



Appeal Decision

Site visit made on 31 March 2025

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th April 2025

Appeal Ref: APP/Z3825/W/24/3353874

Pixies, Spinney Lane, West Chiltington, West Sussex RH20 2NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr David Self against the decision of Horsham District Council.
 - The application Ref DC/23/1254, dated 27 June 2023, was refused by notice dated 19 September 2024.
 - The application sought planning permission for erection of a triple garage with ancillary space above incorporating the creation of 1no dormer and installation of 2no rooflights without complying with a condition attached to planning permission Ref DC/21/1723, dated 27 August 2021.
 - The condition in dispute is No 4 which states that: The accommodation hereby permitted shall be occupied solely for purposes ancillary/incidental, as a garage and ancillary domestic use, to the occupation and enjoyment of Pixies, Spinney Lane West Chiltington (as identified on the approved plans) and shall not be used as a separate unit of accommodation or for any commercial purposes.
 - The reason given for the condition is: The establishment of an additional independent unit of accommodation or commercial use would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015).
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Decision

1. The appeal is allowed and planning permission is granted for erection of a triple garage with ancillary space above incorporating the creation of 1no dormer and installation of 2no rooflights at Pixies, Spinney Lane, West Chiltington, West Sussex RH20 2NX in accordance with the application Ref DC/23/1254, without compliance with condition number 4 previously imposed on planning permission Ref DC/21/1723 dated 27 August 2021 and subject to the conditions contained within the attached schedule.

Preliminary Matters

2. As the proposal is in a conservation area, I have had special regard to s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The building comprises a triple garage with ancillary space within the roof. As set out above, condition no 4 of the original planning permission limits use of the building solely for purposes ancillary/incidental to the host dwelling as a garage and ancillary domestic use. However, the building's domestic space has been let as holiday accommodation, and therefore the condition has been breached.
4. The building, as constructed, varies from the original planning permission. Notably, there is an additional rooflight to the north roof slope; a small ground floor window serving the shower room; an external timber door to the ground floor south

elevation; and a 0.15m increase to the ridge height. The internal layout comprises a first-floor bedroom and living space with kitchen and a ground floor shower room.

5. In the interests of accuracy and certainty, it would be necessary to amend the plans condition to refer to the plans which accompany this proposal and represent the design of the building, as constructed. However, the Council's concerns relate only to the proposed use of the building and identified no conflict with the development plan arising from such design changes. I am satisfied that the changes proposed are minimal and do not affect the overall scale or massing of the building and therefore have considered the proposal on the basis of the building as constructed.

Main Issues

6. The appeal proposal seeks the use of the building as holiday accommodation through variation of condition no 4. The main issues in this appeal are the effect of the proposed holiday accommodation use on:
 - the character and appearance of the West Chilton Lanes Conservation Area; and
 - the integrity of European sites.

Reasons

Character and appearance

7. The detached building has three garage bays situated between timber supports with electric garage doors. It has a part brick and part timber-clad exterior, and a tiled, half-hipped/gabled roof, with rooflights and a flat roof dormer window.
8. The building is within a large residential plot and is situated next to host dwelling, Pixies. Through its proximity to the host dwelling and built form with prominent garage doors, the building has the appearance of an ancillary outbuilding. Due to its lesser mass and scale, set back from the site's front boundary, the building appears subservient to the host dwelling.
9. The site is within the built-up area of West Chilton Common, and the surrounding area consists of large, detached properties of a mix of composition and form, set within spacious plots. The site is within the West Chilton Lanes Conservation Area (CA).
10. The CA covers an area with a concentration of dwellings designed by Reginald Fairfax Wells to the south of the historic core of West Chilton. The West Chilton Lanes Conservation Area Appraisal and Management Plan 2024 (CA Appraisal) summarises the CA's special interest as derived from, the style and design of the dwellings which create a strong sense of place; its many buildings which retain their original character; and dwellings which represent a vision of interwar development influenced by the Arts and Crafts Movement.
11. The host dwelling is a 'Wells Cottage' constructed in a distinctive Arts and Crafts style and is therefore characteristic of dwellings within the CA. The host dwelling is considered a non-designated heritage asset and through its architectural and historic interest contributes positively to the CA's character and significance.

12. The informal positioning of dwellings provides views of roof slopes and gables, and this organic layout of dwellings contributes positively to the CA's character. In addition, the CA Appraisal recognises that hedgerow and woodland vegetation contributes to the area's rural character, with few long views due to the density of mature trees, and soft, natural property boundaries providing a green, sylvan character to the street scene.
13. The proposed holiday accommodation would utilise the building's roof space and ground floor shower room. Use of the building by external visitors would therefore result in a small intensification of the use of the site. However, the proposed use would not significantly alter the site's frontage activity. The proposed use as holiday accommodation would be domestic in nature and would not significantly change the residential character of the site.
14. In addition to sharing the host dwelling's access, parking arrangements, and private amenity space, utilities such as water and electricity are supplied by the host dwelling. The building does not have its own postal address, and the garage bays would continue to be used by the host dwelling's occupants. When not let to holidaymakers, the appellant suggests the building would be used for domestic purposes and to accommodate friends and family. Therefore, use of the building would not be entirely independent and would continue to be used in conjunction with occupation of the main dwelling, including its parking arrangements.
15. No additional boundary treatments are proposed, and the proposal would not subdivide the plot. The proposed use would not change the plot width or physical appearance of the site's built features. Therefore, the proposed use would not alter the site's character or the building's subservient relationship to the host dwelling.
16. Due to the functional relationship to the host dwelling, the proposal is distinct from any scheme for the formation of a new residential dwelling. Moreover, creation of an independent dwelling would require a separate grant of planning permission.
17. The Council raised concerns regarding the proposal's absence of a mechanism to tie the proposed holiday accommodation use to the host dwelling. Paragraph 56 of the National Planning Policy Framework (the Framework) requires consideration be given to whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
18. The Council has suggested a planning condition which would permit the holiday accommodation be operated only in connection with the domestic use of the host dwelling and would limit the length of time visitors could occupy the building. I am satisfied the suggested condition would be effective and necessary to manage the use of the holiday accommodation, and to prevent the building being used wholly independently of the host dwelling.
19. Due to the extent of shared facilities and in the absence of physical alterations to the appearance of the site, the proposal would not sever the plot in form or function and would not detract from the site's residential character. Therefore, there would be no significant change to the understanding and appreciation of the CA, and the proposal would not harm the character or setting of the host dwelling as a non-designated heritage asset. I have also had regard to the advice of the Council's Conservation Officer who raised no objection to the proposal, advising that there would be no greater impact within the CA.

20. Therefore, I conclude that the proposal would preserve the character and appearance of the West Chiltington Lanes Conservation Area.
21. For these reasons, the proposal would comply with Policies 32 and 33 of the Horsham District Planning Framework 2015 (HDPF), which together require proposals complement the locally distinctive character and heritage of the district, optimise the potential of the site to accommodate development, support suitable complementary facilities and uses, make efficient use of land, prioritise the use of previously developed land and buildings whilst respecting any constraints that exist, and respect the character of the surrounding area.
22. In addition, the proposal would comply with HDPF Policy 34 which requires proposals retain the special character of the district's historic environment and would be consistent with the special character of the conservation area.

European sites

23. The appeal site is within the Sussex North Water Supply Zone. Natural England advise that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar sites.
24. The Arun Valley SPA/SAC is afforded protection by the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).
25. The conservation objective for the SPA is to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the aims of the Wild Birds Directive. The qualifying features of the SPA are its population of Bewick's swan and waterbird assemblage.
26. The conservation objective for the SAC is to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the favourable conservation status of its qualifying features, namely, the little whorlpool ram's-horn snail.
27. The proposal would enable the use of the existing building as holiday accommodation. This would provide intensification of the use of the site and would result in a small increase in water abstraction associated with users of the building. The proposal would therefore have a likely significant adverse effect on the integrity of the SPA/SAC.
28. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of a European site. I may consider measures to secure mitigation with a view to ensuring that the proposal would not adversely affect the integrity of European sites.
29. Natural England require proposals await an area-wide water neutrality strategy or demonstrate water neutrality. The appellant has provided a Water Neutrality Statement (WNS) which estimates a baseline water demand of 423.7l/d, with a further 60.05l/d associated with the proposed use. To offset this additional demand, the proposal would incorporate rainwater harvesting for external water use and toilet flushing, including rainwater storage to accommodate a drought contingency, and retrofitting of more efficient fixtures and fittings within the host

dwelling. The WNS demonstrates an overall reduction in water demand, and it is therefore demonstrated that water neutrality can be achieved within the site.

30. Natural England were consulted on the proposal during the application and raised no objection subject to the delivery, management and maintenance of measures identified in the WNS to achieve water neutrality. The proposal has not materially changed since the Council's determination. Therefore, the advice remains relevant and I have taken it into account.
31. Subject to securing the strategy for water neutrality through a planning condition, the proposal would not increase water abstraction. Therefore, the potential harm to the integrity of the Arun Valley SPA/SAC would be adequately mitigated.
32. I therefore consider appropriate mitigation would be secured and is necessary to make the development acceptable. Consequently, the proposal would not have significant effects on the integrity of the Arun Valley SPA/SAC and the proposal would satisfy the requirements of the Habitats Regulations.
33. In addition, the proposal would comply with paragraphs 192 and 193 of the National Planning Policy Framework (the Framework) which safeguards internationally designated sites and requires proposals avoid or mitigate significant harm to biodiversity.

Other Matters

34. It has been put to me that the building was intended to provide holiday accommodation from the outset. I cannot be certain that the building's design changes were necessitated by any commercial aspirations. For example, the timber front door provides an alternative entry in the event of failure of the electric garage doors. The appellant acknowledges the breach of the condition has occurred and has sought to remediate the situation through submission of a planning application. Furthermore, I have not identified harm arising from the proposal. Therefore, in my decision, I do not afford weight to any intentional unauthorised development.
35. It is suggested that allowing the scheme would set a precedent for other similar development. However, I have been provided no substantive evidence of the number of units of holiday accommodation likely to be brought forward, nor that such development would result in cumulative harm to the area.
36. Concerns were raised regarding the effect of traffic associated with the proposal. The proposal is small scale, comprising a one-bedroom unit of holiday accommodation, and the associated traffic volume would be small. Therefore, I do not consider the proposal would significantly affect safety of users of Spinney Lane, nor result in excessive wear and tear of this private road. The local highway authority considers the proposal would not have an unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway network.
37. The building is set in from the site's boundaries and the spacious plots provide adequate separation distances from neighbouring dwellings. Therefore, I have no substantive reason to consider the proposed holiday accommodation would affect privacy nor generate noise or disturbance beyond the existing domestic use.

38. Some residents raised concerns regarding instances of crime in the area. However, I have no evidence to suggest any link to users of the building.

Conditions

39. The Council has provided a list of suggested conditions which I have considered against the Framework's tests. I have also had regard to the conditions imposed on the original planning permission.
40. Since the proposed use has occurred, a condition specifying the standard time limit for implementation is not necessary. As discussed above, for the purposes of accuracy and certainty, I have attached a condition specifying the approved plans which reflect the building, as constructed.
41. I have included a condition to enable the use of the building as holiday accommodation, as proposed. However, to avoid harm to the character and appearance of the CA, the condition safeguards against use of the building as an independent unit of residential accommodation, limiting the use only in connection with the primary domestic use of the host dwelling, and restricting the time period for occupation by visitors.
42. To avoid adverse impact on the Arun Valley SPA, SAC, and Ramsar, it is necessary to impose additional conditions requiring the development be water neutral in accordance with the WNS, and requiring submission of details of the water efficiency measures and rainwater harvesting system.

Conclusion

43. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: *Site Location Plan 1:1250*; *PIXGAR23/01 As Built Floor Plans*; *DS/002 Elevations*; *DS/003 Elevations*; *DS/004 Cross Section*.
- 2) The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Statement (Apex Strategies - Dated 6-Sept-2023 - reference W1006-001-01). Within 6 months of the date of this permission, evidence shall be submitted to and been approved in writing by the Local Planning Authority to demonstrate that the approved water neutrality strategy for the development has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter, or to a similar or improved water performance.
- 3) Within 6 months of the date of this permission, full details of the water efficiency measures and rainwater harvesting system (including details of the rainwater storage tank and their location) required by the approved water neutrality strategy (Apex Strategies - Dated 6-Sept-2023 - reference W1006-001-01) shall be submitted to and approved in writing by the Local Planning Authority.
- 4) The holiday-let accommodation hereby permitted shall only be occupied/operated as holiday accommodation in connection with the primary domestic use of Pixies, Spinney Lane, and shall not be occupied by an individual, family or group for more than 4 consecutive weeks in any 8 week period commencing with the first day of letting or by an individual, family or group for more than 4 weeks in any 26 week period commencing with the date of the first letting to their individual family or group.

END OF SCHEDULE