HUNTINGDONSHIRE DISTRICT COUNCIL

25/00027/CLPD

OFFICER REPORT

Case No: **25/00027/CLPD** **Certificate of Lawfulness proposed**

Proposal: **Garage conversion into granny annexe**

Location: **14 Pasture Close Warboys Huntingdon**

Applicant: **Mr Daniel Margot**

Grid Ref: **531316 280464**

DESCRIPTION OF SITE AND APPLICATION

The application site at 14 Pasture Close is occupied by a two-storey detached dwellinghouse located within a residential area in Warboys. There are no constraints relative to the site.

A Certificate of Lawful (Proposed) Development is sought for a garage conversion into granny annexe.

Officers have reviewed the planning history for the site and can find no evidence that Permitted Development Rights have been removed, nor are there any Article 4 directions in place.

During the lifetime of the application, the description has been revised to highlight that the application only concerns the conversion of a garage into a granny annexe. Based on the application as a Certificate of Lawful (Proposed) Development, additional consultation was not required.

NATIONAL GUIDANCE

The Town and Country Planning Act 1990

The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended)

RELEVANT PLANNING HISTORY

00/01199/FUL - Erection of conservatory (Permission)

8500728OUT - RESIDENTIAL DEVELOPMENT OFF HEATH ROAD WARBOYS (Permission)

8600777REM - 17 dwellings and access, land off Heath Road, Warboys (Details Approved)

CONSULTATIONS

No consultations - Certificate of lawful permitted development

REPRESENTATIONS

None

PLANNING ASSESSMENT

* Proposed Conversion of the Garage to an Annexe

The works proposed include the conversion of the existing garage into a granny annexe for a dependent relative.

As part of the submitted application, the applicant has provided a functional statement alongside drawing no. 04 (Garage Proposed Plans and Elevations).

The submitted garage plans and elevations show a 1-bedroom unit, single floor unit comprising of a bedroom, shower room and a kitchen/ lounge area. Section 55 of the Town and Country Planning Act 1990 is the relevant legislation in this case, to determine whether the conversion of the garage into a granny annexe is considered a material change of use and requires planning permission.

Section 55 (1) of the Town and Country Planning Act 1990 includes in the definition of the word 'development' the making of any material change of use of any buildings or other land. Section 55 (2) (d) states that the following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land: The use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such. Section 55 (3) (a) states: 'For the avoidance of doubt it is hereby declared that for the purposes of this section the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used'.

As such, a material change of use is a matter of fact and degree in each individual case.

It is worth noting the relevant case law for annexes, which is Uttlesford DC v SSE & White [1992].

The mentioned case considered that even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling. On the specific circumstance of the case, the key issue is whether a separate planning unit has been created. If an outbuilding with its living accommodation was part of the same planning unit as the dwellinghouse, and provided that the planning unit remains in single family occupation and continues to function as a single household, no material change of use is involved.

This clearly highlights that just because an annexe is self-contained, it does not mean it is a separate planning unit and a change of use has occurred, but it is a matter of fact and degree. In order to determine whether a material change of use has occurred, it must be demonstrated that the proposed annexe has a functional link to the dwellinghouse.

The submitted functional statement provided as part of the application presents that the occupier of the proposed annexe is the host dwellings mother, who will be reliant on the host dwelling for meals and eating, alongside requiring support from relatives living in the dwelling as a result of a medical condition. The annexe, whilst physically disconnected from the main dwelling, also shares the existing driveway and does not have its own private garden area, which is located to the rear of the dwelling.

Based on the evidence provided, and the view from officers as a matter of fact and degree, it is considered that the residential use of the converted garage to an annexe would be ancillary to the host dwelling and would not result in the creation of a separate planning unit. The proposed use of the garage would therefore be lawful by way of Section 55 of the Town and Country Planning Act 1990.

* Proposed external alterations to the garage

Whilst the previous section of the report has determined that the residential use of the garage to an annexe does not constitute development, the proposed external alterations are considered development as they are external works. Therefore, these need to be assessed against the relevant parts of the Town and Country Planning (General Permitted Development) (England) Order Amended 2015.

Schedule 2 - Part 1 - Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) permits the enlargement, improvement or other alteration of a dwellinghouse, subject to certain criteria set out within the Order. The proposed external alterations of the garage as indicated on plans "Garage Proposed Plans and Elevations" would be permitted providing the proposed development complies with Condition A.3 which states:

a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

Due to the lack of information regarding the proposed use of materials, it is considered necessary to ensure that that the proposed materials match existing in order to comply with the above.

*Conclusion

The proposed garage conversion into a granny annexe accords with the criteria and conditions set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development is considered to be permitted development and is therefore granted planning permission by virtue of Article 3 of this Order, subject to any materials being used in the exterior work shall be of similar appearance to those used in the construction of the existing dwellinghouse. An application for planning permission is not required.

The proposal also accords with Section 55 of the Town and Country Planning Act 1990, as, based on the view of officers, as a matter of fact and degree the residential use of the garage as an annexe would not result in the creation of a separate planning unit and is ancillary to the host dwelling. An application for planning permission in this case is also not required.

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CONTACT OFFICER:
Enquiries about this report to **Josh France**