
Appeal Decision

Site visit made on 25 September 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/Y9507/D/24/3340188

Park Farm, Rake Road, Milland, West Sussex GU30 7JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs R Powell against the decision of South Downs National Park Authority.
- The application Ref is SDNP/23/02642/HOUS.
- The development proposed is the conversion of outbuilding to ancillary accommodation.

Decision

1. The appeal is dismissed.

Procedural Matters

2. It is noted on the drawing EX01 the doors of the appeal building have been wrongly orientated when compared to the submitted elevations and floor plans. Nevertheless, there is enough information in the other drawings for the proposed development to be understood.
3. The appellant has also submitted a Borehole Prognosis Report and Feasibility Assessment with associated emails. This does not physically alter the proposed development but rather seeks to clarify elements of that proposed. However, as this appeal has been submitted via the householder appeal service, there is no opportunity for interested parties to comment on this new information. Were I to take account of these items there would, therefore, be a risk of disadvantaging interested parties. As such I have not considered them within this decision.

Background and Main Issues

4. The proposal would convert an existing building into part storage, part office, and part accommodation. The accommodation would comprise an open plan kitchen, dinner and lounge, bathroom, and bedroom. The Authority consider the accommodation element to constitute a separate dwelling, whilst the appellant maintains that this element would constitute ancillary accommodation in the form of an annex.
5. The main issues are, therefore, whether the accommodation element of the proposed development would constitute ancillary accommodation; and the effect of the proposed development on the special qualities of the South Downs National Park, and the Arun Valley designated sites with specific regard to the Sussex North Water Resource (supply) Zone.

Reasons

Whether the proposed accommodation would constitute ancillary accommodation

6. The building proposed to be converted (the appeal building) is located along the main drive for the host dwelling known as Park Farm. The proposed accommodation element would be located in the southern portion of the appeal building facing out towards the wider appeal site with the office in the middle of the building and the proposed storage closest to the host dwelling.
7. Policy SD31 of the South Downs National Park Local Plan (LP) specifically deals with the provision of extensions, annexes, and outbuildings for existing dwellings. Criterion 2 of this policy states proposal for annexes should demonstrate the functional and physical dependency on the host dwelling.
8. The proposal would be within an existing building and would be in the same ownership as Park Farm, share utility services, access, and the existing vehicular parking and private amenity spaces related to that dwelling. Accordingly, a functional link can be demonstrated.
9. However, it would be physically separated from the host dwelling with the proposed storage element being more closely related to the Park Farm than the accommodation element. Use of the proposed accommodation element could be achieved with little to no interaction with the host dwelling and would be visually and spatially separated from it by the gates enclosing the parking area in front of Park Farm and the existing garage building. Therefore, a physical dependency between the accommodation element of the proposal and host dwelling has not been shown.
10. The proposed accommodation would have the facilities necessary for day-to-day living. However, there is nothing within LP Policy SD31 which prevents this. It is also noted that there is no specific requirement for ancillary accommodation in the form of an annex to be within the residential curtilage of the host dwelling. Nevertheless, this does not overcome the lack of physical dependency between the proposed accommodation and the host dwelling, Park Farm.
11. Accordingly, the accommodation element of the proposal would fail to comply with LP Policy SD31 so in this instance cannot be considered ancillary accommodation.

South Down National Park (SDNP)

12. The proposal would make use of an existing building within a site used for domestic purposes. Notwithstanding that the proposal would fail to comply with LP Policy SD31, it is proposed that the appeal building would be used for purposes ancillary to the main dwelling which could be conditioned. Accordingly, I do not consider that the proposal would significantly intensify the use of the appeal site to such an extent as to change the visual or aural environment of its immediate vicinity.
13. The proposal would also retain the appearance of the existing building, albeit it repairs are needed, but again a condition could ensure the materials match existing.

14. For these reasons, along with the set-back nature of the building within the appeal site, I do not consider the proposal would harm the overall character and appearance of the surrounding landscape. That the proposal would repair the existing building could be considered a very limited enhancement to the immediate area around it.
15. Consequently, were the accommodation element of the proposal acceptable, the proposal could be considered to conserve the landscape and natural beauty of this part of the SDNP. It could therefore comply with LP Policies SD1, SD4, SD5, and SD7 as far as they seek new development to respect the special qualities of the SDNP, and conserve and respect the existing landscape and the relative tranquillity of the area.
16. However, the proposal would fail to comply with the strategic elements of LP Policy SD1, which are supported by LP Policy SD25, and require development to accord with relevant policies in the LP, which would in this instance include Policy SD31.

The Arun Valley designated sites

17. The Arun Valley designated sites¹, although some distance from the appeal site, have been identified by Natural England, as being impacted by the groundwater abstraction undertaken near Pulborough, and which serves the appeal site. As such it is necessary that new development must not add to this impact by creating a material increase in water demand.
18. The proposal would increase water demand as it would include additional services which would require water, such as kitchen and bathroom facilities, and would allow an increase in the number of occupants of Park Farm as a whole. The appellant's intentions to use a borehole located within the appeal site are noted. However, how this would relate to the Sussex North Water Resource (supply) Zone is unclear.
19. Therefore, taking a precautionary approach to this issue, I am unable to conclude that the proposal would not harm the Arun Valley designated sites with specific regard to the Sussex North Water Resource (supply) Zone. Accordingly, I am unable to conclude the proposal would comply with LP Policies SD1, SD9 and SD17 insofar as they seek to protect the water environment and its impact on features of biodiversity interest, in this instance the Arun Valley designated sites.

Conclusion

20. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR

¹ a Special Area of Conservation, a Special Protection Area, and a Ramsar Site