
Appeal Decision

Site visit made on 15 February 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal Ref: APP/Y9507/W/21/3277896

Hill View, Cocking Causeway, Cocking GU29 9QG

- 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 Frank Hill against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/03967/HOUS, dated 27 August 2020, was refused by notice dated 15 April 2021.
 - The development proposed is to replace an existing outbuilding within the curtilage of Hill View with a detached annexe.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the refusal of the planning application and the submission of the appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. I have taken the revised Framework into account where relevant to my decision.

Main Issue

3. The main issue is whether the appeal scheme is a suitable location for the proposed residential accommodation, having regard to whether the annexe would be ancillary or incidental to the main dwelling or a separate independent dwelling unit, the location of the site within open countryside and the effect of the appeal scheme on the character and appearance of the area.

Reasons

4. The appeal site is located on the east side of Chichester Road, within open countryside to the south of Midhurst, and within the South Downs National Park. It lies within a small group of dwellings located around the junctions of Chichester Road, Oaklands Lane and Dunford Hollow. There are variety of architectural styles and a sporadic layout of built development, with buildings generally set within spacious, maturely landscaped plots, so that the area has a tranquil, green and rural character.
5. The site is occupied by a detached chalet-style dwelling, which fronts onto Chichester Road. There is vehicular access from this road, which serves driveway parking and a car port attached to the side of the dwelling. There is

also a detached garage at the rear with an adjacent parking area, which are accessed from Oaklands Lane.

6. The L-shaped site extends to the rear of the adjacent detached dwelling at Comrie, where it is proposed to replace an existing workshop/store building with a detached single storey annexe in the same, set back, position relative to the site frontage. The external finish would be timber cladding and brick, under a tiled hipped roof. A new car port would be sited between the side of the annexe and the existing garage, and would share access from Oaklands Lane with the garage.
7. The appeal site is located outside of the designated settlement boundary, where Policy SD25 of the *South Downs Local Plan* (2019) (the Local Plan) allows only a limited range of development. These exceptions include development which complies with relevant Local Plan policies, responds to the context of the relevant broad area or river corridor, and meets one of 4 listed alternative criteria, including an essential need for a countryside location. There is no dispute between the main parties that the proposal would not accord with any of the 4 listed criteria of Policy SD25.
8. In respect of Policy SD25 exceptions which accord with relevant Local Plan policies, Policy SD31 is pertinent. This allows annexes and outbuildings outside the designated settlement boundaries, subject to a number of criteria, including a need to respect the established character of the local area. The policy also requires proposals for annexes to demonstrate the functional and physical dependency on the host dwelling.

Whether ancillary or incidental to the main dwelling or a separate independent dwelling unit

9. The proposal comprises the construction of a detached building to provide accommodation with living room, breakfast room kitchenette, bedroom with an en-suite bathroom, study/bedroom, shower room, entrance hall and store. A car port would be provided to one side, and an external utility area to the other. Patio doors would provide direct access from the living room to a front patio connecting with a lawned area of garden located between the building and the Oaklands Lane frontage.
10. As such, the building would have all the accommodation and facilities required for independent living. However, that does not, of itself, create an independent dwelling house, and it is a matter of fact and degree as to whether or not the development would be occupied as an annexe or an independent separate dwelling.
11. The appellant states that the annexe would provide flexible living space to accommodate regular visits from family and friends, and, that whilst the host property has been used for this purpose so far, this has proved to be uncomfortable and overcrowded during instances of prolonged stays or visits involving a greater number of guests.
12. The Local Plan supporting guidance in applying Policy SD31 states that an annexe should usually be incorporated within, or physically attached to the host dwelling, and that, where an extension to provide an annexe is not practical, consideration will also be given to the size of the detached annexe and subordination to the host dwelling.

13. I have no demonstrable evidence before me that additional accommodation to meet the appellant's stated needs could not be provided within, or be physically attached to, the host property, which has been created from the amalgamation of two former semi-detached dwellings, and sits within a spacious plot.
14. Moreover, whilst I acknowledge that it would be desirable for relatives to stay close by, whilst not impacting on the living conditions of the occupiers of the host property, there would be no functional connection between Hill View and the proposed annexe accommodation. This is because, albeit that the proposed annexe is of a modest overall size, below the maximum additional floor space figure allowed by Policy SD31 and below the national minimum space standards, the proposed living accommodation, together with adjacent patio, garden, car port and external storage area, would provide sufficient facilities to enable the accommodation to function as a separate unit.
15. Whilst sited within the grounds of the host property, the annexe would be notably detached from the host property, situated behind the rear garden of the neighbouring property at Comrie and directly facing Oaklands Lane. As such, and having regard to the overtly domestic appearance of the building, the development would assume a layout and character strongly associated with that of separate dwelling located within Oaklands Lane.
16. The new building would be separated from the host dwelling and its large rear garden by the existing garage and its access from Oaklands Lane. As such, given its single storey height, there would be a low degree of visibility of the building from within the host property, particularly at ground floor level, and its rear garden, so that the building would be physically and visually detached from the main dwelling.
17. I have noted the intention for the appellant and the occupiers of the annexe to share the vehicular access from Oaklands Lane, the car port parking and the patio and garden area to the front of the annexe. However, parking and access for the host property is not dependent upon these facilities, as the host property also enjoys additional access from Chichester Road which serves car port and driveway parking, sited close to the main front entrance of the building.
18. As such, the juxtaposition of the garage, car port and access from Oaklands Lane makes independent access for the annexe building possible. Even if vehicular access from Oaklands Lane were to be shared by the host property and the annexe, the building would still be capable of independent occupancy, with designated car parking under the proposed car port.
19. Moreover, the close proximity of the patio and lawn to the annexe, its screened nature in views from the road, and its physical separation from the host property and its large front and rear gardens, means that it readily lends itself to sole use by occupants of the annexe. In practical terms, it is not unreasonable to assume that occupiers of the host property would use the large areas of garden to the front and rear of the dwelling instead, which are more easily accessible from the dwelling.
20. I acknowledge that the proposed annexe is within the same ownership as the host property, and that utilities, services and postal arrangements are currently shared. However, there is no mechanism before me to ensure that these circumstances would remain unchanged in the future, and subsequent changes

to these arrangements would not necessarily be obvious to the Council or third parties.

21. Therefore, taken together, the evidence suggests very strongly that, as a matter of fact and degree, what is proposed, on the balance of probabilities, would be able to function as a separate independent dwelling unit. Given the reasonable likelihood that the building could be occupied as a separate independent residential dwelling, I do not consider that a planning condition requiring ancillary occupation of the annexe would be effective and enforceable in this case.

Character and appearance

22. Whilst the existing building is of a functional, utilitarian design constructed of corrugated asbestos panels, it has the appearance of a rural outbuilding, and it sits unobtrusively within its surroundings, having an unassuming visual presence within the group of residential properties within which it is located.
23. There is no objection to the proposed architectural style and materials of the new building per se, which would reflect the mix of dwelling styles within the locality, and the rural location of the site. However, the clearly residential design, combined with the increased height, bulk and massing of the replacement building, would result in the building taking on a more visually dominant role within the site. This together with its position to the rear of Comrie, orientation in relation to Oaklands Lane, and positioning behind a formally laid out garden and patio, results in a layout and form of development which is akin to that of an additional independent dwelling and its plot.
24. The resulting perceived plot would be uncharacteristically small in relation to the prevailing density of residential development within this rural enclave of dwellings. Its position to the rear of Comrie, would result in an incongruous 'back-to-back' arrangement of residential development which would be out of keeping with that of the surrounding residential development.
25. The position of the new building close to the rear and north side boundaries, and the adjacent existing garage, together with the modest garden size, would result in an unduly cramped and congested layout of development, which would be at odds with the more spacious arrangement of buildings with front and rear gardens which is typical of the locality.
26. When combined with an associated intensification of the use of this part of the appeal site as a result of its residential occupation and likely increased amount of domestic paraphernalia close to the building, and increased comings and goings to this part of the site, the result would be discordant intensification of use of the site to the detriment of the established pattern of development, which would materially harm the character and appearance of this part of the National Park countryside.
27. For the above reasons, I conclude that the appeal scheme does not propose a suitable location for the proposed residential accommodation, having regard to whether the annexe would be ancillary or incidental to the main dwelling or a separate independent dwelling unit, the location of the site within open countryside and the effect of the appeal scheme on the character and appearance of the area. As such, the proposal does not accord with Local Plan Policies SD31 and SD25. These policies, amongst other things, require

development for the provision of annexes to demonstrate the functional and physical dependency on the host dwelling and respect the established character of the local area.

28. This is consistent with Chapter 15 of the Framework, which seeks to conserve and enhance the natural environment, including attaching great weight to the conservation and enhancement of landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

Other Matters

29. Since the refusal of the planning application and the submission of the appeal, the Council, in its appeal statement, has confirmed that Natural England has issued a Position Statement in respect of planning applications within the Sussex North Water Supply Zone. This states that it cannot be concluded, with the required degree of certainty, that existing abstraction within this zone is not having an adverse effect upon the integrity of the Arun Valley SAC, SPA and Ramsar sites. Its advice is that new development within this zone should not add to this impact, and that it should not be approved unless it can be demonstrated that it is 'water neutral' and/or would not result in a significant effect. This applies to the appeal scheme, which has the potential to result in an increase in water abstraction above that associated with the current use of the site.
30. Within the context of this appeal, the responsibility for assessing the effects of the proposal on the European designated sites fall to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter further, by seeking further comments from both main parties. I would also need to undertake an Appropriate Assessment of the implications of the appeal scheme for the European designated sites. However, as other main issues provide clear reasons for dismissing the appeal, the outcome of any such Appropriate Assessment would have no bearing on the overall outcome of this appeal. There is therefore no need for me to consider this matter any further as part of my decision.
31. The appellant has referred me to pre-application advice that was received from the National Park Authority. Notwithstanding this, I am not bound by the advice given by the Council prior to the submission of the planning application, and it does not alter or outweigh my conclusion on the main issues.
32. The appellant has drawn my attention to other allowed appeals¹ and a planning approval² relating to existing and proposed residential annexes, involving consideration of whether the living accommodation would be ancillary to the use of the dwelling. On the basis of the information before me, I do not find the combination of circumstances in respect of each of these schemes to represent direct parallels to the current appeal scheme, having regard to factors including the amount and standard of living accommodation, the layout of the building in relation to the main dwelling, the heritage status of the building, access arrangements, position of amenity space, visibility of the building from the

¹ APP/L3815/C/16/3158037 & 3161113, APP/Y9507/D/15/3136599, APP/Q5300/D/16/3147827 and APP/B3438/A/12/2188171

² LPA Ref: SDNP/20/01359/HOUS

main dwelling, the functional relationship between the occupiers of the annexe and those of the main dwelling. As such, since the matter of the creation of an independent unit of accommodation is a matter of fact and degree in each case, these decisions do not persuade me to come to an alternative view in respect of the current appeal scheme, which, in any event, I have determined on the merits of the appeal site circumstances and the scheme before me.

Conclusion

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

S Leonard

INSPECTOR