MME PLANNING SERVICES

LDC Proposed – Use of Outbuilding as ancillary accommodation

at

Hurston Street Farm, Hurston Lane, Storrington, Pulborough, West Sussex, RH20 4HF

Planning Statement

Ref: P-066a

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Version 1

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Figure 1: Site Location

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1. Introduction

1.1 This statement is submitted in support of an application for a Certificate of Lawfulness (Proposed) under Section 55 of the Town and Country Planning Act (TCPA) (1990) relating to the use of an outbuilding at Hurston Street Farm, Hurston Lane, Storrington, Pulborough, West Sussex, RH20 4HF as ancillary annexe accommodation.

1.2 The existing dwelling / site at Hurston Street Farm is owned by Mrs Jenny Denman who lives in the main dwelling on site together with her daughter and her family. The existing outbuilding, as identified on the submitted plans, is currently used for incidental storage purposes, as a games room and entertaining visiting family and friends. It is intended that part of the outbuilding will be used as annexe accommodation to the main house, with Mrs Denman occupying the annexe (which will also provide guest accommodation), while her daughter and family remain in the main dwelling

1.3 The annexe accommodation would not form a separate dwelling and the whole site would remain in the ownership of Mrs Denman. It is highlighted that this certificate is submitted in relation to the use of the outbuilding only, with no external alterations proposed to the existing outbuilding. It is also noted that impact on the listed building on site is not a matter for consideration under this applciation.

1.4 This report sets out the following:

- Background and relevant history
- The relevant legislation and considerations.

2. Site, Surroundings and Background

2.1 The application site relates to a detached two-storey dwelling located on the eastern side of Hurston Lane. The site is not located within any defined built-up area boundaries and is therefore located in the countryside in policy terms. The main dwelling on site is a Grade II listed building.

2.2 The site consists of a number outbuildings / structures. The building which is the subject of this application is located within the residential curtilage of the main dwelling and, as evident from aerial photographs, appears to be a historic building which has been on site for a number of years. It is noted that there does not appear to be any planning history available for the outbuilding, and there are no known restrictions or conditions applying to it.

2.3 The surrounding area consists of a mixture of individually designed dwellings, agricultural land and equestrian uses, which are characteristic of the rural setting.

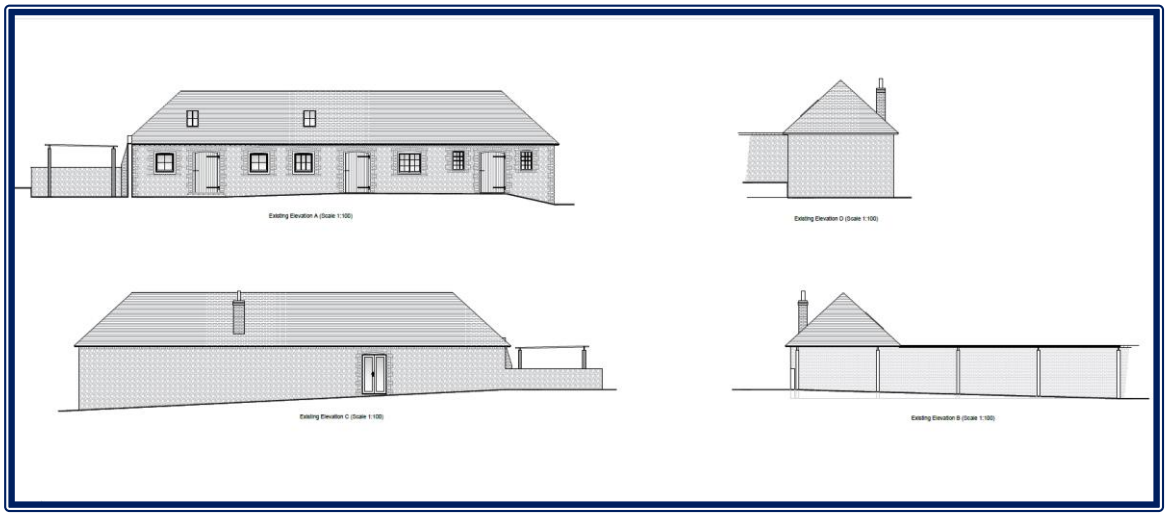

Figure 2: Existing Elevations – No External alterations proposed.

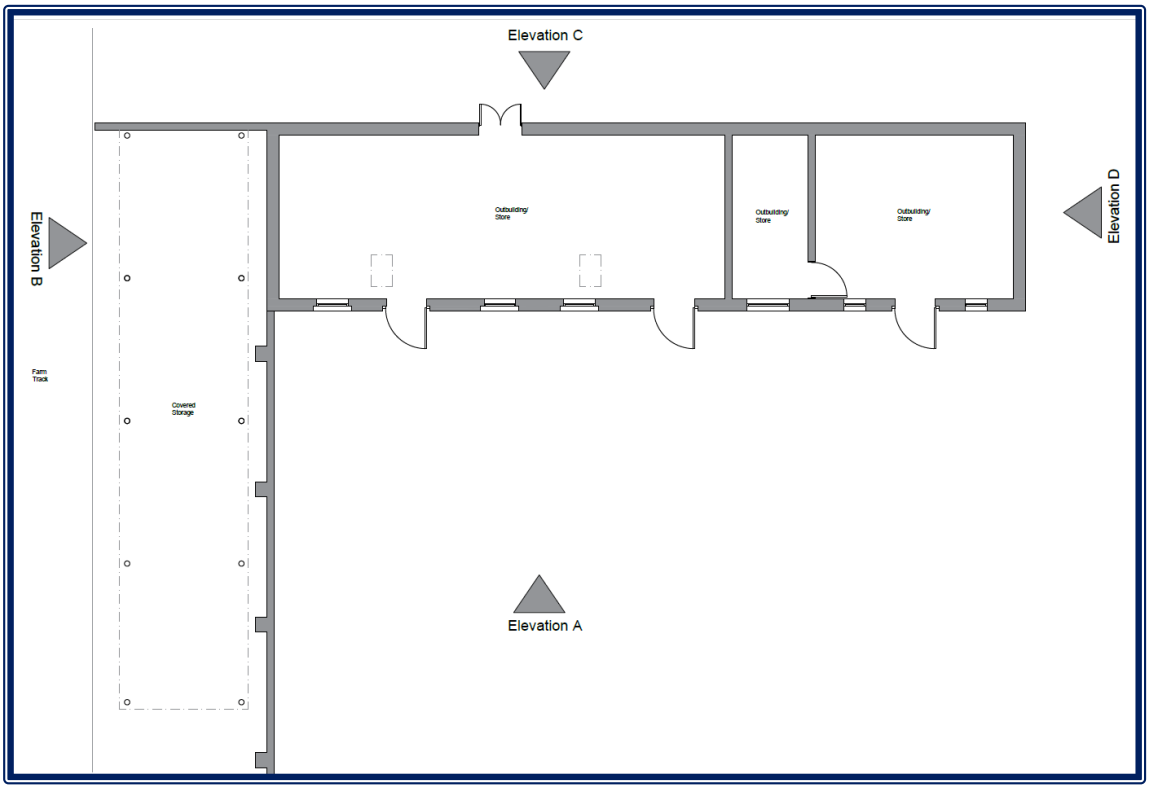

Figure 3: Existing Floor Plan

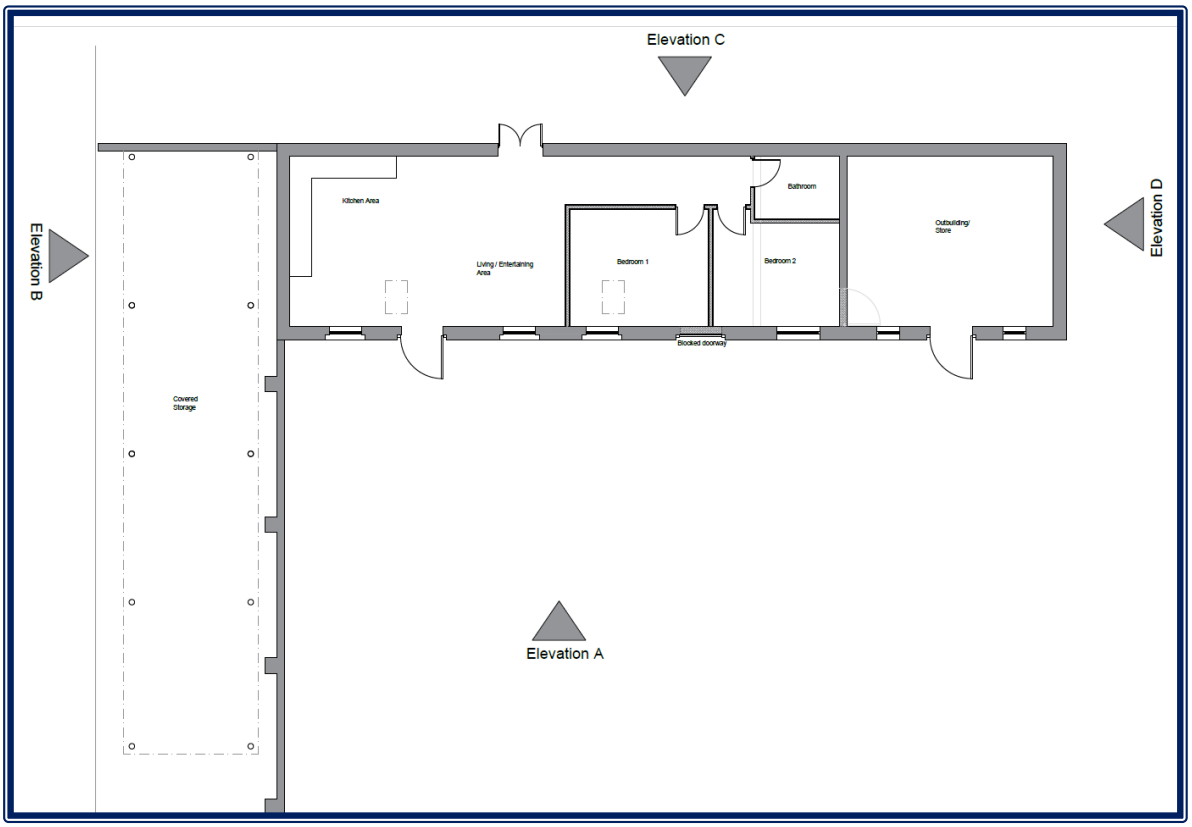

Figure 4: Proposed Floor Plan

3. Relevant Legislation and Considerations

3.1 The TCPA 1990 states that development means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land; and that the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building, and of each part of it which is so used.

3.2 In terms of the use of the building, in the absence of a planning condition or any other restrictions, the outbuilding can be used for any purpose ancillary to the main dwelling as Section 55(2)(d) of the TCPA states

"(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;"

3.3 While the GPDO defines ‘incidental’ narrowly, the Courts have interpreted the term more broadly under Section 55 of the TCPA. They have ruled that creating primary living accommodation within an existing outbuilding (already used for incidental/ancillary purposes and within the curtilage of a dwelling) does not constitute development—provided it does not result in a separate planning unit

3.4 Case law has determined that the tests of ancillary use of annexe accommodation are where there is a functional or physical linkage and that this is sufficient for the use to remain incidental. See Uttlesford DC v SOS & White 1991 JPL:171:QBD. In the Uttlesford case, it was established that even where the accommodation was capable of independent use it did not amount to a separate use if it was occupied by someone connected with the family occupation of the whole planning unit.

3.5 This application is submitted under Section 192 of the TCPA on the grounds that the use of the existing outbuilding within the curtilage of Hurston Street Farm, for accommodation purposes ancillary to the residential occupation and enjoyment of the main residence, would be lawful.

3.6 As detailed above, the outbuilding is a historic building on site and is currently used for residential storage, as a games room and for entertaining family and friends during get-togethers and gatherings, all in association with the main residence. This clearly shows a functional link between the outbuilding and the main dwelling.

3.7 As set out above, the annexe would provide ancillary accommodation for the applicant and owner of the site Mrs Denman, as well as provide guest accommodation for visiting family and friends. The main dwelling would continue to be occupied by Mrs Denman’s daughter and her family, with all facilities shared.

3.8 The existing outbuilding is located within the curtilage of the main dwelling on site and is closely associated with the principle building, with the outbuilding accessed via the main front garden area of the curtilage. The outbuilding shares the same address, electrical supply, mains and foul drainage, water supply and garden areas as the main dwelling, and this would continue to be the case following the commencement of the use of the outbuilding as an ancillary annexe. Having regard to the above, it is therefore considered that the outbuilding would qualify as a curtilage building.

3.9 While the existing outbuilding and proposed annexe accommodation would be physically self-contained, it will not be used as a separate, independent residential dwelling and will not result in the creation of a new planning unit.

3.10 There would be no material change of use and the functional relationship between the annexe and main residence would be retained. The main residential property on site and all buildings within its curtilage, including the annexe accommodation, will remain occupied as a single-family unit. The outbuilding would also continue to be used by the occupants of the main dwelling, and used during get-togethers and family occasions.

3.11 The whole site, as indicated on the accompanying plans, would remain under single ownership (of the Applicant). There would continue to be physical and functional connections retained between the outbuilding and the main dwelling, with services and access shared and a level of dependency and interaction also maintained between the buildings and occupants. Even if the outbuilding were capable of being used as an independent dwelling, it would be tied to the main planning unit by its functional linkage.

4. Summary and Conclusion

4.1 In conclusion, the proposed use of the existing outbuilding for ancillary residential accommodation would not constitute development. The building is located within the curtilage of the main dwellinghouse and can lawfully be used as such under Section 55 of the TCPA. No separate planning unit or independent dwelling would be created

4.2 The main residence and overall site would continue to operate as a single planning unit, with the outbuilding serving a clearly ancillary role. It is therefore contended that there would be no development taking place as set out under Section 55 (2d) of the TCPA.

4.3 A Certificate of Lawful Development is therefore sought to establish that the use of the outbuilding as annexe accommodation would not constitute development.