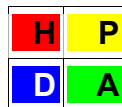


Application for the change of use of a domestic annex to form a separate dwelling at Tipping Meadow, Lyndale Avenue, Wiltshire BB1 9LP

Planning Statement



August 2021

Prepared by Hartley Planning and Development Associates Ltd

Introduction

The following statement is to accompany a full application for the change of use of a domestic annex to form a separate dwelling.

The Site

Tipping Meadow is a detached dwelling in extensive grounds.

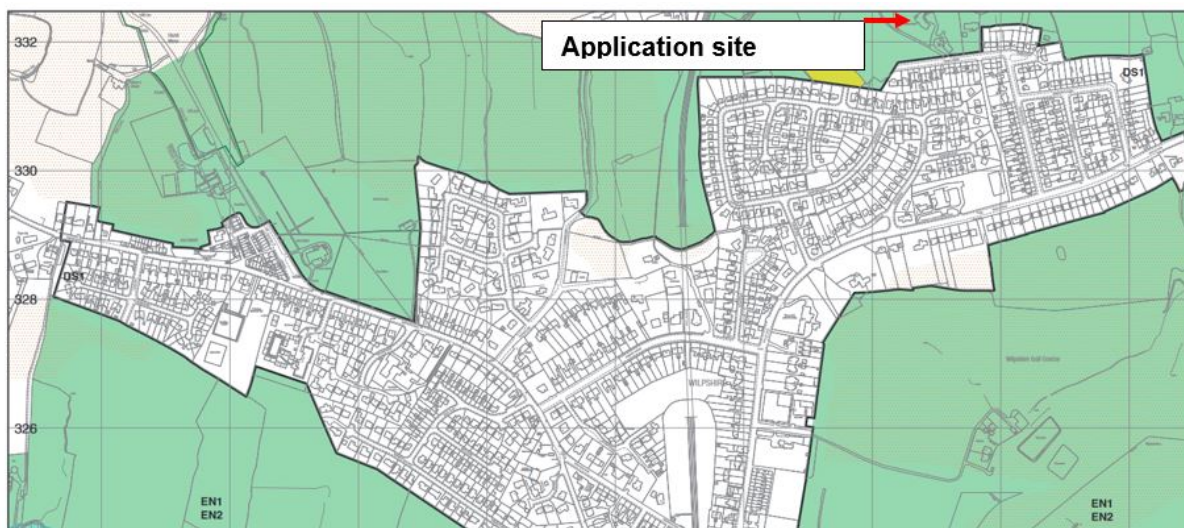
It includes a detached, 3-bedroom annexe which was originally a 4-car domestic garage. On 30 May 2008, the local planning authority (LPA) issued a Certificate of Lawfulness for its *'conversion to form a 'Granny Annex' to be used as ancillary accommodation to the main dwelling'* (Ref 3/2008/0450) and for the following reason:-

'As the garage building is considered to be lawfully used for private and domestic purposes in association with Tippings Meadow, it is considered that the proposed works to convert and the use of that structure as ancillary accommodation to the main house can also be carried out lawfully'.

The 'annex' has all the facilities associated with an independent dwelling and is occupied as such by the occupants, albeit they are directly related to the occupants of the main house.

The annexe was assessed for Council tax payments Council Tax as a separate dwelling in November 2016 (See submitted letter dated 3 November 2016). The property has been occupied continuously for more than 4 years.

The application building is within the Green Belt, bordering the boundary to Wilshire and as shown in the Ribble Valley Housing and Economic Development DPD 2018 (DPD): -



The Main Issues

The main issues are (i) Whether or not the proposal would be inappropriate development in the Green Belt including its effect on openness and the purposes of the Green Belt; (ii) the sustainability of the proposed development; (iii) the effect of the proposal upon the character and appearance of the area; and (iii) if the proposal is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development

Whether inappropriate development

Core Strategy

The Ribble Valley Core Strategy 2014 (CS) states: -

KEY STATEMENT EN1: GREEN BELT

The overall extent of the green belt will be maintained to safeguard the surrounding countryside from inappropriate encroachment. The development of new buildings will be limited to the purposes of agriculture, forestry, essential outdoor sport and recreation, cemeteries and for other uses of land which preserve the openness of the green belt and which do not conflict with the purposes of the designation.

The above policy predates the publication of the National Planning Policy Framework 2021(the Framework),and with which it conflicts.

Paragraph 219 of the Framework states ‘ *existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*

Paragraph 147 of the Framework states that ‘*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*’

Paragraph 150 adds that ‘*certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.* These include:

‘a) *the re-use of buildings provided that the buildings are of permanent and substantial construction;*

e) *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds;*

NB exception (e) is not a ‘closed list’.

The proposed development involves the reuse of the building from an ancillary annex to an independent dwelling, in accordance with exception (a) and (e) above; It is also clear that the building is ‘*of permanent and substantial construction*’.

As the building already exists, and as no external changes are concerned (including no physical change to existing boundaries) there can be no change to the openness of the Green Belt or to its purposes.

For the above reasons, the proposed change from an annex to an independent dwelling would not be inappropriate development in the Green Belt.

Sustainability

CS policy DS2 states *'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area'*.

Paragraph 11 of the Framework states that *'Plans and decisions should apply a presumption in favour of sustainable development'*.

The proposed building is sited adjoining the boundary to Wilpshire as shown in the DPD (see above plan extract). CS policy DS1 describes Wilpshire as a tier I village where development will be focused and where such tier 1 villages *'are the more sustainable of the 32 defined villages'*.

Its siting, adjoining the defined settlement boundary, is evidence in itself of its sustainable location.

But in addition, the High Court case of Braintree V Greyread (2017) also provides further clarity. The case considers that development is only isolated if it is *"far away from other places, buildings or people; remote"* (para 24). In the case of the current application, it adjoins other dwellings. It is established that proposed dwellings which are not isolated are sustainably located in that they can contribute to the vitality of rural communities by providing the necessary housing and in accordance with paragraph 55 of the NPPF. They don't need to be in villages. Further details of the High Court case are included

with the submission.

The annexe, of course is already inhabited. Its change of use from an annexe to a separate dwelling would not create a more unsustainable situation. There would be no greater reliance on the use of a car, nor would access to services be any different. For the above reasons, the proposed development.

For the above reasons, the proposal would accord with CS policy DS2 and with paragraph 11 of the Framework, both of which stress the need for sustainably located development.

Character and appearance

The application building has existed for several years (more than 10) and has a character and appearance which is in keeping with the immediate buildings.

The proposed development would thus accord with CS policy DMG1 which requires development to be sympathetic to existing land uses and with Chapter 12 of the Framework which stresses the need for the achievement of well-designed spaces.

Other Matters

Council tax, specific to the application building and separate from the current host property is paid. When assessing the issue of the requirement for Council tax in its letter of 3 November 2016, the Council stated *'I am satisfied that the property is a self contained annexe, and as such, should be included in the Council Tax valuation list'*

Conclusion

The proposed change of use of the building from a residential annexe to a separate dwelling would not be inappropriate development in the Green Belt and would have no adverse impact upon its openness or upon its purpose. It would be sustainably located (and no less so than the current use) and would have no adverse impact upon the character and appearance of the area as there would be no external changes. In addition, the property has functioned continuously as a separate

dwelling for several years (more than 4) and Council Tax has been paid on it as such since its assessment by the Council as a self-contained unit of occupation in November 2016.

Therefore, we ask that the application be approved.