



Appeal Decision

Site visit made on 25 January 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Appeal Ref: APP/Z3825/W/21/3276257

Whiteoaks, Shoreham Road, Woods Mill, West Sussex BN5 9SD

- 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 Mr Tracey Tingey against the decision of Horsham District Council.
 - The application Ref DC/20/2355, dated 24 November 2020, was refused by notice dated 29 April 2021.
 - The development proposed is 'retrospective application for the erection of detached double garage'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use to residential curtilage and the erection of a detached double garage at Whiteoaks, Shoreham Road, Wood Mill, West Sussex BN5 9SD in accordance with the terms of the application, Ref DC/20/2355 dated 24 November 2020 and the plans numbered 003a and 003b. The permission is subject to the following conditions:
 - i) The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Whiteoaks, Shoreham Road as a dwelling and shall not be used as a separate unit of accommodation.
 - ii) No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of a formal application.

Preliminary Matters

2. I note that the description of development was amended by the Council to include the change of use of the land to residential curtilage, which more accurately describes the development. The amended description was used by the appellant on the appeal form and I have determined the appeal on the basis of this amended description, but I have omitted reference to 'the retention of' as this is not an act of development.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. There are no substantive changes relevant to the appeal before me and therefore no interested parties would be prejudiced by my consideration of the 2021 version of the Framework.

4. I have observed that the development described above has already been carried out.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The character of the area is distinctly rural and Whiteoaks is one of a number of properties which line the western side of this part of Shoreham Road. The properties vary in their character and appearance and have varying degrees of set backs from the road, with some plots having detached outbuildings. Whiteoaks is set behind substantial gates which provide access to a long plot and which comprises a number of buildings and structures towards the front of the site.
7. The proposed garage building sits behind the front building lines of Whiteoaks and Sunnysdene to the north, and is adjacent to the tarmacked driveway and close to the main property. I am therefore of the view that its location supports the perception of the building being ancillary to Whiteoaks. In addition to its location, the scale and character including materials, result in the building respecting the appearance of Whiteoaks. The roof form including its small scale dormer windows and red roof tiles, mirror those on the main property, albeit of a reduced scale. Cumulatively these features result in the development reading as an ancillary addition to Whiteoaks.
8. The development can be seen from Shoreham Road in views over the front boundary treatments. While taller than some of its neighbouring single storey buildings, the development reads as part of the cluster of buildings which exist in this location and I do not consider it to appear incongruous in this setting given its proximity to other buildings of varying sizes.
9. Overall, I am of the view that the garage relates well to the host building due to its scale, design and location and forms an acceptable part of the ribbon development on this side of the road.
10. It would not appear that there are other alternative structures within the residential curtilage of Whiteoaks which could have been used for garaging purposes, which is part of the assessment required under policy 28 of the Horsham District Planning Framework 2015 (HDPF). Overall, I find that the development supports sustainable development in the countryside and protects the rural character of the area, compliant with the overarching aims of policies 26 and 28 of the HDPF.

Other Matters

11. The change of use of the land from agricultural to residential did not form a part of the Council's reason for refusal. Given the site's proximity to the existing residential curtilages on Shoreham Road and its physical separation from the agricultural uses to the west, I consider the proposals would not harmfully impact the rural character of the countryside and would represent sustainable development in a rural area, compliant with the aims of policy 26 of the HDPF.

12. I note the concerns of third parties that the development was carried out without first receiving planning permission. However, Planning Practice Guidance recognises that a retrospective planning application can be an appropriate way to regularise the situation and the guidance is clear that such applications must be dealt with in the normal way. Therefore this has not affected how I have dealt with the appeal, which has been considered on its planning merits. I also note concerns regarding potential for future development on the wider site, however, this appeal relates only to the development described above.
13. I also appreciate that the garage is larger than the minimum space standards for garages, however this in itself does not represent a conflict with planning policy. For the reasons discussed I find the development proposed to have an acceptable impact on the character and appearance of the area. Concerns relating to the potential use of the building including its first floor level can be appropriately dealt with by imposition of a planning condition as discussed below.
14. I note that the Council did not refuse the development on the basis of harm to the living conditions of neighbouring occupiers. Following my assessment and site visit, I have no reason to disagree with their conclusions that the impact on the living conditions of neighbouring occupiers is acceptable given the distance from the neighbouring buildings of Sunnydene and Cannondene.

Conditions

15. I have considered the conditions put forward by the Council and I have had regard to the advice in Planning Practice Guidance and the Framework in respect of conditions. I have imposed a condition requiring that the building be used only for purposes ancillary to the main house in the interests of the living conditions of future and neighbouring occupiers, and have amended the road name used to align with the site address provided by the appellant. A condition is imposed to ensure that no external lighting be installed without the further permission of the Council in order to protect the rural character of the area. As the development in question does not entail the creation of a dwellinghouse, this building would not, itself, benefit from permitted development rights as described within the Council's recommended condition. Therefore I do not consider a condition removing permitted development rights for the garage to be necessary. I do not consider it would be reasonable or proportionate to remove the permitted development rights of the main property, Whiteoaks, through this permission.

Conclusion

16. For the reasons set out above, the appeal is allowed.

C Shearing

INSPECTOR