

Planning statement.

The prior use of the building was as a garage for the house. The applicant has converted the garage and is using the converted garage as accommodation for their parents so that they can be cared for in the family home with the facilities that they need for their health requirements. We believe that the change of use is lawful and does not require a planning application and we are making this application to confirm that this is the case.

The use of the building will be incidental to the main dwellinghouse and will not be a separate planning unit. The existing house has sufficient parking for at least 4 – 8 cars (although there will be no additional parking requirement).

The annexe would share facilities with the main dwelling in the form of pedestrian (and vehicular) access, car parking, the garden and utility services.

With reference to section 55 of the T&C Planning Act, the client does not need to apply for planning permission as there is no change of use. The use of the planning unit including the garage is wholly within Class C3. If the use of the outbuilding/garage is later changed from incidental (garage) to primary or ancillary residential accommodation (e.g. as additional bedroom accommodation) the use of the planning unit is still wholly within Class C3. Therefore, by virtue of section 55(2)(f), there has been no change of use requiring planning permission.

The external changes to the building are covered by permitted development and do not materially affect the external appearance of the building.

Uttlesford DC v SoSE and White [1992], which considered a garage attached to a dwelling that had been converted to a 'granny annexe', is also of interest. An inspector had determined that where a domestic garage within a residential curtilage was used for living accommodation in connection with the dwelling, no material change of use had occurred. The court agreed, ruling that the fact that the elderly occupier of the annexe had living facilities that enabled her to live independently from the rest of the family did not amount to the creation of a separate planning unit that required permission.

In Uttlesford District Council v Secretary of State for the Environment and White [1992], it was held that the use of an outbuilding in the curtilage of an existing dwellinghouse for primary residential purposes does not involve a material change of use where it is used in conjunction with the dwelling.

The essential question is whether the use of the curtilage building has created a separate planning unit. Where such a building is occupied by someone unconnected with the original dwelling or has

been severed from it and has its own curtilage, a separate dwelling will have been created. But the line taken in the Uttlesford case and later appeal decisions suggests that use by family members does not constitute a sufficient degree of "separateness", even where such a person lives independently from those occupying the main dwelling.

The judgment in Uttlesford District Council v Secretary of State for the Environment and White [1991] established that permission is not required to convert a garage in a residential curtilage to an annexe capable of independent accommodation, provided both it and the existing dwelling remain in the same planning unit.

Summary: The use of the converted garage becoming an annexe is closely linked to the house and will remain as part of the existing dwellinghouse.

There is no material change to the external appearance of the building. There are changes to the exterior of the building but these do not affect the overall appearance and are changes covered by PD rights.

It will be used by a family member who needs caring for but also requires a degree of independence.

There is no change of use - the unit is still C3.

There is no creation of a separate dwelling so there is no development.

Case law has established that annexe accommodation can contain all facilities required for day to day living.