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Planning Department
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Our Ref: KHC/JEP20/1
Your Ref:
Date: 04 August 2021

Dear Sirs

Planning Application – Ancillary Use Planning Obligation Request

We are instructed by Mr & Mrs Jepson and write with regard to their planning application for “Demolition of Existing single storey garage and replacement with 2-storey side extension including an external store and workshop. Existing entrance porch to be extended with replacement external steps” at 82 Crescent Road Reading.

Our Clients submitted a pre-application request (Reference: 210346/PREAPP) to establish whether the Council would respond positively to the above application. The Council’s pre-application response confirmed that should the application be submitted the Council would require our Clients to enter into a Section 106 Agreement to secure a restriction on the use of the extension, that is to use the extension only as ancillary to the main dwellinghouse. The Policy relied on by the Council is Policy H9 of the Local Plan.

Policy H9 of the Local Plan provides that *“...ancillary accommodation, such as granny annexes, will be acceptable where it would not be capable of operating as a separate dwelling which could be let or sold separately”*. The supporting text to this policy provides that *“planning conditions and, where necessary, obligations will ensure that extra accommodation remains ancillary to the main dwelling.”*

In the first instance we do contest the need for any restriction on the use of the extension. The supporting text to Policy H9 of the Local Plan states that *“ancillary accommodation could be considered a separate dwelling where it:*

- Is self-sufficient in terms of facilities e.g. kitchens or bathrooms*
- Has its own front door without internal links to the main house and/or*
- Has its own external facilities e.g. access, drive, garden or has scope for these to be easily created”*

The pre-application response does not suggest that any of the above supporting text criteria are met. Whilst the development proposes an additional access door to the main dwelling and an additional toilet, it does not propose any ancillary development which would

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facilitate the use of the extension as a separate dwellinghouse or business unit. Further the development is linked to the main dwellinghouse at the first floor level. The development does not meet the Council's own criteria to require such a restriction.

In the circumstances whereby the Council maintains that a restriction is required, we do not consider a planning obligation to be necessary in the circumstances. Instead, we consider that a planning condition tying the use of the extension to the main dwellinghouse would be sufficient.

The National Planning Policy Framework (NPPF) clearly states at Paragraph 55 that *"planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."* The Planning Practice Guidance ("PPG") further provides that *"planning obligations, in the form of section 106 agreements and section 278 agreements, should only be used where it is not possible to address unacceptable impacts through a planning condition."*

In the circumstances, and in light of the NPPF and PPG guidance we would consider that a Planning Condition could and indeed should be imposed instead of a Planning Obligation and we suggest that the wording below is used:

"The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 82 Crescent Road Reading"

Given that it is possible to address unacceptable impacts via a planning condition; an obligation is not necessary and should not therefore be required by the Council.

We look forward to hearing from the Council at its earliest convenience that it agrees that no restriction is required in light of the lack of policy support. Alternatively should the Council continue to maintain a restriction is necessary we look forward to confirmation that a planning condition can be imposed rather than requiring a planning obligation to be entered into.

Yours faithfully

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