



Appeal Decision

Site visit made on 12 June 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/Y9507/W/22/3310503

Orchard House, Arundel Road, Patching, Worthing BN13 3UH

- 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 J Rippon against the decision of South Downs National Park Authority.
 - The application Ref SDNP/22/03503/HOUS, dated 24 July 2022, was refused by notice dated 14 October 2022.
 - The development proposed is 'alterations to outbuilding to change 3 stables to 4 garages, create ancillary residential accommodation by raising the western ridge and inserting two 2 bed flats in the roofspace, with new rooflights and two dormers in the courtyard'.
-

Decision

1. The appeal is allowed and planning permission is granted for alterations to outbuilding to change 3 stables to 3 garages, create ancillary residential accommodation by raising the western ridge and inserting two 2 bed flats in the roofspace, with new rooflights and two dormers in the courtyard at Orchard House, Arundel Road, Patching, Worthing BN13 3UH in accordance with the terms of the application, Ref SDNP/22/03503/HOUS, dated 24 July 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal site has also been referred to as 'Orchard House Farm'.
3. Construction of an outbuilding on the appeal site approved by an earlier planning permission is at an advanced stage¹. The proposal is intended to complete part of the roof, elevations and internal layout of this building as an alternative scheme, including its use as ancillary residential accommodation.
4. The appellant's description of development (which appears in the banner above) and other documents refer to '4 garages' whereas the proposed ground floor plans show 3 garages, each a pair of double garages. The appellant has not objected to a condition suggested by the Authority to clarify that there would be 'three garage/parking areas'. I have, therefore, determined the appeal on this basis and amended the description in my decision above.

Main Issue

5. The main issue in this appeal is the effect of the proposal on the living conditions of the occupants of Selden Grange, including the occupants of a static tourist caravan, having regard to outlook and natural light.

¹ SDNP/13/05840/HOUS

Reasons

6. Orchard House and Selden Grange are two large houses in the countryside in the South Downs National Park (the SDNP). Their respective extensive gardens share a common boundary. Next to it on one side is the partially constructed U-shaped outbuilding. The main western part and back of this building runs along part of the boundary, next to a tourist caravan (in the style of a traditional roulotte) in the garden of Selden Grange. This part would have a taller roof and vertical elevation to eaves level than two shorter lower wings projecting away from the boundary to the east, towards Orchard House. It would also include ancillary residential accommodation.
7. The potential impact of development on private views is not usually a planning consideration as private individuals do not have a right to a view. Even if development significantly changes a view from a private property, including by replacing what may have existed previously, this is not normally a consideration on which planning approval can be refused, which is mainly concerned with the wider public interest.
8. In this case, the outbuilding is quite large in floor plan and the main outlook from Selden Grange, and most of the garden, is on the east side of this house. However, the outbuilding is sited on slightly lower ground and is mostly single storey. Apart from the top of the roof and some upper parts of elevations and the eaves in the back of the building, I saw that most of it would not be seen from the garden or ground floor habitable rooms of Selden Grange, including a lounge and dining room. This is because of intervening outbuildings, trees or hedgerow and fencing. It would be more obvious from first floor bedroom windows (including a main bedroom) but too low and distant to dominate in these downward views. Though in line-of-sight in some views this would be to a limited extent and not affect views either side or over the outbuilding. It would nestle into the wider context of Orchard House, farm buildings to the north or a backdrop of some much taller mature trees.
9. The main outdoor amenity areas of Selden Grange are closer to this house including a patio outside the lounge. The upper parts of the outbuilding would be too far and low from these parts of the garden, or any habitable room windows, to appear overbearing. Nor would it be tall enough to have any material adverse effect on restricting natural light to most of the garden or through these windows, including during sunrise. Natural light would otherwise be unaffected for most of the day and evening from the south, west and north.
10. The caravan is close to the outbuilding, separated by a narrow side passageway next to the boundary. A toilet and shower room obscure glazed opening window faces the outbuilding but the main internal aspect is to the north, west and south. While the length and vertical height of the rear elevation would be apparent to the occupants of the caravan, including from a rear open deck area, this sort of juxtaposition between buildings and uses even in rural areas is not unusual or unacceptable. The external amenity space for the caravan faces mainly to the west and north so would not be affected.
11. New hedgerow has been planted along the inside (Selden Grange) edge of the boundary. It already screens most of the existing vertical elevation of the outbuilding and gives an impression of seclusion. This planting could grow taller but even if not, a narrow upper band of vertical elevation would not be unduly overbearing and only mainly one end would be apparent to occupants of the

caravan (with the rest screened behind the caravan). Additionally, the shallow pitched slope of the roof up to the taller ridge would recede away from the caravan and its external amenity area. As such, while the outbuilding would have some effect on restricting a sunrise to the east, it would not be significant or unduly restrict natural light into the caravan or the external amenity space. The caravan would be occupied temporarily, not as permanent living accommodation, and as such there is no evidence that the outbuilding would render tourist use of the caravan in this position unviable or unattractive.

12. Taking all the above into account, I find that the proposal would not be visually or physically overwhelming or unduly compromise residential amenity. It would not, therefore, have an unacceptable effect on the living conditions of the occupants of Seldon Grange or the occupants of a static tourist caravan having regard to outlook and natural light.
13. Consequently, it complies with Policies SD5 and SD31 of the South Downs Local Plan, July 2019 and Policy PLACES 5 of the Patching Neighbourhood Development Plan, April 2018. These policies include that development should respect immediate neighbours and be suitable in form to avoid harmful overbearing impact or detriment to residential amenity by loss of light. There is also no conflict with section C.6.2(a) of the Authority's Design Guide, July 2022 as this guidance seeks proposals sensitively related to the scale and massing of neighbouring development and spaces.

Other Matters

14. There is no objective evidence that the appeal site is in an Area of Outstanding Natural Beauty (AONB) and the main parties have not referred to an AONB. Alleged effects of development damaging private property is a matter between the respective parties.
15. The outbuilding design is a suitable rural vernacular, including external materials. It would replace and consolidate previous disparate and dilapidated buildings on the appeal site and be mostly screened from public view by hedgerow or trees. As such it would be compatible with the pattern and variety of buildings along the north side of Arundel Road and not detract from the overall rural character or appearance of the area. This would also conserve and enhance the natural beauty, wildlife and cultural heritage of the SDNP and not detract from the understanding and enjoyment of the special qualities of the SDNP by the public, thus not conflict with either statutory purpose of National Parks. The Authority did not object to the proposal for any of these reasons
16. It is not within the remit of this appeal to establish if the outbuilding under construction complies with a relevant planning permission. This is a matter for the Authority. There is a complicated planning history for the appeal site and Seldon Grange and some original intervening boundary trees or hedgerow have been removed. I have, though, considered the proposal and determined the appeal on its individual planning merits and circumstances as they exist now.

Conditions

17. I have had regard to the conditions suggested by the main parties, the relevant tests in the National Planning Policy Framework and advice in Planning Practice Guidance. The appellant did not object to any of the Authority's suggested conditions. Where required, I have modified wording in the interests of clarity.

18. Development to erect an outbuilding has already commenced so a standard time limit condition is not necessary. A condition to specify the approved plans is required to provide certainty. To achieve biodiversity net gain, a condition is justified to ensure that suitable ecology enhancements are included in the development. The appeal site is in a 'dark night skies' part of the AONB so conditions are necessary to control the effect of internal and external lighting. It is also reasonable to impose conditions to restrict the use of the outbuilding as including ancillary residential accommodation and to limit the extent of such accommodation. This is because without appropriate justification, separate dwellinghouse use would be contrary to local and national planning policy in this location.

Planning Balance and Conclusion

19. The proposal accords with the development plan. There are no other material considerations which outweigh this finding. Consequently, for the reasons given above, and subject to conditions, the proposal is acceptable and the appeal therefore succeeds.

Robin Buchanan

INSPECTOR

Schedule of Conditions (7)

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

13/050/010A	proposed site layout and location plan
13/050/011	proposed floor and roof plan
13/050/012	proposed elevations plan
- 2) The external surfaces and fenestration of the development hereby permitted shall be built or finished in materials and colours that match the partially constructed outbuilding.
- 3) The development hereby permitted shall be carried out in accordance with the Architectus Ecosystems Services Statement, received by the Authority on 26 July 2022, and the outbuilding shall include at least 1 bat roost feature and 2 bird boxes.
- 4) The ancillary residential accommodation hereby permitted shall not be first occupied until details for black-out blinds to be affixed to the rooflights have been submitted to and approved in writing by the local planning authority and the approved details have been carried out. The approved black-out blinds shall be retained thereafter.
- 5) Further external lighting shall not be installed at the site. Internal lighting or sensor-controlled security lighting of 1000 lumens or less shall be designed and shielded to minimise light spillage.

- 6) The outbuilding hereby permitted shall be used solely for purposes ancillary to the occupation and enjoyment of the dwelling known as Orchard House, Arundel Road, Patching, Worthing BN13 3UH and shall not be used or occupied separately or severed therefrom.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the three garage/parking areas annotated on approved plan number 13/050/011 as 'garage one', 'garage two' and 'garage three' shall be used solely for vehicle parking ancillary to the occupation and enjoyment of Orchard House or the ancillary residential accommodation hereby approved and shall not be used for, nor in connection with any commercial trade or business purpose and shall not be converted into habitable accommodation, including domestic workshop, study, games room or similar uses.