additional dwelling. This condition is capable of being enforced in this instance because there is no obvious reason why the Council should not be able to investigate and take any action with regard to any alleged breach of the condition.

8. A request to use the new building independently could be made in the future. However, its location within the garden of No 82, away from the road, with only pedestrian access would indicate that the building would not be suitable for use as a separate dwelling. If such a proposal did come to pass, it could be resisted on the grounds that the building would be unsuitable for use as a separate residential unit with support from adopted planning policies.

9. With a suitably worded condition in place to restrict the use of the new building to an ancillary annexe, I conclude on the first main issue that the proposal does not constitute a separate unit of residential accommodation and that it would be ancillary to No 82. Therefore, I find no conflict with Policy DMD 12 of the Enfield's Development Management Document (DMD). This policy notes that proposals for outbuildings will only be permitted if its criteria are met, which include a requirement that the building is ancillary to the use as a dwelling.

10. As the proposal is not for a separate dwelling, it follows that Policies 3.5 and 3.8 of the London Plan and DMD Policy DMD 8 are not applicable.

Character and appearance

11. The new addition would be a single storey detached building with timber walls and a dual pitched tiled roof. It would stand to one side of No 82 within its side and rear garden. It would be a sizeable addition and larger than ancillary outbuildings and structures that are generally found in the gardens of residential properties. During the site visit, I saw no outbuildings there were comparable in size to the proposal.

12. Even so, the proposal would be clearly subordinate in relation to the more substantive 2-storey host building and the site. A good-sized garden would remain with the new built form in place. With appropriate external materials and a low profile due to its modest height and shallow pitched roof, the new building would not be obtrusive. While the full-length windows would give the

proposal a residential character, its design would be simple with a utilitarian appearance that would not look out of place in a residential garden setting. Consequently, the new building would not be incongruous in its context.

13. The proposed building would be partly screened from public view by the main house and the boundary fence around the perimeter of the back garden. Only a small part of the new building would be glimpsed from the road, between the existing buildings. From this direction, the new development would be inconspicuous and have no discernable effect on the character and quality of the street scene. The upper part of the new addition would be visible from some gardens and windows of nearby properties. In these views, it would be largely seen in the context of the more substantial 2-storey flank wall of an adjacent property. In that context, the appeal development would not appear excessively large or an overly dominant addition.

14. For these reasons, I conclude on the second main issue that the proposal would not be out of keeping with the character and appearance of the local area. Accordingly, I find no material conflict with CS Policy CP30 and DMD Policies DMD 7, DMD 12 and DMD 37 insofar as they aim to ensure that development is appropriate to, and reflects an understanding of, its context and does not harm the character of the local area.

Other matters

15. The Council is critical of the appellants for failing to provide sufficient evidence to demonstrate a need for the proposed accommodation. In this instance, the proposed annexe would enable the appellant's daughter to live close to but independent from her parents. In this way, the appellants could stay in their home, thereby providing continuity and stability, while enabling them to be cared for and supported as they become more infirm and dependent. The appellants have provided a cogent case that the proposal, when taken together with the main house, would meet a need that is particular to their personal circumstances. In those circumstances, the new annexe would not, in itself, satisfy a specialist housing need, to which DMD Policy DMD 15 refers, but the application was not promulgated on the basis that it would.

16. Reference is made to case law and several recent appeal decisions involving proposals for annexes elsewhere. From the limited information provided, none appear to reflect the particular circumstances of this case. In the absence of full background details, I am unable to attach significant weight to these decisions either for or against the appeal scheme. In any event, each proposal should be considered on its own merits, as I have done in this instance.

Conditions

17. I have considered the conditions suggested by the Council in the light of relevant advice contained within the Planning Practice Guidance. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. In the interests of the character and appearance of the area, a condition is necessary to require that samples of external materials are agreed before construction work starts. In addition, a condition is also necessary to ensure the proposed building remains ancillary to the main house.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 0392-12-15/1A, 0392-12-15/2A, 0392-12-15/3A and 0392-12-15/4A.

3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) 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 82 Perry Mead, Enfield EN2 8BS.

Appendix C – Appeal Ref: APP/B3438/A/12/2188171

The Planning Inspectorate

Appeal Decision

Site visit made on 30 April 2013

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 June 2013

Appeal Ref: APP/B3438/A/12/2188171
Far End Cottage, Quarry Road, Hollington, Stoke-on-Trent ST10 4HP

- 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 Kevin Corkery against the decision of Staffordshire Moorlands District Council.
- The application Ref 12/00578/FUL, dated 13 July 2012, was refused by notice dated 9 November 2012.
- The development proposed is the replacement of existing garage to provide living accommodation for dependent relative.

Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing garage to provide living accommodation for dependent relative at Far End Cottage, Quarry Road, Hollington, Stoke-on-Trent ST10 4HP in accordance with the terms of the application, Ref 12/00578/FUL, dated 13 July 2012, subject to the conditions set out in Annex A:

Main Issues

2. The main issues of the appeal are:

   - Whether the proposed development would constitute a separate unit of residential accommodation rather than an ancillary use.

   - The effect of the proposed development on the character and appearance of the area.

Reasons

Whether an ancillary use

3. The appeal site is a detached house with a variety of outbuildings situated in a rural location on the edge of the village of Hollington, and in a Special Landscape Area (SLA). The proposed accommodation for the dependent relative would be built on the site of the existing double garage. It would therefore be separate from the main dwelling but would be directly facing and in close proximity to it.

4. The accommodation would comprise a bedroom, bathroom and living room that would include a small kitchen area. In the Council's view therefore because the accommodation is physically separate from the main dwelling and due to the range of facilities proposed within the unit, it could be used as an independent residential unit.

5. However, the appellant has stated that the accommodation is not to be used in this way but to provide accommodation for a dependent relative for whom they have to provide care. I have only been provided with limited evidence regarding the level of care needed by the relative, but the need to provide care for them has been corroborated by the local councillor. Furthermore given the nature of the illnesses suffered by the relative I consider that the need to provide care will increase with time.

6. Whilst I accept that the proposed accommodation would contain all the facilities required for it to be used as an independent unit, its overall size would be small and the level of facilities it would provide would be basic, which is what would be expected for accommodation that is ancillary to the main dwelling.

7. Furthermore the accommodation would be provided with no separate outdoor space of its own and would share the same access as the main dwelling. Given its proposed location adjacent to the boundary of the site and in close proximity to the main dwelling I cannot envisage any way that it would be possible to provide separate outdoor space for the property or a separate access either now or in the future. Consequently any occupiers of the accommodation would have to utilise the outdoor space and access associated with the main dwelling.

8. In addition it has been stated that the accommodation would not have a separate address nor would it have separate utility provision. These factors again indicate that it would be ancillary to the main dwelling.

9. I recognise that the grant of planning permission could result in pressure for the building to be used as a separate dwelling at the some point in the future. For the reasons set out above I consider that it is very unlikely to be occupied independently of the main dwelling. Moreover Circular 11/95 provides a model condition which could be attached to this permission to ensure that the occupation of this unit remains ancillary. The fact that such a condition is included in national guidance is an indication that it is capable of being enforced and I see no reason why the Council should not be able to investigate and take any action on any breach of the condition.

10. I note the concerns of the Council regarding whether adequate consideration has been given to either providing the required accommodation within the existing house or by extending the existing dwelling. However given the constraints of the site it is not clear to me that the extension of the house would be feasible. Furthermore, given the relative limited size of the current dwelling and the lack of any bathroom facilities on the ground floor I consider that it would not be possible to provide the required accommodation in the existing dwelling without extending it.

11. Overall therefore I conclude that the proposed development would be ancillary to the main dwelling rather than an independent residential unit. As an ancillary use the proposal represents a sustainable form of development and therefore accords with Policies D1 of the *Staffordshire and Stoke on Trent Structure Plan (as amended) (adopted May 2001)* (SSSP) and SS1 of the *Staffordshire Moorlands Local Development Framework Core Strategy Development Plan Document (Revised Submission Document December 2011)* (SMCS). Since I have concluded that the proposed development is not a separate dwelling Policies H11 of the SSSP, H7 of the *Staffordshire Moorlands*

Local Plan (adopted September 1998) (SMLP) and R2 of the SMCS are not applicable.

Character and Appearance

12. The existing garage is a concrete structure that is in a poor state of repair and is not in keeping with the stone buildings that are the predominant building type in the area. The proposed building which would be constructed with stone walls and a slate roof would therefore reflect the surrounding buildings and be more in keeping with the area.

13. Whilst I accept that the proposed building would have a greater height than the existing garage, as a single storey building I consider it would still appear subordinate to the main dwelling which is 2 storeys. Further, in terms of its visual impact on the wider area, when approached from Quarry Road the proposed building would be partially screened from view by the wall and vegetation that forms the boundary treatment at this point. In addition, given the local topography and the close proximity of the proposed accommodation to the existing house I am satisfied that the proposed building would not have an adverse impact on any views from the nearby public footpath.

14. The Council have argued that the demolition of the existing garage could result in additional outbuildings being constructed for the same purpose which could have an adverse impact on the countryside. In the short term the evidence before me indicates that it is unlikely that appellants would want to do this. Furthermore given a suitable condition can be used to ensure that this cannot be done under permitted development rights, the acceptability of any future outbuilding could be considered by the Council. Consequently I consider that this does not constitute a reason for refusing this current application.

15. As a result I consider that the development would respect the character and appearance of the area and it would not materially detract from the high quality of the SLA. As such it would accord with Polices D2, D4, NC1 and NC2 of the SSSP, Policies N8, N9 and B13 of the SMLP and Policies SS6c, SO8, SO9, DC1 and DC3 of the SMCS which seek to ensure that development respects the character, appearance and local distinctiveness of the area and protects the open countryside for its own sake.

Conclusions and Conditions

16. For the reasons set out above I conclude the appeal should be allowed.

17. In addition to the standard implementation condition, it is necessary for the avoidance of doubt, to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition is required to control the external appearance of the building. A condition is also necessary to ensure the proposed building remains ancillary to the main house.

18. I am not persuaded it is necessary to remove all the permitted development rights suggested by the Council. Circular 11/95 *The Use of Conditions in Planning Permissions* indicates that such restrictions should be exceptional. However, in order to protect the character and appearance of the area I have restricted rights relating to the development of outbuildings.

Alison Partington

INSPECTOR