
Appeal Decision

Site visit made on 1 August 2017

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18th August 2017

Appeal Ref: APP/Y9507/D/17/3177352

**Cottage on the Green, Peace Road, Heyshott, Midhurst, West Sussex
GU29 0DF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Jean Williams against the decision of South Downs National Park Authority.
 - The application Ref SDNP/17/00178/HOUS, dated 3 February 2017, was refused by notice dated 31 May 2017.
 - The development proposed is demolition and replacement of detached annexe to 'Cottage on the Green'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are firstly the effect of the proposal upon the setting of the listed building 'Cottage on the Green', the historic character and landscape of the area and the South Downs National Park. Secondly, whether it would be likely to result in the creation of a separate dwelling within the countryside.

Reasons

3. The appeal site contains the Grade II listed dwellinghouse 'Cottage on the Green' along with various outbuildings. The proposed building would be located within a grassed area which is separated from the remainder of the site by a post and rail fence.
4. The existing annex building has been used for a considerable period of time to provide accommodation for family members of the appellant and it appears to be currently in such use. Other than the existing annex building, there is also an existing building comprising of stables and a car port adjacent to the siting of the proposed development.
5. The Council states that this grassed area was historically known as Heyshott Green. The houses to the west along with 'Cottage on the Green' appear to have historically surrounded the green. Whilst this grassed area appears no longer to be publically accessible and is separated from the main access road by a fence and landscaping, it is still legible as the green and contributes to the

historic fabric of the area, including the setting of the listed 'Cottage on the Green'.

6. The existing residential annex is single storey with a low profile roof. As such its modest size and height limits its visual impact upon the site and its surroundings. It also does not have existing hardstandings of any significance immediately adjacent to it. In comparison, whilst its width fronting Peace Road would be the same as the existing annex, the proposal would be of a considerably greater size and massing than the existing annex. Its high roof in comparison to the existing outbuildings, including a dormer window to the first floor bedroom, would appear as unduly dominant in this location. As a result, in this location at the front of the site, it would be significantly more prominent and visually intrusive than the existing building. It would also have its own separate parking area, extending the existing hardstanding associated with the stables/car port building.
7. Whilst the appellant proposes that additional landscaping would take place on the adjacent boundary of the site, this would not overcome the harm I have identified. Such planting would not alter the relationship of the proposed building with the existing main dwelling on the site and it would only have a limited impact on the how the historic green area would be perceived. Moreover, whilst the design has sought to reflect that of the main dwelling 'Cottage on the Green' this does not overcome the harm that would result from its siting, size and massing.
8. As a result of these factors, I consider that the proposal would result in considerable harm to the setting of the listed building 'Cottage on the Green' along with the general historic character and setting of the area. Whilst its impact would be restricted to the immediate vicinity of the site, it would also result in limited harm to, and therefore would not conserve the landscape and scenic beauty of the South Downs National Park. In the context of paragraph 134 of the National Planning Policy Framework ('the Framework') the harm to the setting of the listed building would be less than substantial. However, this would not be outweighed by any public benefits of the proposal.
9. The proposed development would be contrary to the design, heritage and landscape protection aims of policies BE4, BE11, BE14 of the Chichester District Local Plan 1999 First Review and the Framework.
10. The accommodation proposed, over two storeys, comprising two bedrooms, a kitchen, lounge/dining room and bathroom would be akin to a small independent dwellinghouse. However, it has been proposed in the application as an annex to the existing main dwellinghouse and not as an independent residential unit. The existing annex includes a bathroom and kitchen recess and hence it is largely self-contained, though it offers more limited overall accommodation in comparison to the proposed annex.
11. I have also taken account of the proposed separate parking area and the proposal's physical detachment from the main dwellinghouse on the site including the separation between the garden area adjacent to the main dwellinghouse and the separate grassed area where the appeal building is proposed. The building would also be orientated with its front elevation facing to the north, away from the main dwelling which would further diminish the relationship between the two.

12. The creation of a separate dwellinghouse in this location would appear to be contrary to the Council's aims of restricting new development in the rural area outside settlement policy areas as set out in policy RE1 of the Chichester District Local Plan 1999 First Review. However, in the event that the appeal were to be allowed it could be possible to attach a condition requiring that the occupation of the annex is solely for purposes ancillary to the residential use of the main dwelling. I have no representations before me regarding whether such condition would be reasonable or enforceable in this case.
13. Though I do have some concerns in this regard given the separation of the proposed building from the main dwelling and the level of accommodation proposed, the appellant is clear that the building is proposed to be used as an annex and not a new dwelling and it would also replace the existing annex in a similar location. I have no reason to doubt the appellant intention for the proposal to be used as an annex and this is not a case where the inevitable effect of a planning permission would be to create a separate independent dwellinghouse.
14. Therefore, from the evidence before me, give the possibility of using a condition to restrict the use of the proposal as an annex to the main house, I find there to be no significant conflict with policy RE1 of the Local Plan.
15. The Council also refers to policy H12 in its second reason for refusal. However, this policy relates to the extension or replacement of a permanent dwellinghouse. This proposal amounts to neither - it proposes the replacement on an existing annex rather than a dwellinghouse. On this basis, I therefore find no conflict with this policy.

Other matters

16. The appellant refers to a similar development at Corner Meadow on Bex Lane, Heyshott. However, only limited details have been provided of the particular circumstances of this development including the approval granted for it. I have therefore given it only modest weight. In any case, I have considered the appeal proposed on its particular merits, finding the harm outlined above.
17. I acknowledge that the appellant is seeking to provide improved residential accommodation to replace the existing annex. I have given this moderate weight, but find that it does not outweigh the harm I have identified.
18. The appellant has suggested a condition that the proposed annex is re-sited onto the area of the stable and carport in order to benefit from the established large area of tree and hedge screening. Such a revision, would materially alter the proposed development and, notwithstanding the merits of doing so which I have not considered, has not been subject to consultation or publicity. I have therefore not taken such a proposed revision to the siting into account in my determination of this appeal.

Conclusion

19. Whilst I do not consider it inevitable that the proposal would result in the creation of a separate dwellinghouse, it would result in harm to the setting of the listed building 'Cottage on the Green', the historic character and landscape of the area and the South Downs National Park. This harm is the overriding consideration.

20. The proposed development would be contrary to the development plan when read as a whole and there are no material considerations to lead me to conclude other than in accordance with the development plan. For the above reasons and having considered all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR