

Appeal Decision

Site visit made on 27 June 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/L3815/D/23/3322090

Bell Barn, Church Lane, Hunston, PO20 1AJ

- 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 Mrs F Beckett against the decision of Chichester District Council.
 - The application Ref HN/22/01560/DOM, dated 16 June 2022, was refused by notice dated 3 March 2023.
 - The development proposed is the change of use of detached garage, studio and garden room to create 1 no. annexe and alterations to fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of detached garage, studio and garden room to create 1 no. annexe and alterations to fenestration at Bell Barn, Church Lane, Hunston, PO20 1AJ in accordance with the terms of the application, Ref HN/22/01560/DOM, dated 16 June 2022, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01 Rev B, 04 Rev B and 05 Rev B.
 3. The detached building shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Bell Barn, Church Lane, Hunston, PO20 1AJ.

Main Issue

2. The main issue is whether the appeal proposal would provide accommodation tantamount to a new dwelling within the countryside.

Reasons

3. The appeal property and its outbuilding are part of a group of single storey converted farm buildings in the curtilage of Manor House which is a grade II* listed building. The locality is rural, of pleasing aesthetic quality, and within the Hunston Conservation Area.
 4. The Council is concerned that given the level of accommodation proposed and the distance from the main dwelling the appeal scheme would amount to a new dwelling in the countryside.
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5. Certainly, with its full range of internal facilities, albeit in a relatively tight space, looking at the floor plan in isolation the scheme would bear comparison with a very small cottage. Furthermore, it is not physically linked or immediately alongside the main dwelling. However, when I look at the bigger picture, I would not read this as a separate dwelling or anything other than an annex to a host property.
6. I say this for a number of reasons. There is no suggestion of a fresh access, new parking, a separate garden or any significant external works to impinge upon its modest subservient character. Physically the existing structure looks like an outbuilding and will continue to do so. The ancillary building faces the host property and given existing boundaries, curtilage size, flat ground, the nature of the intervening garden, and the positioning and style of fenestration I assess that there is presently a close relationship between the main dwelling and the outbuilding; and this would continue. There are functions of the main property which surround or lie behind the outbuilding (such as cottage parking) and add to its sense of a close relationship.
7. In the case of this site, I would not share the Council's view that some 17 metres is over-distanced. On a practical level, immediate social interaction would still readily occur. I can readily see that this annex would be well-suited to a more elderly person in a family as noted in the original application, and further explained within the appeal papers. I appreciate the social benefit to the mature occupant of having close family in the main dwelling and vice versa. To my mind the scheme would represent the reasonable creation of a good quality annex, not a new dwelling.
8. Policies 2, 45 and 48 of the Chichester Local Plan (LP) are relevant. Taken together and amongst other matters, in effect they seek to resist new housing development in the countryside. Given that the proposal would not provide accommodation tantamount to a new dwelling within the countryside I conclude that there would not be conflict with these policies or the National Planning Policy Framework.
9. I would add that I share the Council's lack of concern over the planned external works and would concur that these would be benign in terms of the Conservation Area, proximate Listed Buildings and qualities of this rural area generally; the latter point also being of pertinence to the LP policies cited above.
10. Finally, I appreciate that there is some debate over whether the scheme is actually a 'change of use' but the application was made in these terms and was determined accordingly and I don't believe that in this specific instance there is any benefit or need for me to complicate matters or take this point any further.

Conditions

11. The scheme should have the standard commencement condition. The Council suggests the requirement for materials to match the existing building but this is not a necessary condition as materials are clearly set out on the application form and drawings. I do agree that there should be a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty.
12. The Council suggests a restrictive condition relating to the future of the ancillary building. In the interests of amenity and sustainability I would agree

that control is necessary albeit the condition I shall apply will be simplified to aid precision and accord with national guidance and legislation.

Overall conclusion

13. For the reasons given above I conclude that appeal proposal would not provide accommodation tantamount to a new dwelling within the countryside. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR