



Appeal Decisions

Site visit made on 25 November 2024

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2024

Appeal A: APP/Z3825/C/22/3306355

Merrylands, Rock Road, Washington, Pulborough RH20 3BQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Graham Beer against an enforcement notice issued by Horsham District Council.
 - The enforcement notice was issued on 17 August 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, erection of a two storey outbuilding, measuring over four metres in height, with self-contained accommodation and a veranda.
 - The requirements of the notice are: (1) Demolish and remove from the Land the building and any associated hardstanding. (2) Remove from the Land all material resulting from the removal of the Building.
 - The period for compliance with the requirements is 12 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.
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Appeal B: APP/Z3825/W/22/3304816

- 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 Graham Beer against the decision of Horsham District Council.
 - The application Ref DC/21/2765, dated 10 December 2021, was refused by notice dated 20 May 2022.
 - The development proposed is: Replacement annexe following removal of existing static caravans.
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Summary of Decisions

Appeal A

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B

2. The appeal is allowed.

Preliminary Matter

3. There has been a revised National Planning Policy Framework (the Framework) published by Government since the enforcement notice was issued. It however does not raise new issues that are determinative for the purposes of my assessment and therefore injustice to the parties does not arise.

Appeals A and B - The ground (a) appeal and refusal of planning permission

Main Issues

4. The main issues are:

- whether the development is in a suitable location having regard to local and national planning policy; and,
- the effect of the development on the character and appearance of the area.

Reasons

5. The site contains a bungalow and a number of outbuildings and structures within a large residential garden. The wider area is rural in character and contains dispersed development of various scales accessed from Rock Road.
6. The development relates to the erection of an outbuilding used as an annexe, with rooms in the roof space.

Location

7. The site is located outside of a settlement boundary. It is therefore within the countryside for planning policy purposes.
8. It is accepted by the Council that the outbuilding is located within the curtilage of the dwelling. The outbuilding replaced two static caravans which were said to have provided family accommodation for many years but had become substandard. Whilst there is no record of planning permission for the caravans or a certificate of lawfulness, planning permission may not have been required given they were within the curtilage of the dwelling and there is then evidence they had been stationed since at least 2009.
9. In any event, the outbuilding is used to provide family accommodation within the residential planning unit. It is currently used by two of the appellant's sons, but there is intention for the dwelling to be renovated and for an elderly relative to also live at the site, who requires care. These uses cannot be provided in the existing bungalow owing to its size.
10. The outbuilding provides habitable accommodation which has the facilities necessary for day to day living and so could be used as a dwelling, however, the appellant only seeks an annexe as ancillary accommodation. There is then no local or national planning policy that has been brought to my attention that precludes an outbuilding used as an annexe within the curtilage of a dwelling in this location. Moreover, Policy 28 of the adopted Horsham District Planning Framework (excluding South Downs National Park), 2015 (the LP), actually permits such an outbuilding. A suitably worded planning condition would then ensure that it could not be occupied on an independent basis and therefore a new dwelling created in the countryside in the future. Accordingly, no physical or functional separation arises.
11. I appreciate the outbuilding could be accessed separately from the dwelling. However, the outbuilding is located in close proximity of the dwelling and is situated in approximately the same location as the static caravans which it replaces. It is accessed via the same driveway. Whilst it does not face the

bungalow, I am not persuaded this renders the outbuilding any more likely to be used in contravention of the aforementioned planning condition. The outbuilding would also not create a greater reliance on private vehicles for access to everyday services and facilities, given it forms part of a single planning unit.

12. I note the outbuilding does not qualify as permitted development. That however simply means that planning permission is required, and which is before me for assessment. It does not follow that the outbuilding is automatically inappropriate.
13. I conclude the outbuilding is in a suitable location having regard to local and national planning policy and therefore accords with Policies 1, 2, 3, 4, 26 and 28 of the LP. Collectively, these policies seek to strategically direct development to appropriate locations and protect the countryside against inappropriate development. For the same reasons the outbuilding does not contravene the policy objectives of the Framework.

Character and appearance

14. Whilst the outbuilding is reasonably sizable, this is offset by its design detailing and narrow form. It is of high-quality design and materials. It also does not appear as a two-storey building, rather a single-storey outbuilding with rooflights. It is therefore not bulky and does not appear disproportionate in relation to the dwelling, even though it is a bungalow.
15. It is then not conspicuous within the wider area given its location and proximity to the dwelling and other outbuildings. The visual appearance of the outbuilding is accordingly appropriate to its rural setting and does not appear as a dwelling.
16. I conclude the outbuilding is not harmful to the character and appearance of the area and therefore accords with Policies 25, 28, 32 and 33 of the LP. Collectively, these policies seek to ensure development can be accommodated appropriately within the curtilage of an existing dwelling and protect against inappropriate development. For the same reasons the outbuilding accords with Policies 8 and 14 of the made Storrington, Sullington & Washington Neighbourhood Plan 2018-2031.

Other Matters

17. Concern has been raised in respect of increased water abstraction within the Sussex North Water Supply Zone. I am unclear as to whether such concerns are applicable for an outbuilding, or whether this only applies to new dwellings. In any event, the appellant has provided evidence that water consumption would be at equivalent levels or reduced. Moreover, the development would not result in a potential impact to the Arun Valley SPA given the existence and use of the previous static caravans which had been stationed since at least 2009. On that basis, a more comprehensive offsetting strategy is not required and therefore the development accords with Policy 31 of the LP and the conserving and enhancing the natural environment objectives of the Framework.

Planning Conditions

18. A planning condition is reasonable and necessary to ensure the outbuilding is only used for ancillary purposes and not occupied as a dwelling. Such a

condition is also accepted by the appellant. It would clearly be an enforceable condition and then in the interests of the proper planning of the area.

19. Given the development relates to an outbuilding within the curtilage of a dwelling and is substantially complete, I can see no compelling reason why a layout plan or landscaping scheme would be reasonable, necessary or otherwise relevant to the development to be permitted.
20. It has been confirmed that the outbuilding shares its drainage system with the dwelling, as did the static caravans previously. A planning condition is therefore not necessary or reasonable in this regard.
21. It would also not be reasonable or necessary to remove the suite of permitted development rights available to a householder, given the development merely relates to an outbuilding.

Conclusion

22. For the reasons given above I conclude that the appeals should succeed.

Appeals A and B - Overall Conclusion

23. For the reasons given above I conclude that the appeals should succeed and planning permissions will be granted. The appeal on ground (f) does not therefore need to be considered.

Formal Decisions

Appeal A

24. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a two storey outbuilding, measuring over four metres in height, with self-contained accommodation and a veranda on land at Merrylands, Rock Road, Washington, Pulborough RH20 3BQ referred to in the notice, subject to the following condition:
 1. The annexe building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Merrylands, Rock Road, Washington and shall not be occupied as an independent dwelling.

Appeal B

25. The appeal is allowed and planning permission is granted for a replacement annexe following removal of existing static caravans at Merrylands, Rock Road, Washington, Pulborough RH20 3BQ in accordance with the terms of the application, Ref DC/21/2765, dated 10 December 2021, subject to the following condition:
 1. The annexe building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Merrylands, Rock Road, Washington and shall not be occupied as an independent dwelling.

Paul T Hocking INSPECTOR