

Contact: Toby Cowell DDI No. 01494 421695
App No : 18/05113/FUL App Type : FUL
Application for : Construction of ancillary curtilage building; external rendering of main dwelling (retrospective)
At Lodge Hill View, Lee Road, Saunderton, Buckinghamshire, HP27 9NU
Date Received : 09/01/18 Applicant : Ms N Seidel & Mr T McDonnell
Target date for decision: 06/03/18

1. **Summary**

- 1.1. Retrospective planning permission is sought for the external rendering of the main dwellinghouse and erection of a single storey detached annexe in the north-eastern corner of the site adjacent to the highway.
- 1.2. Retrospective permission was also initially sought for the erection of a 2m high close boarded timber fencing along the boundary adjacent to the highway, together with a children's play area outside of the established residential curtilage to the north-west and within the adjacent agricultural holding under the ownership of the applicant. However, these elements forming part of the original application have subsequently been removed.
- 1.3. The retrospective development and unauthorised change of use taking place at the two sites is subject to a live enforcement case and will be dealt with either in subsequent planning applications or through formal enforcement action. The planning merits of such development/material change of use will therefore not be considered as part of this report and only the detached annexe and external rendering of the main dwellinghouse will be assessed.
- 1.4. The development, namely the erection of a detached annexe and external rendering of the main dwellinghouse, constitute appropriate forms of development within the Green Belt without conflicting with the purposes of including land within the same. Moreover, the development as aforementioned does not result in undue harm to the scenic qualities and prevailing character of the Chilterns AONB and is therefore acceptable in this respect. The ancillary use of the annexe as proposed and viewed on site is also acceptable, providing conditions be attached ensuring such a relationship between the structure and the dwellinghouse remains in perpetuity. No further issues are considered apparent with regards to the impact the development has upon neighbouring amenity and highway safety.
- 1.5. The application is recommended for approval.

2. **The Application**

- 2.1. The application site comprises a detached dwellinghouse and annexe set within an irregular parcel of land to the east of Lee Road within the Metropolitan Green Belt locality of Bledlow-Cum-Saunderton and the Chilterns Area of Outstanding Natural Beauty. The wider locality is decidedly rural in nature with a number of dwellings sited to the south (Vine Cottage) and east of the site (Carpenters and Lee Cottages).
- 2.2. The site is located adjacent to an established agricultural holding to the immediate north which is under the ownership of the applicant. Pedestrian access is provided to the holding from the dwelling, however the curtilage of the dwellinghouse itself is distinct from the holding with substantial hedging present on the northern site boundary providing a natural buffer between the two. As aforementioned, close boarded timber fencing of approximately 2m in height has been erected along the

site's eastern and partial southern boundary with laurel hedging having been planted immediately in front of the fencing adjacent to Lee Road, this fencing remains unauthorised.

2.3. Furthermore, a children's play area has been erected outside of the residential curtilage within the agricultural holding. Access is provided to the holding off Lee Road further north with the main agricultural structure, which also houses the farm shop/café, located to the north of the play area.

2.4. The application is accompanied by:

Floor plans and elevations, location plan, block plan with various photo aids showing images of the development together with the main dwellinghouse prior to rendering, and a planning statement.

2.5. Amended site and location plans have been submitted omitting the agricultural holding from the site area together with a letter agreeing to a change in the application's description omitting the timber fencing and children's play area.

2.6. From 16 October 2017 the emerging policies of the Wycombe District Local Plan (Regulation 19) Publication Version will also be material. The weight to be given to individual policies will be assessed in accordance with paragraph 216 of the NPPF.

2.7. Weight is of course a matter for the decision maker but the NPPF says:

Para 216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

3. Working with the applicant/agent

3.1 In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
- by adhering to the requirements of the Planning & Sustainability Customer Charter.

3.2 In this instance, various rounds of negotiation took place with the agent agreeing to amend the red edge on the site plan omitting the agricultural holding and removing the timber fencing and children's play area from the application.

3.3 An enforcement case is still open against the site in reference to the timber fencing, children's play area and material change of use of the agricultural holding. These matters are unauthorised and are subject to separate investigation.

3.4 The amended planning application seeking retrospective permission for the external rendering of the main dwellinghouse and erection of a detached annexe was recommended approval without delay.

4. Relevant Planning History

4.1. 02/07214/RCDN - Retention of development permitted under WR/416/50 without complying with condition 4 (tie dwellings to Manor Farm) imposed on that development - Permitted

- 4.2. 07/06452/AGI - Erection of general purpose agricultural barn & concrete apron – Details not required
- 4.3. 08/05247/FUL - Access improvement and installation of hard standing to assist in the operation of an agricultural business – Refused
- 4.4. 08/05287/FUL - Erection of 2 poly tunnels – Refused
- 4.5. 09/06493/AGI - Application for prior notification for construction of new access track across field with hardstanding and realigned general purpose agricultural barn permitted under planning reference 07/06452/AGI – Details not required

5. Issues and Policy considerations

Principle and Location of development and impact on the Green Belt and Chilterns AONB

Adopted Local Plan (ALP): L1, G3, G8, H17, GB2, GB7;
 Core Strategy Development Planning Document (CSDPD): CS1, CS2, CS9, CS17, CS19;
 Bledlow-Cum-Saunderton Neighbourhood Plan: Policy 6 (Design Management in the Parish)
 Chiltern's Buildings Design Guide
 Residential Design Guidance Supplementary Planning Document;
 Emerging Local Plan (Regulation 19) Publication Version: Policies CP1 (Sustainable Development), CP8 (Protecting the Green Belt), CP9 (Sense of Place), CP10 (Green Infrastructure and the Natural Environment), DM20 (Matters to be determined in accordance with the NPPF), DM30 (The Chilterns Area of Outstanding Natural Beauty), DM35 (Placemaking and Design Quality), DM36 (Extensions and Alterations to Existing Dwellings), DM42 (Managing Development in the Green Belt), and DM43 (The Replacement of Extension of Dwellings in the Green Belt (including outbuildings))

- 5.1. The principal of constructing ancillary outbuildings within the residential curtilage of properties within the Green Belt is considered largely acceptable, as outlined in Policy GB7 of the Adopted Local Plan, provided such buildings are of a small scale, subordinate to the main dwelling and the cumulative level of built development does not have an adverse impact upon the openness of the Green Belt.
- 5.2. Moreover, such development should conform to the character and the appearance of the main dwellinghouse within the site together with the character of the immediate locality in accordance with Policy H17 of the Adopted Local Plan.
- 5.3. In this particular scenario, the detached outbuilding in question was built for the purposes of providing an annexe to be used by an elderly relative of the applicant. The submitted floor plans indicated that the outbuilding includes a bedroom, bathroom and living room but excluded kitchen facilities. However, on inspection of the outbuilding in question, it became apparent that a fitted kitchen was in place within the 'living room' and included fitted kitchen cupboards, a sink, refrigerator, microwave and kettle.
- 5.4. As a consequence, it was considered that the outbuilding had the capability of functioning as a self-contained independent dwelling which would constitute inappropriate development in the Green Belt in accordance with Para. 89 of the NPPF.
- 5.5. After informing the agent of my findings, the Council was subsequently advised that the kitchen had been removed and only a table, sofa, sideboard and kettle remained within the outbuilding which was consistent with the submitted floorplans. In light of the alterations undertaken by the application and having viewed the changes on site, the resultant outbuilding and its associated facilities are no longer tantamount to an independent self-contained unit and therefore the outbuilding in its present form remains ancillary in use and function.
- 5.6. Also, the use of the outbuilding as an ancillary structure in relation to the main dwelling can adequately be secured by way of a planning condition. Moreover, the

Council is satisfied that the occupier of the annexe would still rely on the occupants of the main dwelling for food arrangements and any other use of the outbuilding which is not ancillary to the main dwelling, such as a self-contained residential unit, would require full planning permission.

- 5.7. Aside from the use the outbuilding, incorporating a traditional pitch roof with white timber cladding, it is small in scale and naturally subordinate to the main dwelling. Moreover, the outbuilding is unobtrusive within the landscape and its siting allows for sufficient degrees of land to remain free of development within the plot. Consequently, the siting and built form of the outbuilding would have an adverse effect on the openness of the Green Belt or conflict with the purposes of including land within it.
- 5.8. The site is also located within the Chilterns AONB, the purpose of which is to conserve the natural beauty of the landscape. Policy CS17 of the Core Strategy, in addition to Policy L1 of the Local Plan both seek to provide a basis on which the Council can decide whether new development would contribute to conserving and enhancing the AONB so as not to have any detrimental impact upon it now and in the future.
- 5.9. The outbuilding which is the subject of this report would not be readily apparent within the wider landscape due to dense hedging present on the site's eastern flank boundary adjacent to the highway. The structure has already been noted as small scale in the context of the wider site and is of a traditional and uncomplicated design. The use of white timber cladding, whilst not a traditional material in the AONB, is not wholly unacceptable in this case given that the outbuilding is hidden from the majority of vantage points outside of the application site and is of a relatively small scale.
- 5.10. With regards to the rendering of the main dwellinghouse, it is noted that the dwelling prior to this treatment was in a relatively poor state of repair and comprised face brickwork. Whilst the light blue rendering utilised for the dwelling is not overly traditional within the wider landscape, it is accepted that the general condition and appearance of the dwelling has been vastly improved and the Council does not consider that a reason for refusal could be sustained against this aspect of the development alone, especially given that painting of the render is not in itself development.
- 5.11. In light of the above, the retrospective development for the ancillary detached annexe and external rendering of the main dwellinghouse are acceptable from a visual standpoint and with regards to their impact upon the Green Belt and Chilterns AONB.

Impact of the development on residential amenities of neighbouring dwelling

Adopted Local Plan (ALP): G3, G8;

Core Strategy Development Planning Document (CSDPD): CS19;

Residential Design Guidance Supplementary Planning Document;

Emerging Local Plan (Regulation 19) Publication Version: Policies CP1 (Sustainable Development), CP3 (Settlement Hierarchy), CP9 (Sense of Place), DM20 (Matters to be determined in accordance with the NPPF)

- 5.12. The annexe is single storey only with outward views being limited due to close boarded timber fencing present and dense hedging on the site's eastern boundary adjacent to the highway. Due to the location of the annexe within the application site and its relationship with neighbouring properties, which in themselves are sited a significant distance away from the structure; this retrospective development would not have any material impact upon the amenities of neighbouring residential properties.

Impact of the development on parking and highway safety

Adopted Local Plan (ALP): T2, Appendix 9;

Core Strategy Development Planning Document (CSDPD): CS20;

Buckinghamshire County Council Parking Guidance

Emerging Local Plan (Regulation 19) Publication Version: Policies DM33 (Managing Carbon Emissions: Transport and Energy Generation), DM35 (Placemaking and Design Quality)

5.13. No further parking is required in association with the retrospective development and no issues are considered apparent from a highways perspective with no comments received from the County Highways Authority.

Infrastructure and Developer Contributions

Adopted Local Plan (ALP): G19;

Core Strategy Development Planning Document (CSDPD): CS20, CS21;

Developer Contribution Supplementary Planning Document (DCSPD)

Emerging Local Plan (Regulation 19) Publication Version: Policy CP7 (Delivering the Infrastructure to Support Growth)

5.14. The development is not liable for CIL in this case. There are no other infrastructure implications of the development other than those covered by CIL.

Weighing and balancing of issues – overall assessment

5.15 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

5.16 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

(a) Provision of the development plan insofar as they are material

(b) Any local finance considerations, so far as they are material to the application (in this case, CIL)

(c) Any other material considerations

5.17 As set out in the report it is considered that the proposed development would accord with the relevant policies from the development plan.

Recommendation: Application Permitted

1 The development hereby permitted shall be retained in accordance with the details contained in the planning application hereby approved and plan numbers L-01A L-02A P-01 H-01 H-02 and L-03 unless the Local Planning Authority otherwise first agrees in writing.

Reason: In the interest of proper planning and to ensure a satisfactory development of the site.

2 The detached annexe hereby permitted shall only be occupied in connection with and ancillary to the occupation of the existing dwellinghouse and shall at no time be severed and occupied as a separate independent unit.

Reason: To prevent the undesirable establishment of a separate independent unit not in accordance with the policies for the area.

INFORMATIVE(S)

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- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
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In this instance, various rounds of negotiation took place with the agent agreeing to amend the red edge on the site plan omitting the agricultural holding and removing the timber fencing and children's play area from the application.

An enforcement case is still open against the site in reference to the timber fencing, children's play area and material change of use of the agricultural holding. These matters are unauthorised and are subject to separate investigation.

The amended planning application seeking retrospective permission for the external rendering of the main dwellinghouse and erection of a detached annexe was recommended approval without delay.

- 2 The applicant/agent is advised that this planning permission relates solely to the external rendering of the main dwellinghouse and the erection of the detached annexe building. The erection of the 2m high close boarded timber fence, the children's play area and change of use of the agricultural holding from an agricultural use to a mixed use comprising agriculture, retail and a cafe remains unauthorised and the Council is currently considering the expediency of taking formal action against such unauthorised operational development/material change of use.

You are advised to regularise such breaches of planning control through the removal of such operational development and cessation of the uses as specified within the agricultural holding, or, submit of a full planning application for the aforementioned at the earliest opportunity in an attempt to regularise such breaches of planning control.