



Grounds for appeal regarding the refusal of application DC/26/0274 for a ‘Single storey infill extension and conversion of garage into annexe accommodation including 1 no. bedroom, lounge kitchen and bathroom’ at Hole Barn Farm, Brighton Road, Henfield, West Sussex BN5 9SU

Background and personal circumstances

The application was not accompanied by a Planning Statement explaining the background or need for the development. The Appellant [REDACTED] [REDACTED] has lived at the farm for over 30 years, is settled and understandably does not wish to move from the property.

The farm extends to 104 acres, with 96 acres being let to a local tenant farmer. The remaining 8 acres include the dwelling and grounds and the whole access lane up to Brighton Road, for which the Appellant is responsible for the maintenance and upkeep. The annexe is intended to provide a private space for the Appellant to reside and enable her son [REDACTED] and his family to move into the main house where they will be on hand to assist with the maintenance of the property and her care in her older age.

[REDACTED] The requirement for family support and care is expected to increase over time. This care cannot be provided from [REDACTED] existing house in Bexleyheath, approximately 58 miles away and over an hour drive each way. The Appellant’s 2 grand children can also stay within the house to support the Appellant at times when [REDACTED] might go away. This arrangement is perfectly reasonable and understandable.

The Judgment of Uttlesford District Council v Secretary of State for the Environment & White [1992] JPL 171 provides the primary authority on the occupation of an annexe as ancillary accommodation. Specifically, it established the circumstances where the use of an outbuilding as residential accommodation for a family member, even if the accommodation provides facilities for independent day-to-day living, does not create a separate planning unit and therefore there was no material change of use and no development requiring planning permission. This is the circumstance which would apply here.

The Appellant would retain full ownership and access to the main house, annexe and farm. Much of the Appellant’s furniture and possessions would be retained within the main house. All of the utilities (electricity, water and waste water) are shared and this would continue. Similarly, the single driveway, parking and garden areas would be shared. As a family they would have meals together within the main house on a weekly basis. [REDACTED] would also have full access to the annexe to check on his mother throughout the day as required and to provide assistance as necessary. The annexe would be in very close proximity to the main house (4.5m away), within the residential curtilage, which is ideal for the Appellant’s needs. This is reflected in the photographs included below. It would simply provide the respective adults with their own private

spaces whilst remaining as a single household and planning unit. There is therefore a demonstrable functional connection which would exist between the annexe and the main house, both in terms of the family connection, proximity and the overlapping pattern of living.





The reason for refusal

The Council's sole reason for refusal states that the "annexe would be able to function as a separate and independent dwelling unit and would be tantamount to the creation of a new dwelling in a countryside location." This is unfounded speculation and not what was applied for. The appeal concerns a householder application with the appropriate fee paid. The Council was not therefore able to consider it as anything other than this as that would be ultra-vires. A full application would be required to approve use as an independent dwelling with a greater application fee required. The Council could have asked the appellant to submit a full application form and a revised fee if they considered that the application needed to be assessed as such, but did not do so. The annexe could not therefore serve as an independent dwelling as a matter of fact.

The proximity is such that use as a separate dwellinghouse would not be practical and could cause amenity issues, noting that the facing windows of habitable spaces in the respective parts would be 15 metres away from each other. It would also be unusual on such a substantial property to have two separate dwellings so close to each other. The site therefore lends itself to an ancillary arrangement, as proposed. There is nothing fundamentally wrong with an annexe having self-contained accommodation; it is quite normal in fact and this would not in itself result in any planning harm.

Since the planning unit will remain as a single household with no change of use, the Council essentially only needed to assess the impact of the built form proposed. The

extension will provide a simple subservient link connecting the buildings. There are no neighbour or consultee objections. The reason for refusal raises no concerns over the built form of the extension proposed. Therefore it should have followed that permission was granted.

It would have been possible for the Council to attach a standard condition and/or informative to any planning permission restricting/clarifying the occupancy as ancillary to the main house and confirming that use as a separate dwelling would require full planning permission. Whilst the Case Officer's report states that "it is not considered that a condition requiring ancillary occupation of the annexe to address the unacceptable impacts of the development would be effective and enforceable in this case." It is not explained why it would not be enforceable, when such conditions are routinely applied in other cases. For the avoidance of doubt, the following condition would be considered appropriate by the Appellant:

'The extension and annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Hole Barn Farm'

The Case Officer's report states that "Due to the scale and design of the development, the proposal could be constructed and used as a separate dwelling unit, thereby having negative impacts on the character of the area and the residential amenity of the neighbouring properties. Therefore, it is viewed that the proposal would likely to negatively impact the amenities of the surrounding neighbours". This assessment appears bizarre in the circumstances of this application and has not been carried forward into the reason for refusal. Furthermore, given the single storey nature of the proposal, (limited additional built form of just 20m² between existing buildings) and the significant distance from any surrounding properties (with the closest being Hole Farm 56m to the south and not visible from the annexe due to the landscaping in between), it is not considered that there would be any negative impact on the character of the area or amenities of surrounding properties.

Policy

The Council refer to Policies 2, 3 and 26 of the Horsham District Planning Framework (2015) in the reason for refusal.

Policy 2 seeks to maintain the existing settlement pattern with sustainable development. The policy specifically provides for reusing land that has been previously developed and where it will **"Provide for the varied housing needs of the community in terms of tenure, affordability, care and other support needs" [emphasis added]**. The appeal site would constitute previously developed land by virtue of the existing development and garden area being outside of the built-up area and it would retain the existing settlement pattern. It would also meet a need for accommodation required for the Appellant's care and support.

Policy 3 sets out the settlement hierarchy and notes that Henfield is a Small Town/ Larger Village, which is near to the site and where journey to and from it are relatively short. Whilst the policy provides for development within the built up areas it does not preclude it outside of these.

Policy 26 seeks to protect the “rural character and undeveloped nature of the countryside” from inappropriate development. Any proposal must be essential to its countryside location and the built form of an appropriate scale. In this case the annexe accommodation needs to be close to the house and therefore inevitably in the countryside. It is on an existing farm and would constitute sustainable development, with the scale of built form proposed being limited and appropriate. Given the limited development involved, it would protect the rural character and undeveloped nature of the countryside.

There is no conflict with these policy objectives as the proposal relates to an existing property in a rural location, meeting the needs of the appellant to continue to live at the property with care and support received from family.

Other material considerations

The outbuildings currently comprise of a garage/store and snooker room/workshop with WC. These specific uses are ancillary to the main dwelling and support the enjoyment of the property as a whole. A further relevant fact is that permission is not required to re-purpose the latter internally as an annexe, without extension, providing it remains ancillary to the occupation of the main house, with a functional connection and does not form a separate planning unit. This would not constitute development under S55(1) or (2)(a) of the Town and Country Planning Act 1990.

Similarly, annexe accommodation to be formed internally within the existing house to create a private space for the appellant, whilst allowing her son and his family to reside with her at the property would not require permission.

Additionally, permission would not normally be required to site a mobile home within the grounds of a dwelling to provide ancillary accommodation in a similar way (as there is no change of use or development requiring planning permission.) This arrangement could appear less sightly within the countryside and within the setting of the Grade II listed Hole Farm to the south and is therefore not the most desirable option.

It is relevant that under reference DC/23/1510 the Council approved the conversion of a barn at the farm to provide a dwelling. A copy of the consent and plans are attached at **Appendix 1**. That consent expires in September 2026 and the Appellant decided not pursue that permission because of the deteriorating health of her late husband at that time. It is important to recognise that the approved development would have resulted in the same, or potentially more vehicular movements as a separate dwelling. Whilst that would provide accommodation on the farm, the location of the barn is

farther away from the main house on the other side of the lane where it would be more difficult for the son to keep an eye on the Appellant. It would also be more difficult and costly to convert, having a floor area of 259m² and no utilities on site, where as the current appeal buildings have a floorspace of 77m² (97m² as extended) and utilities already installed. It is therefore more cost effective, as well as practical, to convert the appeal buildings.

These are material considerations and fallback options which are available to the Appellant. However, these are less preferable options than the appeal proposal which would utilise existing buildings already connected with utilities (electricity, water and waste water) and provide a high quality environment for the Appellant and her son, with a suitable degree of privacy and a close relationship. The vehicular movements to and from the site and sustainability implications associated with these option would be no greater within the appeal proposal and as such there is no greater planning harm resulting from the proposal.

It is therefore respectfully requested that the appeal be allowed.