



Appeal Decision

Site visit made on 18 March 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th May 2025

Appeal Ref: APP/Z3825/W/24/3354454

Roffey Park, South Lodge, Forest Road, Colgate, West Sussex RH12 4TD

- 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 Simon Hewitt against the decision of Horsham District Council.
 - The application Ref is DC/22/1505.
 - The development proposed is the change of use of outbuilding to a residential annexe.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of an outbuilding to a residential annexe at South Lodge, Roffey Park, Forest Road, Colgate, West Sussex RH12 4TD in accordance with the terms of the application, Ref DC/22/1505, subject to the following conditions:
 - 1) The annexe hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of South Lodge, Roffey Park and shall not be used as a separate unit of accommodation.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order, no development falling within Classes A, B, E, or F of Part 1, Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.
 - 3) Unless within 3 months of the date of this decision a scheme for the water efficiency measures and rainwater harvesting system required by the approved water neutrality strategy (prepared by SAPS, received 15.03.2023) for the proposed annexe and existing dwelling at South Lodge, Roffey Park, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the occupation of the appeal building as a residential annexe shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

The rainwater harvesting system shall include suitable storage tanks to provide a minimum 35 days' storage capacity, including details of their location and whether they would be surface mounted or set within the ground, in addition to evidence that their initial fill will be supplied with water from outside of the Water Supply Zone.

If no scheme in accordance with this condition is approved within 9 months of the date of this decision, the occupation of the appeal building as a

residential annexe shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Unless within 12 months of the date of this permission, evidence is submitted to and approved in writing by the Local Planning Authority that the approved water efficiency measures and rainwater harvesting system for the proposed annexe and existing dwelling at South Lodge, Roffey Park, have been implemented in full, including the specification of fittings and appliances used, evidence of their installation, details of the rainwater harvesting system, and completion of the 'as built' Part G water calculator or equivalent, the occupation of the appeal building as a residential annexe shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained to a similar or improved water performance.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. I have taken the description of development from the application form but have removed the superfluous wording. The application form confirms that the development has been completed and occupied by members of the appellant's family, and I was able to see this during my site visit. I have determined the appeal on this basis.
3. The appeal site falls within an area identified as the Sussex North Water Supply Zone where water abstraction has the potential to adversely affect the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. It is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). Although not forming part of the Council's reason for refusal, it is incumbent upon me as competent authority to consider whether the development is likely to have a significant effect on the integrity of the site. It is therefore necessary to consider this as a main issue.

Main Issue

4. In light of the above, the main issues in this appeal are:
 - whether the development is an appropriate form of development in a rural location, having regard to the development plan; and
 - the effect of the development on the integrity of the Arun Valley SPA, SAC and Ramsar site.

Reasons

Form of development in a rural location

5. The appeal site is one of a number of residential properties situated within the grounds of Roffey Park. The appeal building has been converted from part of a stable block and tack room. It is located next to an annexe which was previously granted planning permission¹, which in turn is situated next to the main dwelling.
6. The appeal site is located in the countryside where development is governed by Policies 26 and 28 of the Horsham District Planning Framework November 2015 (HDPF). Policy 26 seeks to protect the countryside from inappropriate development and requires development to be essential to its countryside location. Proposals must be of a scale appropriate to their countryside character and location, and will be considered acceptable where they do not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside.
7. Policy 28, although not relied on in the reason for refusal, is supportive of the provision of, amongst other things, ancillary accommodation when it can be accommodated appropriately within the curtilage of the existing dwelling. Criterion 3 sets out that proposals for ancillary accommodation must demonstrate that the need for additional space cannot be met from an existing dwelling or buildings suitable for conversion on the site. It also states that the size of any new outbuilding should have regard to the dwelling it serves. The Council is concerned that due to the existing level of accommodation on the site, the additional annexe is not justified and has resulted in an intensified residential use in a rural location.
8. By reusing part of an existing stable block, the development satisfies the requirement of Policy 28 of the HDPF that additional space for ancillary accommodation be met from a building on the site which is suitable for conversion.
9. In terms of the appropriateness of creating a second annexe in addition to the existing annexe, Policy 28 of the HDPF provides two alternative options for providing ancillary accommodation: it can either be within an existing dwelling, or in a building suitable for conversion on the site. The policy does not indicate a preference for utilising an existing dwelling instead of reusing an existing building on the site, nor does it set a limit on the number of outbuildings that could be used for ancillary accommodation or require there to be a justified need for the accommodation. The appellant is not therefore required to justify this aspect of the development, and it consequently complies with Policy 28. As the development has involved the reuse of an existing outbuilding, it is unlikely to have resulted in a significant increase in the overall level of activity in the countryside, and does not therefore conflict with Policy 26.
10. Although reference is made in the appellant's supporting documentation to the accommodation meeting a temporary need, a permanent change of use has been applied for, and that is the basis on which I have determined the appeal. I am also aware that the property has been marketed for sale, but that does not have a bearing on the outcome of the appeal.

¹ LPA Ref DC/19/1524

11. Accordingly, I conclude that the development is an appropriate form of development in a rural location, in compliance with Policies 26 and 28 of the HDPF, the aims of which I have outlined above.

Integrity of the Arun Valley SPA, SAC and Ramsar site

12. The site supports rare and diverse plant, invertebrate and bird assemblages as qualifying features. It consists of low-lying grazing marsh, largely on alluvial soils. Variation in soils and water supply lead to a wide range of ecological conditions and hence a rich flora and fauna. Natural England issued a Position Statement in September 2021 which advised that due to the additional demand for water abstraction 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 site.
13. The Position Statement sets out an interim approach requiring plans and projects, affecting sites where an existing adverse impact is known, to demonstrate certainty that they will not contribute further to the existing adverse impact. Regulation 75 of the Habitats Regulations requires that an Appropriate Assessment (AA) be carried out to demonstrate the required water neutrality.
14. Natural England defines water neutrality as: for every new development, total water use in the Sussex North Water Supply Zone after the development must be equal to or less than the total water-use in the region before the new development. Water neutrality can be achieved through a combination of water efficiency measures in new buildings and water offsetting in existing buildings.
15. The appellant has submitted a Water Neutrality Statement which demonstrates that a combination of water efficiency measures in the annexe and offsetting measures in the main house can reduce total water consumption by more than the current water usage of the annexe. Proposed strategies include retrofitting highly efficient water fittings and installing rainwater harvesting systems. I have no reason to disagree with the views of the Council and Natural England that the strategy would achieve water neutrality.
16. I am satisfied that the proposed mitigation measures can be secured by a suitably worded planning condition, given that both the host property and the appeal building are situated within the application site. By these means, the development can achieve water neutrality.
17. For the above reasons, I conclude that the development, either alone or in combination with other plans or projects, does not have a likely significant effect on the integrity of the Arun Valley SPA, SAC and Ramsar site. I therefore find that the development accords with the Habitats Regulations.

Other Matters

18. Interested parties have queried the impact of the development on the High Weald National Landscape. I have given great weight to the duty imposed by Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of National Landscapes. As the development reuses part of an existing building, and noting that the Council has not raised concerns in this regard, I conclude that the development conserves and enhances the natural beauty of the High Weald National Landscape.

19. Section 73A of the 1990 Act allows for the submission of retrospective applications, which are subject to the same considerations as those made prior to development commencing. As I have found that the development complies with the relevant policies, it is not the case that an unacceptable precedent would be set.
20. To control the future occupancy of the appeal building, I can impose a condition to ensure that the appeal building is occupied solely for purposes ancillary to the occupation and enjoyment of South Lodge, Roffey Park and is not used as a separate unit of accommodation. The earlier annexe at the appeal site is bound by a similar condition, irrespective of its name and Council Tax banding.
21. Interested parties have referred to other recent developments at the appeal site, namely a home office, swimming pool, deck area and domestic garden, but I have determined the appeal solely on the basis of the development for which permission has been sought, which is the change of use of an outbuilding to a residential annexe.
22. The Council has not raised highway safety as a concern and I have no reason to disagree, whilst potential conflicts with the private road access are outside the scope of this appeal.

Conditions

23. As the development has been completed, it is not necessary to impose either a time limit condition or a condition requiring compliance with plans.
24. To ensure compliance with Policy 28 of the HDPF, it is necessary to impose a condition that the annexe remains ancillary to the main house and is not used as an independent dwelling. I have imposed the Council's suggested condition removing permitted development rights so that any future alterations or extensions can be controlled in view of its rural location.
25. I have imposed a condition to ensure that the required details of mitigation measures to achieve water neutrality are submitted, approved and implemented, and that evidence is provided of their implementation, so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use negatively a worded condition to secure the implementation of the required mitigation measures before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.

Conclusion

26. For the above reasons, the proposal accords with the development plan, when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

J Heppell

INSPECTOR