

Supporting Statement – Granny Annex at Tanyrallt, Graig Road, GCG, SA18 1EH

Site History

The application property recently obtained a Certificate of Lawful Use or Development (Proposed) for the construction of a domestic outbuilding for use ancillary to the enjoyment of the dwelling known as Tanyrallt.

This Legal document was granted on March 10th, 2023 with the Council, reference P2023/0095.

Proposal

The client now seeks full planning permission for the construction of a granny annex utilising the exact same footprint as agreed under the certificate for the domestic outbuilding. The only change to the Permitted Development design will be the change of use of one of the rooms from bike storage to that of a single bedroom to serve 1 number occupant along with some modifications of some of the internal doorways to facilitate wheelchair access.

Material Planning Considerations

Design and fall-back position

The client has been mindful to ensure when designing the structure that it remains identical with regards to siting and dimensions to that of the lawful proposed domestic outbuilding. By doing so, the client has created a legitimate **fall-back position** when it comes to the buildings siting and scale. Therefore, when assessing the application for the submitted granny annex, it would be considered unreasonable by the Council to refuse the proposal on visual amenity grounds as it has already been established under the certificate ref. **P2023/0095** that a design of this scale, massing and positioning, notwithstanding the proposed residential element is lawful and can be constructed under Permitted Development.

Granny Annex use

The concept of a Material Change of Use of land is not defined in any statute or statutory instrument; it is a question of fact and degree in each individual case.

For Planning purposes, it is well established that the right to use land for some primary purpose includes the right to use it for any purpose which is ancillary to the dominant purpose.

The dominant purpose in this instance is the residential unit known as Tanyrallt and the ancillary use proposed relates to the proposed outbuilding located in the side garden curtilage of said property.

The outbuilding would be physically disconnected from the main dwelling given its detached positioning. Nevertheless, there would be no separate utilities and it can be accessed from the back door located in the rear elevation serving the family unit.

The outbuilding is proposed to be used by the applicant himself. The applicants living activities would be shared with the rest of his family. For instance, he would consume all meals during the evenings and weekends with the family. Given the type and scale of the outbuildings proposed use, and the significant degree of interconnectedness, it is clear that the outbuilding would be occupied by people functioning as a single household.

The unit would include facilities for lounging, washing and sleeping, (along with the other domestic uses that will be used by the family members who would reside permanently within the donor property) but the nature of the outbuildings residential use would be functionally linked to the main dwelling and in no way, can be considered as resulting in the creation of a separate planning unit. You will notice the absence of any kitchen or cooking facilities detailed on the submitted plans. The proposed use would therefore be ancillary to the dominant or primary residential use of the land.

Whilst obvious, it must also be noted that when considering the acceptability of nay residential use at this location, the site is located within the defined settlement limits as detailed by the adopted Local Development Plan. Therefore, in principle, residential uses be them ancillary or self-contained are acceptable at this location.

Case Law

In the case of **Uttlesford DC v SSE & White [1992] JPL** in the High Court, Mr Lionel Read QC, sitting as Deputy Judge, considered that, even if the accommodation provided facilities independent for day-to-day living, it would not necessarily become a separate planning unit from the main dwelling; it would be a matter of fact and degree. The accommodation gave the occupant the facilities of a self-contained unit although to function as an annexe only with the occupant sharing her living activity in company with the family in the main dwelling. There was no reason in law why such accommodation should consequently 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.

Therefore, in conclusion, it is for the reasoning contained throughout this statement that the client justifies the proposal in terms of Planning Legislation.

Non-material Planning Considerations

The following considerations are not so much material to planning but more to the applicants Human Rights and quality of life as well as mental well-being.

The applicant is currently suffering from the following debilitating conditions:

- Seronegative inflammatory arthritis,
- Psoriatic arthritis,
- Spondyloarthropathy ankylosing spondylitis,
- Gout arthritis,
- Osteoarthritis.

The applicant currently retains relatively good mobility and is therefore looking forward to enjoying the facilities that will be provided within domestic outbuilding. But unfortunately, which is the case with conditions of this nature, his physical well-being will deteriorate relatively rapidly, therefore it is with regret that this application for a Granny annex must be submitted in the first place. The Clients future will be within the confines of a wheelchair. Ultimately, he is looking to retain a degree of independence by

residing in the annex which will enable his younger family members (Son) to live in the donor property and therefore offer the care and assistance he may or may not need going forward.