



Appeal Decision

Site visit made on 11 February 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/Z3825/W/19/3241353

Oakfield Farm, Wineham Lane, Wineham, West Sussex RH17 5SD

- 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 Miss Charlotte Sturdy against the decision of Horsham District Council.
 - The application Ref DC/19/1070, dated 17 May 2019, was refused by notice dated 11 October 2019.
 - The development proposed has been described as “the demolition of redundant existing farm buildings and erection of single storey ancillary accommodation to main dwelling.”
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed building would constitute a separate dwelling and, if so, whether such a proposal would represent an acceptable form of development in this location.

Reasons

3. The proposal would see the replacement of an existing structure with a building that has been described as an annexe. The proposed building would be smaller than the existing dwelling at the appeal site but would be of sufficient size to host 2 bedrooms and all facilities required to enable self-contained occupation. To be an annexe, the proposed accommodation should be ancillary to the residential use of the existing building at the site.
4. The proposed building would be detached from the existing building at the site and would be orientated with its rear elevation facing away from the existing house and its garden. As a result, the main outlook from the proposed building would be towards an area of green space that is partially separated, by a hedge, from the main garden of the host dwelling. Therefore, the existing and proposed buildings would be able to be occupied without sharing a garden. Furthermore, the use of the same access and parking area is not sufficient to demonstrate that the buildings would be closely associated as it is not unusual for these features to be communal. Therefore, as a result of the positioning and orientation of the proposed building, it would not have a close physical association with the existing building.
5. Notwithstanding this, where there is a clear indication that the occupants of an annexe would be dependent on the occupiers of the house and would undertake some activities within the main dwelling, it could be possible to conclude that the accommodation would be ancillary to the existing dwelling.

However, in this case, the proposed building would contain all facilities required to enable occupancy without any form of dependency on the host dwelling. Whilst it is reasonable to expect an annexe to include some washing, cleaning and kitchen facilities for the sake of convenience, the extent of the facilities that are proposed would enable entirely independent occupation. For these reasons, the building would be capable of being used as either a self-contained dwelling or an annexe.

6. I acknowledge the personal circumstances of the intended occupiers of the building and have had regard to the health issues which have guided the type of accommodation that is proposed. I also note that the appellant wishes to provide accommodation that is within easy reach of the site's existing residents. However, the appellant's submissions acknowledge that the accommodation would be self-contained and provide minimal details of how future occupiers of the building would be dependent on the occupiers of the existing building. In this case, whilst the aim to provide convenience to the intended occupiers is understandable, this minimises any dependency on the host dwelling and the supporting submissions do not clarify what care would be provided by the occupiers of the host dwelling or how the occupiers of the existing and proposed buildings would interact.
7. As such, the description of how the building would be occupied is not sufficient to demonstrate that the building would be used in a manner that is ancillary to the occupation of the existing dwelling at the site. Furthermore, I do not consider that reliance on the residents of the host dwelling to provide transport, due to the occupiers no longer driving, is necessarily an indicator of day-to-day dependence.
8. I have had regard to paragraphs 54 and 55 of the National Planning Policy Framework (The Framework) and the suggestion that a condition be imposed to restrict the occupancy of the building to that which would be ancillary to Oakfield Farm. However, as a result of the abovementioned considerations, I cannot be satisfied that the intended use of the building would comply with such a condition. Moreover, the ability for a solicitor to undertake a local property search, would not be sufficient to address concerns that the location of the development would make compliance with the condition sufficiently monitorable. Therefore, I am not satisfied that the suggested condition would comply with the requirements for conditions to be precise, enforceable and reasonable that are set out within The Framework.
9. Furthermore, I am not satisfied that any alternative condition could be imposed that would alter my findings that the building would not have an ancillary relationship with the existing dwelling at the site. Whilst it has been identified that another Local Planning Authority granted planning permission subject to a similar condition to that which has been suggested, I have not been provided with sufficient details to ascertain whether the proposal and the circumstances are comparable. As such, this does not lead me to conclude that a condition can be imposed to address the circumstances of this site.
10. As the proposed building would be positioned remotely from the existing building and its immediate garden and as the building would include sufficient accommodation to be occupied independently of the host dwelling, the development would be tantamount to the creation of a new dwelling in the countryside. In this regard, the location of the proposed development within

the countryside and remote from the services and facilities provided by settlements, would cause it to be contrary to the Council's spatial strategy that is contained within the development plan.

11. Having regard to the abovementioned suggestion that the occupiers of the building would not drive, it would not be reasonable to secure this through the imposition of a condition. Even if the proposed occupiers did not have access to their own car, there would still be a likelihood that they would need or wish to access services and facilities which would require journeys to be made. Therefore, given the remote location, not having access to a car would not make the development acceptable in terms of accessibility. The presence of the neighbouring care home and livery uses, which the appellant has stated generate trips and activity, does not alter my assessment in this regard.
12. For the reasons given above, the proposed building would constitute a separate dwelling and such a proposal would not represent an acceptable form of development in this location. The development would, therefore, conflict with policies 2, 3 and 26 of the Horsham District Planning Framework (HDPF), adopted 2015, which set out the strategic approach towards locating development and seek to maintain and protect the district's rural character and reduce the need to travel by preventing inappropriate development.
13. Whilst policy 4 of the HDPF has been included in the Council's reason for the refusal of the application, as this relates to the expansion of settlements, I do not find it relevant to the development proposed.

Other Matters.

14. In addition to the examples of other nearby uses and developments that have been set out above, it has been brought to my attention that dwellings have been approved at 3 other sites, including at Pook's Farm, Wineham Lane. However, minimal details of these cases have been provided and, as such, it is not possible to ascertain whether the proposals, the circumstances or the applicable policies are the same. Accordingly, they do not represent a reason to reach a different conclusion in respect of the main issue.
15. Whilst no objections were raised to the proposal by Cowfold Parish Council or the Highway Authority and the Council raised no other objections, including with respect to the effect on the living conditions of neighbouring residents and the design of the building, these factors do not outweigh the harm caused in respect of the main issue.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR