



ET Planning

Planning, Design and Access Statement

Client:

Nicholas and Claire McDonagh

Honey Hill Cottage

Honey Hill, Crowthorne, RG40 3BE

Erection of a detached annexe building

Rosie Palin **Bsc (Hons) MSc MRTPI**

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CIL | Enforcement | Land Promotion | Planning | Sequential Tests | Viability

Contents

1. INTRODUCTION	1
2. SITE LOCATION AND DESCRIPTION	2
3. PLANNING HISTORY	2
4. DEVELOPMENT PROPOSALS	3
5. POLICY ASSESSMENT	4
6. CONCLUSION	12

1. Introduction

- 1.1 This statement is produced to support a planning application for the erection of a detached residential annexe building at Honey Hill Cottage, Honey Hill, Wokingham, RG40 3BE.
- 1.2 This planning statement will cover the background to the application and provide the necessary information to enable its determination by officers at the Council. It will consider the proposal in light of relevant planning policies and other material considerations. The conclusion reached is that key material considerations and the wider objectives of National and Local planning policy support the grant of permission.
- 1.3 In addition to this planning statement, the application is accompanied by the appropriate planning application forms and ownership certificate, duly signed and completed, and the following plans:
- Site Location Plan
 - Existing Block Plan
 - Proposed Block Plan
 - Proposed Elevations
 - Proposed Floor Plan
- 1.4 The relevant application fee of will be submitted by the applicant separately.

2. Site Location and Description

- 2.1 The site comprises of Honey Hill Cottage, a detached dwelling accessed from a private drive shared with The Cottage from Honey Hill. An existing detached garage is located on site. The site is bordered by existing woodland to the west and south. The Cottage and it's curtilage is located to the north and east.

3. Planning History

- 3.1 The relevant planning history for the site is set out below.
- 3.2 Application Ref: O/2012/1440 – Outline application for the demolition of the existing dwellings and outbuildings and construction of 4 five-bedroom houses with primary access off Honey Hill. (Access, Layout and Scale to be considered). Refused 19/03/2013
- 3.3 Application Ref: F/2014/0822 – Proposed erection of two detached dwellings with garages, following removal of existing dwellings, outbuildings, commercial storage and clay pigeon shoot. Granted 08/09/2014

4. Development Proposals

- 4.1 The National Design Guide (2019) identifies that *“well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them. They meet the needs of a diverse range of users, taking into account factors such as the ageing population and cultural differences. They are adequate in size, fit for purpose and are adaptable to the changing needs of their occupants over time”* (para 120-121).
- 4.2 Regarding the requirements of NPPG Paragraph: 029 Reference ID: 14-029-20140306 in respect of Design and Access Statements, the proposal is described as follows:
- 4.3 **Use and Amount:** The proposed use is for the erection of a detached two-bedroom residential annexe for ancillary use to the existing dwelling, Honey Hill Cottage.
- 4.4 **Layout, Scale and Appearance:** The proposed
- 4.5 **Landscaping:** Any further planting can be accommodated within the curtilage and can be controlled via condition if required.
- 4.6 **Access & Parking:** No changes to the existing access and parking facilities at the site are proposed as part of this development. The annexe will benefit from the same access and parking arrangements as the host dwelling.

5. Policy Assessment

- 5.1 **National Guidance:** The National Planning Policy Framework (NPPF) is a relevant material consideration to the application.
- 5.2 The purpose of the planning system is to contribute to the achievement of sustainable development. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 38 of the NPPF states that *“Local planning authorities should approach decision on proposed development in a positive and creative way”* and *“at every level should seek to approve applications for sustainable development where possible”*. Paragraph 123 of the NPPF comments that planning should *“make effective use of land”* in *“meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions”*.
- 5.3 Paragraph 60 confirms the Government’s objective to boost the supply of housing, and paragraph 8 identifies the three objectives of sustainable development, as economic, environmental and social.
- 5.4 The National Design Guide builds on the above, and clarifies that *“well-designed neighbourhoods need to include an integrated mix of tenures and housing types that reflect local housing need and market demand. They are designed to be inclusive and to meet the changing needs of people of different ages and abilities. New development reinforces existing places by enhancing local transport, facilities and community services, and maximising their potential use”* (para 109).
- 5.5 **Principle of Development:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

- 5.6 The principle of development at the site is guided by CS Policy CP11 – Proposals outside of development limits (including countryside). This states that development will not be permitted unless it meets certain criteria. Points 2 and 5 are of relevance to this proposal and will be addressed in turn below.
- 5.7 Considering Point 2 firstly, this states that development will be approved if it does not lead to excessive encroachment or expansion of development away from the original buildings. Whilst the proposal is detached, it is within the wider footprint and curtilage of the main dwelling of Honey Hill Cottage and is located within a part of the site which is characterised by residential development due to The Cottage being located in relative proximity.
- 5.8 Point 5 relates to replacement dwellings. Whilst this proposal is for an annexe rather than a distinct residential unit the proposal accords with the requirements of this section of the policy, bringing forward a scheme that does not result in inappropriate increases in the scale, form or footprint of the original building. The proposal is of small scale and clearly subservient in nature and is therefore considered to not be a development that is inappropriate in scale or form in this particular location.
- 5.9 Within Appendix 1, a supporting statement can be found from the Applicants detailing the need of the annexe. Whilst the contents are not repeated here, it is clear that there is a justified and legitimate reason for the annexe building.
- 5.10 In the case of *Uttlesford District Council v Secretary of State for the Environment and White* [1992] JPL 171 planning permission had been refused for the change of use of a detached garage to a 'granny annexe'. The annexe contained all the facilities required for day-to-day living (i.e. bedroom, bathroom and small kitchen) but was to be

occupied by a relative of the family living in the main dwelling. The refusal was overturned on appeal.

- 5.11 The Judge considered that it amounted to no more than an elderly relative to be accommodated within the family home having her own bedroom, bathroom and small kitchen. Whilst this would allow, to some extent, some independence from the rest of the family, there was no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling.
- 5.12 When determining whether a residential annexe would be incidental to the main dwelling is the nature of the intended occupancy. If there is some interdependence with the use of the main dwelling, be that a family connection, the use can be incidental regardless of whether the converted building would contain primary living accommodation, provided the occupant(s) would live as part of the same household. This would not result in a material change of use away from the entire site being used as a single dwellinghouse.
- 5.13 The annexe is intended to be used by the Applicant's mother. There is a unique situation in which the Applicant's brother lives next door at The Cottage so their mother will be able to reside in close proximity to her immediate family. This allows for care needs to be met in the future for the Applicant's mother but also in the immediate term by caring for her young grandchildren as set out in the supporting statement.
- 5.14 Whilst the annexe would contain facilities necessary for day-to-day living, it is within the curtilage of the main dwelling, as such it is highly convenient for social interaction between the residents of the two buildings.
- 5.15 A relevant appeal is a case at 80 Buckingham Road, Milton Keynes (attached at Appendix 2). In this case a certificate of lawfulness was

granted for the stationing of a caravan. The Inspector judged the caravan to meet the 1968 definition, and to be within the curtilage of the house. The Inspector states at paragraph 11:

"i. The caravan would have been position within the dwelling curtilage, sharing the access, parking, serving facilities and garden area of the main dwellinghouse. It would have had no separate curtilage.

ii. The overall planning unit would have continued in occupation by family members, the appellant and his wife (owners and current occupiers of number 80) using the caravan with their son and his partner and three children moving into the main house, and another son occupying the annex.

iii. The occupants of the caravan would have continued to use facilities in the main dwelling, for the provision of meals, laundry and for domestic storage (for example) and would have played a part in the lives of their children and grandchildren including by providing childcare.

iv. The caravan would not have had a separate postal address or have been registered as a separate dwelling for Council Tax purposes; and it would have shared the utility services of the main dwelling.

Whilst the caravan would have contained all the facilities for independent living it would not have been used in that way. There would have been a functional link with the main dwelling. The use of the caravan in the manner described in the application would have been a use comprised part and parcel within the primary dwellinghouse use which was already taking place within the planning unit, as a matter of fact and degree." [our emphasis]

- 5.16 This appeal decision demonstrates that although the residential annexe provides the basic facilities for independent living, it does not mean that it will be used in this way as stated above, the occupant of the annexe will be an elderly family member who will share meals with the household and enjoy the use of the garden with the family, as well as the access and parking area.
- 5.17 The proposed development would not entail a material change of use from the present use as a single dwellinghouse with its associated residential curtilage. In light of case law and precedents, it is considered that the proposed accommodation would be ancillary to the main dwellinghouse and as such constitutes an acceptable form of development. The annexe would not have a separate address, curtilage or post box for example.
- 5.18 A multigenerational home has many benefits for both the family that will inhabit it but also on a wider social scale as care needs can be met by the family rather than relying on an external care provider or having to move such family members into a care home. The use of the annexe in this manner promotes togetherness and results in a dynamic, flexible space that promotes both privacy and unity for all family members involved. The COVID-19 pandemic has demonstrated the benefits that multi-generational living brings especially when close family members can meet care needs.
- 5.19 The scale of the accommodation is appropriate for its proposed use as ancillary accommodation to the property. The principle of an ancillary residential annexe is therefore considered acceptable in this location and is in accordance with national and local planning policies.
- 5.20 **Character and Appearance of the Area:** As previously mentioned, the location the annexe is proposed to be erected is in an area of the

site that is already characterised by residential buildings and the annexe is proposed to sit closely within these.

- 5.21 The appearance is considered to be appropriate and would ensure that the building would not have a harmful impact upon the character and appearance of the area and reflects the design and character of both Honey Hill Cottage and The Cottage next door.
- 5.22 It is of a form, scale and appearance that would not appear unduly intrusive within the wider rural landscape. It has been deliberately designed to appear subordinate to the main dwelling whilst also reflecting the local character.
- 5.23 It is therefore considered that the proposal is compatible with the character of the area and is of a design that is in keeping with the host dwelling.
- 5.24 **Residential Amenity:** The existing dwelling of Honey Hill Cottage retains well in excess of the guidance set out within the Residential Design Guide, in terms of the 11m depth requirement for the external amenity area. There is more than sufficient external space for all residents to benefit from and the erection of the new annexe will not impact
- 5.25 **Trees and Landscaping:** The proposed development shall not have any impact on the trees or hedges on or surrounding the site.
- 5.26 **Transport and Parking:** No changes to the existing parking or access facilities are proposed a part of this application. The annexe will utilise the same access and parking area as the host dwelling.
- 5.27 There would no impact on the parking in this area, nor any impact on the highway.

- 5.28 There is an existing Public Right of Way (PRoW), part of Footpath 8 Wokingham Without, which passes near the parking area of Honey Hill Cottage. The PRoW will not be affected by these proposals.
- 5.29 **Drainage and SuDS:** The site falls within Flood Zone 1 and is less than 1 hectare. Therefore, it is not considered that flood risk should limit the proposed development. Any required details can be secured by planning condition.
- 5.30 **Sustainability and Energy:** Paragraph 8 of the NPPF supports the transition of development to a low carbon future. The national Code for Sustainable Homes has now been abolished, however it is proposed that the development would conform to Part L of the Building Regulations which as of 2022 requires a 30% reduction than current standards. By way of contributing to the reduction in carbon, the proposal would also achieve current building construction standards with added sustainability measures through;
- A. The limitation of the amount of inherent material, structure and embodied energy through the employment of good building standards to create an excellent SAP rating;
 - B. Use of locally sourced, recycled materials and labour where practicable;
 - C. Reduced internal water consumption of 110 litres per person per day through the incorporation of water efficient sanitary fittings, including low flow toilets and water efficient taps for wash basins;
 - D. 'A' rated electrical appliances and energy saving light fittings;
 - E. 'A' rated double glazed windows with natural cross ventilation provision; and

F. Recycling of waste construction materials where practicable.

- 5.31 The proposal is therefore considered to comply with sustainability objectives in this respect.
- 5.32 **Refuse Provision:** It is anticipated that there will be no change to the existing refuse provision for Honey Hill Cottage. If the Council deem an additional bin store to be necessary, this can be controlled via condition.
- 5.33 **Archaeology:** The site does not fall within an area of archaeological significance. If concerns are raised during the application process, these can be dealt with via condition.
- 5.34 **Ecology:** Due to the nature of the proposal and its location within the residential curtilage of Honey Hill Cottage, there will be no impact on the biodiversity value of the site or surrounding area.
- 5.35 **Special Protection Area:** It is recognised that the site falls within the Thames Basin Heaths SPA 5km mitigation zone however, as no additional planning unit is being created, mitigation measures are not required as part of this development.
- 5.36 **Affordable Housing:** The proposal does not result in the creation of any new independent dwellinghouses. The proposed annexe is ancillary to the main dwellinghouse at the site and as such, no contribution is required in accordance with CS Policy CP5.
- 5.37 **Community Infrastructure Levy:** The relevant forms have been completed and submitted together with this application.

6. Conclusion

- 6.1 This statement has demonstrated that the proposed development is acceptable in principle and makes an efficient use of land.
- 6.2 Material planning considerations have been carefully considered and analysed, as evidenced in section 5 of this statement and the supporting plans and documents.
- 6.3 It is considered the proposed development provides a residential annexe which will have no impact on neighbouring amenity or the character of the area. The annexe will provide much needed accommodation for a family member and will be an example of multi-generational living which is a sustainable form of development which should be recognised.
- 6.4 It is considered that the proposed scheme complies with relevant Development Plan Policies and is further supported by National Guidance. Therefore, it is respectfully requested that planning permission is granted.

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Appendix 1 – Applicant’s Supporting Statement

Personal Supporting Statement

I am seeking to build an ancillary granny annexe, within the curtilage, subservient and dependent on my property, to enable my mother who is in her late seventies and very recently widowed, to be close to both her sons and our families.

My mother has been left living alone since the recent death of my father, her husband, and now feels that she is no longer able to cope with the loneliness and isolation of this situation. We feel that a granny annexe would be the ideal solution, as my brother and I live next door to each other with an adjoining boundary, so having the granny annexe will mean that my mother will be close to all her immediate family and able to receive the support of both families now and into the future.

My mother currently provides substantial childcare support to my brother's young children (Age 5yrs and 3yrs), as my niece was diagnosed with Infant Acute Lymphoblastic Leukaemia at just 5 weeks old, and at 5 years old is still having ongoing invasive treatment, meaning that both children are unable to attend traditional childcare facilities due to the high risk of infection during her treatment, *'As chemotherapy suppresses the immune system, chickenpox, measles or shingles can be dangerous to children who are having cancer treatment.'*¹ The 2nd bedroom is required because as part of this childcaring role my mother provides frequent overnight care to my nephew whenever my niece is admitted to hospital and requires my brother and sister-in-law to attend with her, these admissions can be lengthy and a distance away such as to Great Ormond Street Hospital or Southampton General Hospital. *'In 2017, Young Lives vs Cancer found that young cancer patients and their families were paying on average, £600 extra per month because of cancer. Now we know that this has increased to nearly £700 extra on average each month during a child or a young person's cancer treatment'*² with approximately 5% of these extra costs relating to additional childcare, having the ancillary granny annexe will mean that my mother can continue with her childcaring role without adding to my brother and sister-in-law's financial burden, but also in an appropriately designed living space for her age and as her age advances she will have the confidence of knowing that myself, my wife and our young teenage children are on hand to assist as and when required.

I have sought to future proof the ancillary granny annexe to ensure that it remains appropriate throughout my mother's lifetime, taking informal advice from my wife who is a qualified and registered Occupational Therapist specialising in older peoples functional needs. As *'one in five adults aged 65-69 need help with one or more activities of daily living (such as bathing, cooking or using the toilet). By the time people reach their 80s, this figure rises to more than one in two of us'*³ The annexe has been designed to ensure that it caters for my mother as she ages, such as ensuring there is a level

access shower, ramped access and low stepped access with bilateral rails, a construction method that will ensure grab rails etc can be fitted securely and wherever required, space for mobile hoisting in the bedroom, 2nd bedroom for a live in/overnight family carer, eye level appliances in the kitchen area, circulation space for potential walking aids, no/low level thresholds between rooms etc. Therefore, likely to meet the main requirements of Category 2 or M4(2) accessible and adaptable dwellings. This design will ensure that my mother is able to retain her independence for as long as possible, however the granny annexe location and design will mean that in the future the family are on hand to assist with day-to-day needs such as cooking, socialising, laundry, travel to shops/appointments and generally being around to provide whatever support is necessary, therefore reducing care needs and burden on state funded support. *‘Unpaid carers in England and Wales contribute a staggering £445 million to the economy every day – that’s £162 billion per year’*⁴

The traditional construction of the ancillary granny annexe will also support multigenerational living further into the future, when my mother has passed, the intention is that it can be used by our children as an opportunity for them to live close to but independent from us, providing continuity and stability as we ourselves age.

References

- 1 – The Children’s Cancer and Leukaemia Group (2024), Dealing with School. <https://www.cclg.org.uk/Information-for-schools>
- 2 – Young Lives v Cancer (2023), Cancer Costs. <https://www.younglivesvscancer.org.uk/wp-content/uploads/2023/09/Updated-cancer-costs-digital-report.pdf#:~:text=In%202017%2C%20Young%20Lives%20vs%20Cancer%20found%20that,a%20child%20or%20a%20young%20person%E2%80%99s%20cancer%20treatment.>
- 3 - Centre for Ageing Better (2020), Homes for life It’s time to build the homes we need. <https://ageing-better.org.uk/sites/default/files/2020-11/Accessible-Housing-Report-111120.pdf>
- 4 – Carers UK, (Petrillo and Bennett, 2023), Economic Impact of Care. <https://www.carersuk.org/policy-and-research/key-facts-and-figures/>

Appendix 2 – 80 Buckingham Road Appeal Decision

Appeal Decision

Site visit made on 20 January 2016

by Susan Wraith DipURP MRTPI

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

Decision date: 19 February 2016

Appeal ref: APP/Y0435/X/15/3129568

80 Buckingham Road, Bletchley, Milton Keynes, MK3 5HL

- The appeal is made under s195 of the Town and Country Planning Act 1990 [hereafter "the Act"] as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development [hereafter "LDC"].
 - The appeal is made by Mr Michael Hill against the decision of Milton Keynes Council.
 - The application no: 15/00939/CLUP dated 14/04/2015 was refused by notice dated 08/06/2015.
 - The application was made under s192(1)(a) of the Act.
 - The development for which an LDC is sought is: Stationing of a caravan.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use for the stationing of a caravan which is considered to be lawful.

Application for costs

2. An application for costs was made by Mr Michael Hill (the appellant) against Milton Keynes Council. This application is the subject of a separate decision.

Preliminary matters

3. In its decision notice the Council had changed the description of the proposed development from that stated on the application form and as set out in the heading above i.e. "stationing of a caravan" to "...siting of caravan in rear garden". The description of the proposal given on the appeal form is "Siting of a caravan for ancillary residential use". As the original description, and that given by the Council, did not explicitly make reference to the use of the caravan I shall adopt the description given on the appeal form for the purposes of the determination which describes the proposal more fully.
 4. From the appeal submissions I understand that what the appellant is seeking is certification that the stationing of a caravan within the dwellinghouse curtilage for use as additional living accommodation associated with the main dwellinghouse (not self-contained) is lawful. This is what is meant by "ancillary residential use". I shall deal with the appeal accordingly.
 5. The relevant date for the purposes of this determination of lawfulness is the date of the LDC application. The matter to be decided upon is whether the activity proposed, if instigated or begun at that date, would have been lawful.
-

6. In an LDC appeal the burden of proof to demonstrate lawfulness is upon the appellant. The planning merits of the matter applied for do not fall to be considered. The decision will be based strictly on the evidential facts and on relevant planning law and judicial authority.

Main issue

7. The Council, as set out in its reason for refusal, considers that the caravan would not be permitted development falling within Class E of Part 1 to Schedule 2 of the General Permitted Development Order¹ [hereafter "the GPDO"]. The main issue in this appeal is whether the Council's decision to refuse the LDC was well founded.

Reasons

8. The terms of the application, and the basis upon which the appeal is made, is that the proposal concerns a caravan and that the statutory definition of "caravan" as set out in the Caravan Sites and Control of Development Act 1960 as modified by the Caravan Sites Act 1968 is to be applied. The submissions are unequivocal on that point. As this matter goes to the description of the proposal (and there are no powers to change the description into something else) my consideration of this appeal is made from that starting point.
9. The caravan, falling within the statutory definition, would have been capable of being moved. The clear intention of the proposal is that no operational development would have been involved. The question to be asked, therefore, is whether the siting of the caravan and its intended use would have amounted to a material change in the use of the land and, thus, would have been development for that reason².
10. From the evidence and from what I saw at my site visit I am satisfied that the garden curtilage of the dwellinghouse, as shown edged in red on the application plan, defines the relevant planning unit for the purposes of assessing the materiality of any change of use. This is a physically distinct area with a clear functional purpose associated with the dwellinghouse. Whilst there is an annex building to the front of the property, I am told it is occupied by a family member in association with the main dwellinghouse and that it is not separate self-contained accommodation. The primary use of the planning unit is that of a single dwellinghouse.
11. The siting of the caravan within the planning unit, and its use as described in the application and appeal submissions, would not in my view have amounted to a material change of use for the following reasons:
 - i. The caravan would have been positioned within the dwelling curtilage, sharing the access, parking, servicing facilities and garden area of the main dwellinghouse. It would have had no separate curtilage.

¹ The Council has referred to the Town and Country Planning (General Permitted Development)(England) Order 2015 which came into force on 15th April 2015. However, at the date of the LDC application i.e. 14th April 2015, it was the Town and Country Planning (General Permitted Development) Order 1995 (as amended) that was in force and, thus, that is applicable. There is little material difference between the Orders so far as the issues in this appeal are concerned.

² The meaning of "development" is set out in s55(1) of the Act. It comprises two limbs – the carrying out of operations or the making of any material change in the use of the land.

- ii. The overall planning unit would have continued in occupation by family members, the appellant and his wife (owners and current occupiers of number 80) using the caravan with their son and his partner and three children moving into the main house, and another son occupying the annex.
 - iii. The occupants of the caravan would have continued to use facilities in the main dwelling, for the provision of meals, laundry and for domestic storage (for example) and would have played a part in the lives of their children and grandchildren including by providing childcare.
 - iv. The caravan would not have had a separate postal address or have been registered as a separate dwelling for Council Tax purposes; and it would have shared the utility services of the main dwelling.
12. Whilst the caravan would have contained all the facilities for independent living it would not have been used in that way. There would have been a functional link with the main dwelling. The use of the caravan in the manner described in the application would have been a use comprised part and parcel within the primary dwellinghouse use which was already taking place within the planning unit, as a matter of fact and degree.
13. The Council has argued that the use would not have been “incidental”³ to the enjoyment of the dwellinghouse because it would have involved the provision of primary living accommodation. Had the proposal involved operational development to be assessed against Class E to Part 1 of Schedule 2 to the GPDO this would have been a plausible argument. Class E permits (amongst other things) buildings within the curtilage of a dwellinghouse but limited to those required for a purpose “incidental” to the enjoyment of the dwellinghouse.
14. However, the LDC proposal is founded on the basis of a caravan (not a building) and on the premise that there is no operational development to consider. From that starting point I cannot see that Class E has any bearing upon the matter to be decided upon, that being the question of whether there would have been a material change of use. Neither does Part 4 to Schedule 2 of the GPDO⁴ (also cited by the Council) have any relevance in a situation where I have already concluded that the proposed siting of the caravan and its use does not give rise to an act of development (either operational development or a material change of use).
15. If it subsequently transpires that what takes place on the land does, in fact, amount to operational development and/or that the caravan is used in a different way to that described in the application then the LDC will be of no benefit to the appellant. However, I must decide this appeal on the basis of the proposal and supporting information that is presently before me.
16. For all these reasons I find that, had the caravan been sited and its use instigated at the time of the LDC application, there would not have been a breach of planning control. The siting and use of the caravan for the purpose

³ Incidental uses are those which arise from the enjoyment of a dwellinghouse by an occupier, for example uses associated with a hobby, which are of a scale and nature which can reasonably be described as “incidental”.

⁴ Part 4 to Schedule 2 of the GPDO concerns Temporary Buildings and Uses.

of providing additional living accommodation as described in the application would have been lawful as a matter of fact and degree.

Conclusion

17. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant an LDC in respect of the siting of a caravan for ancillary residential use was not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me under s195(2) of the Act.

Susan Wraith

INSPECTOR

Lawful Development Certificate

APPEAL REFERENCE APP/Y0435/X/15/3129568
TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by section 10 of the Planning and Compensation Act 1991)

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 14 April 2015 the use described in the First Schedule hereto, in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed siting of the caravan and its use as additional living accommodation associated with the main dwellinghouse (not self-contained use) would have been part and parcel of the primary use of the land as a single dwellinghouse and would not have given rise to a material change of use of the planning unit. Neither would the proposal have involved any operational development.

Susan Wraith

INSPECTOR

Date: 19.02.2016

First Schedule

The siting of a caravan for ancillary residential use.

Second Schedule

80 Buckingham Road, Bletchley, Milton Keynes, MK3 5HL

IMPORTANT NOTES – SEE OVER

CERTIFICATE OF LAWFULNESS FOR PLANNING PURPOSES

NOTES

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).
 2. It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful on the certified date and, thus, would not have been liable to enforcement action, under section 172 of the 1990 Act, on that date.
 3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.
 4. The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.
-



Plan

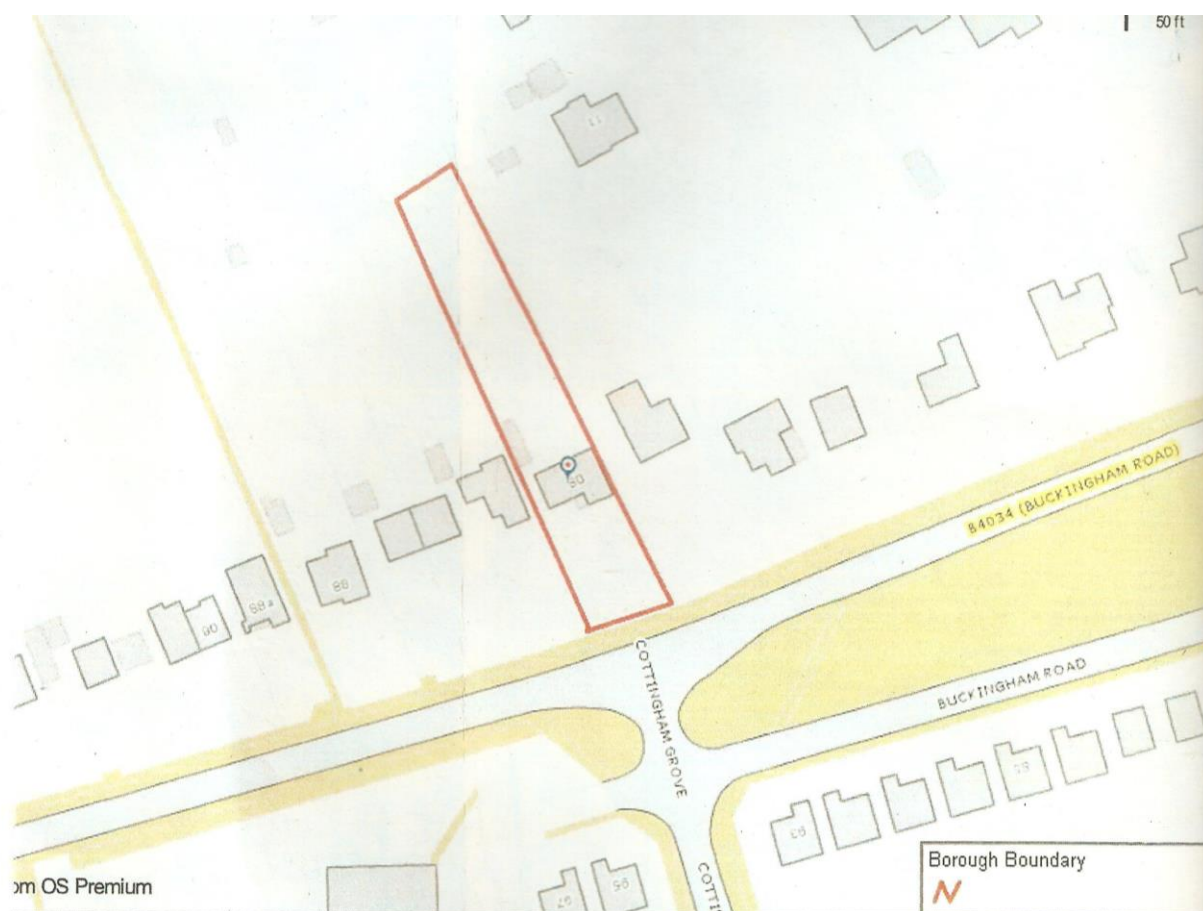
This is the plan referred to in the Lawful Development Certificate dated:
19.02.2016

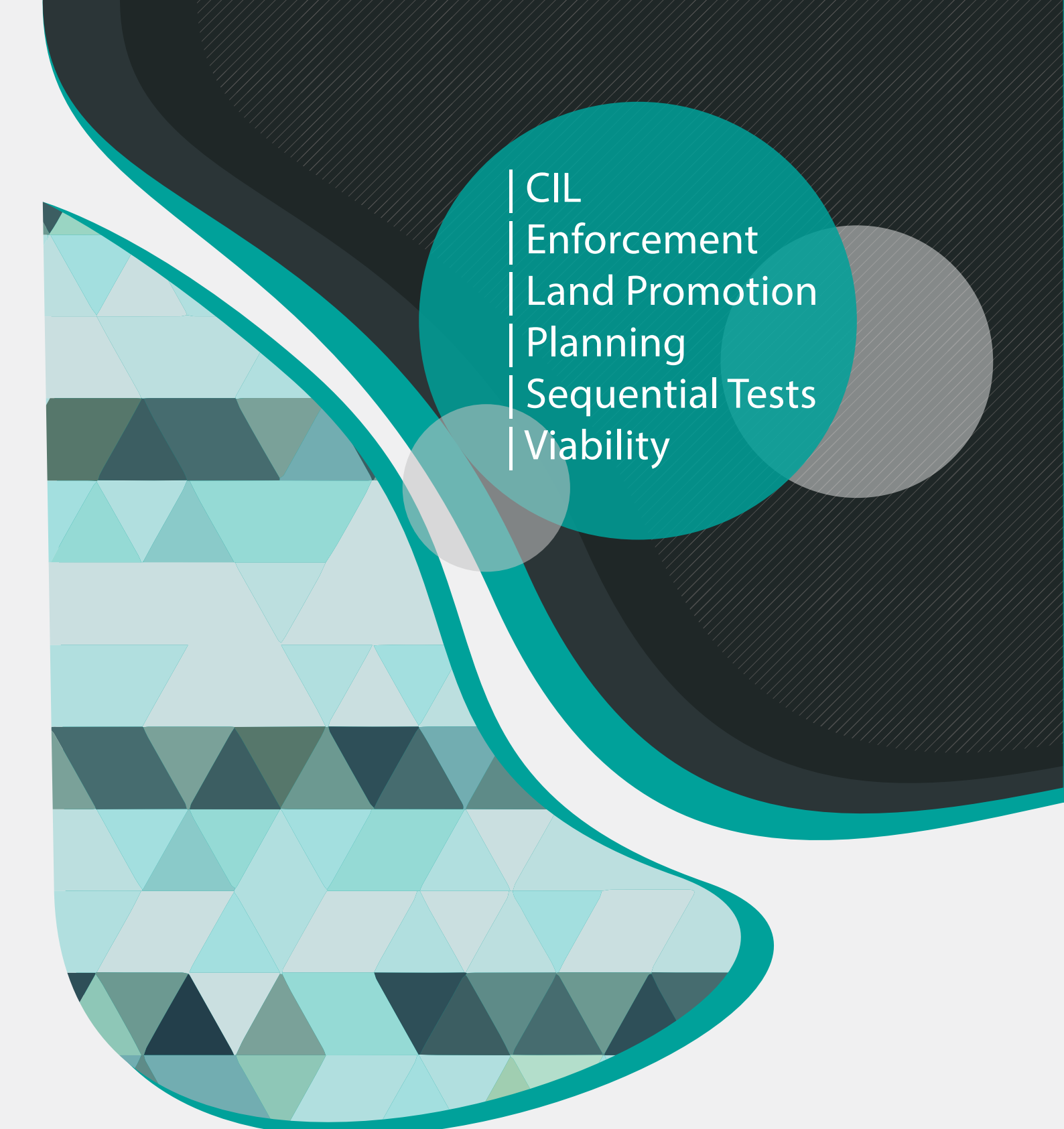
by **Susan Wraith DipURP MRTPI**

80 Buckingham Road, Bletchley, Milton Keynes, MK3 5HL

Appeal ref: APP/Y0435/X/15/3129568

Scale: Not to scale





| CIL
| Enforcement
| Land Promotion
| Planning
| Sequential Tests
| Viability

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