



Appeal Decision

Site visit made on 1 March 2022

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/D3830/W/21/3279870

The Frog And Effet, Stairbridge Lane, Bolney RH17 5PA

- 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 Joshua Attwood against the decision of Mid Sussex District Council.
 - The application Ref DM/21/0070, dated 2 January 2021, was refused by notice dated 10 March 2021.
 - The development proposed is "We currently live in a separate annex to the main house and we would like to separate the two properties with the goal being to create two different addresses as we intend to sell our property. We propose to do this by dividing the land up with a 5 foot fence with a 1 foot trellis attached and creating a new gated entrance at the front of the property".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development in the banner heading has been taken from the application form, but it includes matters that are not acts of development. As the Council's description, which is "Proposed separation of annex from main house to create a separate dwelling. To include a 5 foot fence with trellis attached to divide the land and creating a new gated entrance at the front of the property", more accurately describes the development proposed, and as I do not consider that anyone's interests would be prejudiced, I shall deal with the appeal on that basis.
3. A fence has been erected and separate access to the appeal building has been formed. They are generally in accordance with the application plans.

Main Issue

4. The main issue is the effect that the proposed development would have on the living conditions of the occupiers of The Frog and Effet and the appeal building, regarding privacy.

Reasons

5. The Development Plan includes the Mid Sussex District Plan 2014-2031 (LP) and the Bolney Neighbourhood Plan 2015-2031 (NP). LP policy DP6 sets out the settlement strategy for the District. The appeal site is outside the built-up area boundary of any settlement designated in the LP and the NP, so it is, in policy terms, in the countryside.

6. The site includes part of the grounds of The Frog and Effet (dwelling) and the appeal building (annex). The Council states that the annex has been restricted to be used for the accommodation of the owner or occupier or members of the family of the owner or occupier of Frog and Effet, Stairbridge Lane, Bolney or of staff employed at the said property, by an agreement under Section 52 of the Town and Country Planning Act 1971, entered into by the former owner and the former Cuckfield Rural District Council.
7. The nearby land slopes gently down from roughly north to south, so the 2 storey annex is at a lower level than the dwelling. The annex is sited close to Stairbridge Lane, with the dwelling close by beyond it to roughly north. Because the front of the dwelling broadly aligns with the back wall of the annex, and because its L-plan back extension extends further south than the main part of the dwelling, it lies very close by to roughly north west, with the grounds of Hop House adjoining or close by beyond it. The surrounding mainly open countryside, which includes irregular-shaped fields partly edged by hedgerows with occasional trees and woodland blocks, has a rural character.
8. LP Policy DP12 aims to permit development in the countryside provided it maintains or enhances the quality of the rural and landscape character of the District, and is necessary for agriculture, or is supported by a specific Development Plan policy. LP Policy DP15 aims to permit new homes in the countryside where special justification exists in accordance with one of several criteria defined in the Policy. None are applicable to the annex.
9. LP Policy DP6, which aims to support the growth of settlements where this meets identified local housing, employment, and community needs, designates Bolney, which lies some way to roughly north west, as a Category 3 settlement. It states that outside defined built-up area boundaries, the expansion of settlements will be supported where the site is allocated in the Development Plan or where the development is for fewer than 10 dwellings, and the site is contiguous with an existing built up area of the settlement, and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy. As the site is not contiguous with the existing built-up area of Bolney, the proposal would be contrary to LP Policy DP6.
10. So, whilst the annex exists and would not be altered, and the fence and access could be acceptable, there is no identified need for the proposed dwelling in this location, it is not necessary for the purposes of agriculture, and it is not supported by other Development Plan policies.
11. There are several south facing glazed openings in the sides of the dwelling, including a large area of glazing in the extension, and there are several roughly west facing ground and first floor glazed openings and a first floor balcony in the back of the annex. These glazed openings and balcony in the 2 buildings do not face one another directly. However, due to the differences in levels and the modest distances between the glazed openings in the dwelling and the glazed openings and balcony in the annex, and the relationships between them and their 2 proposed gardens including the paved areas close to their homes, the overlooking of the neighbouring occupiers' homes and grounds that would occur in both cases would significantly harm the neighbouring occupiers' privacy.

12. The proposal would provide a welcome new dwelling, and, amongst other things, the parish council has not objected. Even so, these other matters do not outweigh the harm that the proposal would cause.
13. Therefore, I consider that the proposed development would harm the living conditions of the occupiers of The Frog and Effet and the appeal building, regarding privacy. It would be contrary to LP Policies DP2, DP12, and DP15, LP Policy DP26 which aims for all development to not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, and guidance in the Mid Sussex Design Guide Supplementary Planning Document SPD. It would also be contrary to the National Planning Policy Framework (Framework) which seeks a high standard of amenity for existing and future users.

Conclusion

14. The proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
15. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR