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FENLAND DISTRICT COUNCIL PLANNING DEPARTMENT	
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Goldspink & Housden Design Services  
 113 Norfolk Street  
 WISBECH  
 Cambridgeshire  
 PE13 2LD

Your reference  
 1244  
 Our reference  
 T/APP/D0515/A/89/121416/P3

Date  
**30 AUG 89**

Gentlemen

**TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9**  
**APPEAL BY MRS SUSANNE ELLEN FLETCHER**  
**APPLICATION NO: F/1308/88/F**

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Fenland District Council to refuse planning permission for the conversion of an existing out building to a granny flat on land adjacent to Dolphin House, Thurlands Drove, Upwell. I have considered the written representations made by you and by the Council and also those made by other interested persons. I inspected the site on 4 July 1989.

2. The appeal site lies behind Dolphin House on Thurlands Drove about half a kilometre west of the ribbon of development which forms the village of Upwell. The existing structure, which is separated from the main part of the existing dwelling, would be converted to a one bedroom granny flat. It is an old barn/store situated in close proximity to the eastern boundary of the curtilage of Dolphin House. The barn would require extensive refurbishment of the original structure plus an extension to the east in order to provide sufficient space for the necessary accommodation. Access to the granny flat would be by way of the existing drive to Dolphin House on the west side of the property and then around behind the rear elevation of Dolphin House.

3. From all the representations made to me in writing and from my inspection of the site and its surroundings, I consider that this case turns on two main issues. First, whether proposed development would create a new dwelling in the countryside, contrary to the objectives of national and local policies which seek to protect the countryside from inappropriate development. Second, whether the proposed development would be detrimental to the living amenities of nearby residents.

4. The local policies contained in the Structure Plan, particularly Policy P7/5, (7/3), say that residential development in the countryside will normally only be allowed where there is an agricultural need. This local policy is in line with current national policy. You have not claimed an agricultural need on behalf of your client but you suggest that conversion of the existing structure into a granny flat to house the elderly mother of the appellant would be a justifiable need.

5. Although the Planning Authority do accept that such needs can be the basis on which development in countryside locations can be allowed, they require that any accommodation for an elderly person within the curtilage of an existing dwelling should be attached to that dwelling. They consider that

this is necessary so that the accommodation cannot be used as a separate dwelling at some future date when its original purpose is no longer required. I agree with the Council's view that your proposal would be tantamount to a new and separate dwelling in the countryside. This would constitute an inappropriate development in the countryside, unrelated to any settlement and detrimental to the aims and objectives of local and national policy.


6. On the second issue, your proposal would require the use of one access from Thurlands Drove into two dwellings. This would involve access to the proposed bungalow by vehicles and pedestrians passing close to Dolphin House and the living rooms in that dwelling. Noise and disturbance would result and adversely affect the living amenities of the residents of Dolphin House. There would also be an unacceptable intrusion into the privacy of Dolphin House from cars and people passing alongside and behind this dwelling to gain access to the dwelling at the rear.

7. I have taken into account the fact that most of the building exists and that the Council allow for the conversion of suitable redundant buildings in the countryside to other uses. However I do not consider that this structure is suitable because of its location and because it has no special features which would warrant protection. I take the view that there are too many factors against this proposal which outweigh the personal circumstances of your client.

8. I have taken all other matters in support of this appeal into account but I find none so cogent as those on which I have based my decision.

9. For the above reasons, and in exercise of the powers transferred to me I hereby dismiss this appeal.

I am Sir  
Your obedient Servant

  
P.M. BRANNAN BSc CEng MICE MIHT MBIM  
Inspector