



Appeal Decisions

Site visit made on 3 February 2026

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2026

Appeal A Ref: APP/Z3825/C/24/3342406

Appeal B Ref: APP/Z3825/C/24/3342407

3 Arun Walk, Faygate, Horsham RH12 0BR

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended.
- The appeals are made by Mr Charlie Oliver (Appeal A) and Mrs Stacey Oliver (Appeal B) against an enforcement notice issued by Horsham District Council.
- The notice was issued on 14 March 2024.
- The breach of planning control as alleged in the notice is *without planning permission, unauthorised operational development within the curtilage of the Land comprising the erection of a garden outbuilding/home office at the location shown edged and hatched in blue on the attached Plan and the storage building at the location shown edged and hatched in green on the attached Plan.*
- The requirements of the notice are:
 - i) *Permanently remove the garden building/home office from the Land.*
 - ii) *Permanently remove the storage building from the Land.*
 - iii) *Permanently remove the resulting debris from the Land following steps i) and ii) above.*
- The period for compliance with the requirement is: *Four months after this notice takes effect.*
- The appeals are proceeding on the grounds set out in section 174(2)(a), (c) and (f) of the 1990 Act (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.

Formal Decisions

Appeals A and B

1. The appeals are allowed and 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 an outbuilding/home office and a storage building located at the rear of 3 Arun Walk, Faygate, Horsham RH12 0BR.

Preliminary Matters

2. I was unable to gain access to the rear garden of the appeal property at the time of my visit. Consequently, I undertook the site visit on an unaccompanied basis from the roadside and other public vantage points, viewing the property from Arun Walk, Stillwell Way, Calvert Link and the parking area accessed via Calvert Link to the rear of the appeal site. Furthermore, I have been furnished with various photographs as contained within the appellant's Statement of Case, which have also assisted me in determining the appeal. I have informed both parties of my intention to determine the appeal on this basis, and neither party has raised an objection to this approach. As such, I am satisfied that neither party has been prejudiced.

Appeal A and B on ground (c)

3. An appeal under ground (c) is made on the basis that the matters stated in the notice (if they occurred) do not constitute a breach of planning control. In a legal ground of appeal, the onus of proof is firmly on the appellant to make their case, on the balance of probabilities¹.
4. The appellant contends that the storage building (edged and hatched in green on the notice) formed part of the original consent² of the whole development and is therefore a lawful development. From the evidence before me, the storage building does appear to have been at the appeal site for some time. However, I have been presented with no planning permission, Lawful Development Certificate, dated photographs and/or statutory declarations providing details of the storage building and its lawful status.
5. Instead, the appellant appears to rely on a plan³ attached to an approval of details reserved by condition, which indicates a thin rectangular area located at the rear of the appeal site. It is unclear from these details to what this relates. Furthermore, even if I was to accept this is a building, I have been presented with limited details as to whether the current storage building has been constructed in accordance with the approved details.
6. As stated above, the onus of proof is on the appellant, with the relevant test being the balance of probabilities, and I would acknowledge that the appellants evidence should not be rejected simply because it is not corroborated⁴. However, I do not find the submitted information sufficiently precise and unambiguous, for me to conclude that the storage building has permission and/or has been constructed in accordance with that permission.
7. Given the onus is on the appellant to provide compelling evidence to support their case, I find for the above reasons, that they have failed to demonstrate that the development subject to this appeal did not constitute a breach of planning control when the enforcement notice was issued.
8. The appeal on ground (c) therefore fails.

Appeal A and B on ground (a), the deemed planning application

Main issue

9. An appeal under ground (a) is that planning permission should be granted for the matters alleged in the enforcement notice. The main issue therefore is the effect of the development on the character and appearance of the area.

Reasons

Character and appearance

10. The appeal site is a two storey semi-detached property located in a modern purpose built estate () in Faygate. The surrounding area is mainly residential consisting of a mixture of dwellinghouses and flatted developments with a

¹ *Thrasyvoulou v SSE & Hackney LBC (No 1) [1984] JPL 732*

² Horsham District Council Planning Ref: DC/17/1223

³ Appendix D of the appellants Statement of Case

⁴ *Gabbitts v SSE & Newham LBC [1985] JPL 630*

consistent tightknit rhythm and feel. The dwellinghouses have modest garden spaces to the rear of the properties.

11. The development subject to these appeals is for the retention of the existing outbuilding/home office and the storage building located at the rear of No 3 Arun Walk. From the details before me the home office has a shallow pitched roof which is approximately 2.6 metres at its highest point and has a rectangular footprint of 12.5 metres² approx.
12. Both the home office and the storage building are discretely located along the boundary fence of the host property. The home office is tucked into the corner of the site, with the storage building adjoining it in order not to dominate the garden, whilst still providing a reasonable standard of amenity for the existing occupiers. I have been presented with no evidence that there is a minimum requirement in the Horsham District Planning Framework (HDPF), adopted November 2015 for the provision of outside amenity space, and whilst modest, the space does not appear to be either cramped or unusable.
13. The boundary location does provide views outside the site from public vantage points, particularly from the parking area accessed via Calvert Link. However, given the intervening fences, views of these structures are limited to glimpse views only and only to a modest section of the home office that protrudes above the fence.
14. Furthermore, during my site visit, I noted several other domestic outbuildings of similar design and proportions notably at the rear of Nos 7 and 10 Arun Walk and Nos 58 and 60 Calvert Link. Other than the permission granted at No 10 Arun Walk⁵, I am unaware of the planning history associated with these structures. Nevertheless, these are plain, utilitarian and modest domestic structures which are not uncommon features within a residential locality. Given this location amongst the existing buildings and structures; the boundary treatments; and the rear of the properties themselves, neither the home office nor the storage building has a detrimental impact on the visual appearance of the area. As such, the buildings would not be considered out of keeping within a domestic environment.
15. The scale, materials and appearance have a subtle presence, providing a respectful design with a subservient domestic appearance, thus respecting the surrounding area. I acknowledge that the original permission at the Kilnwood Vale Development contained a restrictive condition which removed 'permitted development' for outbuildings. However, given their domestic functionality and modest scale the structures subject to this appeal would not be considered uncommon features within such a locality.
16. Consequently, the development has a scale, massing and appearance which is of a high standard and is sympathetic within its built surroundings. Accordingly, the development conserves the character and appearance of the built environment and would accord with the requirements of policies 32 and 33 of the HDPF. The development also accords with the provisions of the National Planning Policy Framework which amongst other things, seeks to secure high quality designs that are sympathetic to local character and history, including the surrounding built environment.

⁵ Horsham District Council Planning Ref: DC/11/1490

Conclusion

17. For the reasons given above, I conclude that Appeals A and B succeed on ground (a). Therefore, the appeal is allowed, the enforcement notice is quashed, and I shall grant planning permission for the development as described in the notice. The appeal on ground (f) does not therefore fall to be considered.

Robert Naylor

INSPECTOR