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APPEAL AGAINST THE NON-DETERMINATION OF APPLICATION DC/25/2126

FOR

**ERECTION OF A SINGLE STOREY DETACHED GRANNY ANNEXE TOGETHER
WITH A DETACHED SINGLE STOREY MULTIPURPOSE WORKSHOP AND GYM**

5 KINGSFOLD CLOSE, BILLINGSHURST, WEST SUSSEX, RH14 9HG

**D&M REF: 009/26/MS
APRIL 2026**

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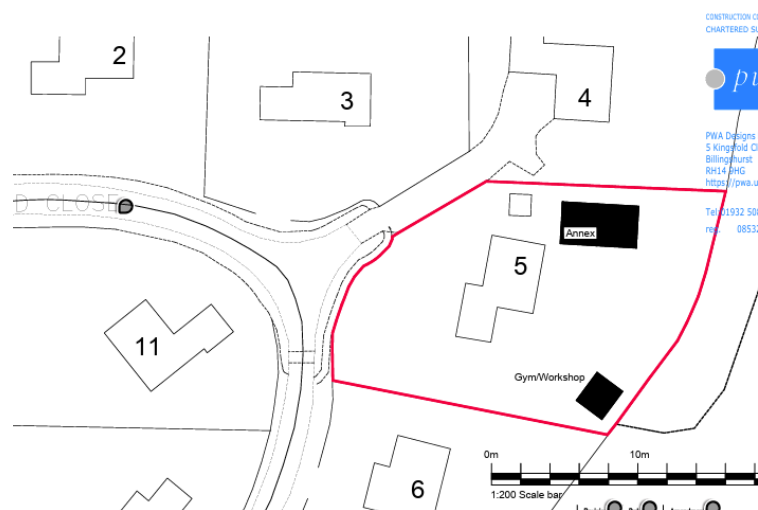
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1.0 INTRODUCTION

- 1.1 D&M Planning Ltd have been instructed by the applicant to submit this appeal relating to the failure of the Council to determine the application reference **DC/25/2126** within the agreed time. The application seeks permission for the *erection of a single storey detached granny annexe together with a detached single storey multipurpose workshop and gym*. The proposal is not for a change of use with the provisions being ancillary to the host dwelling, 5 Kingsfold Close.
- 1.2 The application was validated on 28th January 2026 with a determination date scheduled for the of 25th March 2026. The validation letter is attached at **Appendix 1**. An extension of time until 17th April 2026 was agreed to allow for consultation on the application with the Council's Arboriculture Officer.
- 1.3 The application essentially seeks permission for the erection of two buildings within the garden of the host property so as to provide ancillary provisions. One building would be a single storey annexe with the other being a workshop/gym. No material change of use is proposed as part of the application.
- 1.4 The site, as shown on the location plan below, is sustainably located within the defined boundaries of the Billingham one of the main settlements within the district.



- 1.5 The application site is designated as being within the built-up area wherein the principle matters of consideration, as set out within the development plan, relate to considerations about the proposals impact on the character and amenity of the area.
- 1.6 The original application was accompanied by a detailed planning statement ('PS') setting out our contention that the proposed development would be compliant with the relevant policies of the development plan. Where relevant this statement will cross reference to said statement attached at **Appendix 2**.
- 1.7 The application does not seek any material change of use of the land (as discussed in paragraphs 7.2 – 7.9 of the 'PS'). The development proposed therefore consists of the operational development for the erection of the two buildings.
- 1.8 This statement will, in line with the Appeal Procedure Guidance, set out the main planning considerations of the appeal and as set out will cross reference to the originally submitted planning statement. Relevant documents are attached within the appendices.

2.0 THE PROPOSAL

- 2.1 The proposal is set out in detail within the submitted plans. A written description is also included within Section 5 of the originally submitted planning statement. Minor revisions to the scheme were proposed during the course of the application being the repositioning of the workshop/gym so as to address comments raised by the Council's tree officer.
- 2.2 The proposal overall, however, remains for the erection of two detached outbuildings within the rear garden of the host property. One building is to provide an annexe with the other providing a workshop/gym. Both buildings would be single storey in form.
- 2.2 The size and scale of the buildings proposed are largely commensurate with that which could be erected under the auspices of the General Permitted Development Order (Class E), however, owing to the proposed ancillary use of the annexe planning permission, and the slightly enlarged height, is required.

Use

- 2.3 The proposed development would not result in a material change of use of the site with the two outbuildings being ancillary/incidental to the use of the host property. The wider use of the site therefore would remain as a single C3 residential dwelling.

Layout

- 2.4 The two outbuildings would be positioned in the rear garden of the host property. The annexe towards the northern boundary with the workshop/gym towards the southern.
- 2.5 The gym/workshop building would occupy a simple form with the annex providing space for a single bedroom with kitchen facilities and living area.



Annexe floor plan

Amount

- 2.6 The development proposes the erection of two outbuildings with a total floor plan area of circa 126sqm.

Scale

- 2.7 Both buildings would be single storey in form. The annexe would include a parapet and flat roof with solar panels affixed whilst the gym/workshop would be a dual pitched form similar to that of a domestic shed.

Appearance

- 2.8 The proposed buildings are intended to be single storey and residential in form clearly be subservient to the scale and size of the two storey host dwelling.
- 2.9 The form of both buildings is intended to be of domestic form and of little impact to the wider character of the area. The proposed annexe is designed to be of Passivhaus standards with appropriate insulation with the solar panels providing sufficient energy

Landscaping

- 2.10 The application site is an established residential property; whilst there would be some changes to the garden, this would be of modest nature noting the proposed development.

Access and Parking

- 2.11 Use would be made of an existing vehicular access and no amendments to this are proposed. Sufficient parking would be retained.

3.0 PLANNING POLICY AND GUIDANCE BACKGROUND

3.1 Section 6 of the originally submitted planning statement outlines the planning policy in detail including relevant constraints, and policies of the development plan. Whilst we do not wish to repeat ourselves unnecessarily it is worth highlighting that since the submission of the application there has been a change in the position of the emerging local plan. Accordingly, for matters of completeness we outline the relevant planning policy below.

3.2 The site is subject to the following planning opportunities/constraints:

- Built-up Area Boundary

3.3 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 38(3) states that the Development Plan includes and any other Development Plan documents. Accordingly, the development plan consists of those policies within the Horsham District Planning Framework 2015.

Central Government Planning Policy Guidance

3.4 The National Planning Policy Framework (NPPF) was first introduced in March 2012 with the current version being that dated December 2023. A recent consultation on a revised NPPF has been completed, it is our consideration, however, that should such be introduced during the life of this application the relevant parts of the NPPF would not be materially changed.

3.5 Paragraph 7 of the NPPF states:

- 7. The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial*

development, and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs

3.6 It goes on to state that there are three dimensions to sustainable development: economic, social and environmental, and these roles should not be undertaken in isolation, because they are mutually dependent.

3.7 The development would contribute to all three of these dimensions. It would create economic activity through the works and the associated labour and materials. It would provide an attractive development which delivers greater future resilience for the current and future occupiers.

3.8 Paragraph 10 of the NPPF states

‘So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)’.

3.9 It goes onto state that plans and decisions should apply a presumption in favour of sustainable development.

‘For decision-taking this means:

- c) approving development proposals that accord with an up to date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are the most important for determining the application are out of date, granting permission unless:*

- (i) *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*
- (ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.'*

3.10 The development is intended to improve the resilience of the current and future occupiers providing them with space to remain at the property and for friends/family to visit and stay comfortably.

3.11 Paragraph 12 states the following:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

3.12 The most relevant sections of the NPPF in relation to this proposal are 2 (Achieving Sustainable Development); 12 (Achieving well-designed places); and 14 (Meeting the challenge of climate change);

3.13 Chapter 12 deals with the requirement for good design, which it notes is a key aspect of sustainable development. We contend the proposed development is of suitable form for the character of the area. Both buildings would be single storey and of subservient

form to the host property. The buildings could be readily delivered without resulting in an over development of the site.

- 3.14 Chapter 14 deals with the Government's aim of adapting and mitigating the impact of a changing climate. The proposed annexe has been specifically designed to be of Passivhaus standards including space for relevant insulation, construction and solar array. Essentially, this means that it can be delivered in a highly sustainable manner.
- 3.15 Paragraph 224 of the NPPF states that policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. However, paragraph 225 states existing policies should not be considered out of date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in this plan to the policies in the Framework, the greater the weight that may be given). Given the absence of housing land supply many of the policies are considered to be out of date and therefore the implications of the framework are given due consideration.
- 3.16 It is submitted that the proposed development before you duly accords with the relevant criteria set out within the NPPF.

Development Plan

- 3.17 The approved and adopted Development Plan for this site comprises the Horsham District Planning Framework (HDPF) 2015.
- 3.18 A new plan was submitted for examination with initial hearing sessions were held in 2024. At the time of the submission of the application further examination was on hold following concerns raised by the Inspector and the recommendation that it be withdrawn.

- 3.19 Whilst this is the case, during the life of the application and following the retraction of the position statement concerning water neutrality and the removal of the duty to cooperate, the newly appointed Inspector has reopened the examination. The letter from the Inspector, and other relevant documents dated 11th February, is included at **Appendix 4**. The examination sessions are scheduled to be held initially in April and then resumed in Autumn 2026. It is clear from the Council's indicative timeline that there is an anticipation for significant modifications to be made.
- 3.20 Owing to the progress of the plan, the fact the policies are currently untested though were previously found to be deficient, the clear need for modifications etc., we consider that only very limited weight could be given to the policies within the document at this time. Further, given the absence of any examination any conflict with such policies would also not be demonstrable. This is consistent with the guidance contained within *Shaping Development in Horsham District Planning Advice Note* published last year (**Appendix 5**).
- 3.21 The following Policies of the adopted HDPF 2015 apply to the application site:
- Policy 31: Green Infrastructure and Biodiversity
 - Policy 32: The Quality of New Development
 - Policy 33: Development Principles Policy
- 3.22 Given the comments above regarding the emerging plan only limited weight can be given to the policies at this time. Whilst they may in some instances form material considerations, we do not consider those policies with outstanding objections that are otherwise unexamined to be afforded such weight.
- 3.23 The site is also within the Billingshurst Neighbourhood Plan Area in which the following policies are considered to be relevant:
- Policy 1: Billingshurst Built-Up Area Boundary
- Policy 2: Housing Design and Character

Policy 3: Climate Change

Other Policy Documents

3.24 The following policy/guidance documents are also considered relevant and have been into account:

- National Planning Policy Guidance (NPPG)
- Climate Change strategy (2009)

4.0 PLANNING CONSIDERATIONS

4.1 Section 7 of the originally submitted planning statement is considered to be comprehensive in terms of the assessment of the relevant planning merits. In line with the Appeal Procedural Guide, this statement addresses *the areas that the appellant considers most likely to comprise the LPA's objections to the development proposed*.

4.2 We consider that the main consideration given to the determination of the application are as follows:

- Principle and Location of Development
- Impact on the Character of the Area
- Impact on the Amenity of Neighbouring Properties
- Impact on Highways and Parking
- Ecology and Biodiversity
- Sustainable Construction

4.3 Based on the consultation responses received during the life of the application and the main issues it is our consideration that the most likely objections would be in relation to the impact of the proposal by reason of its built form on the character of the area and the amenity of neighbouring properties. We will, however, include a summary of the principle of development.

Principle of Development

4.4 The application site is located within the built-up area boundary of Billingshurst. Policies 1 and 2 of the Development Plan set out what the Council to be considered sustainable locations for development.

4.5 Policy 3 of the Local Plan states that *development will be permitted within towns and villages which have defined built up area boundaries*. Policy 1 of the Neighbourhood

Plan is reflective of this too whilst also setting out a number of considerations primarily linked to design.

- 4.6 The application proposes a detached annex to provide ancillary accommodation for family and friends of the occupiers of the site. It also proposes the erection of an outbuilding to be used as a gym/workshop again for the benefits of occupiers of the dwelling.
- 4.7 It is highly material to note that, in line with established case law, the proposed annex and outbuilding should not be considered as a material change of use. The relevant case law sets out that even if annexes are furnished with sufficient provision for independent accommodation, it does not inherently mean that they would form separate dwellings. For the avoidance of doubt the annexe in form and occupation would be wholly ancillary to the host dwelling. Further detailed submissions on this are made in Section 7 of the 'PS'.
- 4.8 In this regard we consider that the principle of development is solely dependent on the assessment of the proposal's impact on the character of the area and amenity of the area.

Impact on the Character of the Area

- 4.9 It is clear that the NPPF affords great weight to the importance of design in considering proposals.
- 4.10 Policy 25 of the HDPF promotes development that protects, conserves and enhances the landscape character from inappropriate development. Proposals should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements local character.
- 4.11 Policies 32 and 33 expand on this and state that development must be of the highest quality with specific focus towards:

- 1. Providing an attractive, functional, accessible, safe and adaptable environment;*
- 2. Complement locally distinctive characters and heritage of the district;*
- 3. Contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings and the historic landscape in which they sit;*
- 4. Optimise the potential of the site to accommodate development and contribute to the support for suitable complementary facilities and uses; and*
- 5. Help secure a framework of high quality open spaces which meets the identified needs of the community.*

4.12 Policy 33 continues to set out 11 design principles. These are summarised as being in relation to the following points:

1. Making effective use of the land
2. Ensuring development does not result in unacceptable harm to the amenity of nearby properties and land
3. Ensuring that the scale, massing and appearance of development is of a high standard of design and layout
4. Ensure that design is locally distinctive and takes into account relevant design statements
5. Uses high standard of building materials
6. Seeks to retain existing important landscape and natural features
7. Ensures buildings are orientated to gain maximum benefits from sunlight
8. Incorporate safe and visually attractive areas for parking, cycles and refuse
9. Reduce any actual or perceived opportunities for crime
10. Contribute to the removal of physical barriers; and
11. Make a clear distinction between public and private spaces

4.13 Policy 2 of the Neighbourhood Plan provides further design criteria stating that development should be guided by the Parish Design Statement. The Policy specifically states that regard will be given to the following as relevant to the proposal

- Soft landscaping in general, and which provide active frontages
- Required to reflect the scale and local vernacular of the surrounding buildings.
- Use materials that are in keeping with those used in existing buildings in the immediate locality

4.14 The two proposed buildings are intended to be of appropriate domestic proportions whilst also being functional for their needs. The two buildings would be single storey in form and typical of structures commonly seen within developed areas; this also extends to a consideration of the building's locality being positioned towards the respective boundaries to the north and southern boundaries.

4.15 We consider that both buildings would be clearly subservient to the host dwelling. Firstly, it is highlighted that the buildings would be clearly positioned to the rear of the site with no active frontage to the main road. To this extent, and giving consideration to the wider boundary treatments, they would be clearly legible as forming part of the same unchanged planning unit. Further, it is also highlighted that as single storey structures on relatively limited footprints they would clearly be physically smaller than the host dwelling which consists of a substantial two storey dwelling which spans much of the width of the plot. Finally, we highlight that the buildings would share utilities, access and general arrangements clearly deriving both a physical and functional dependency on the host dwelling.

4.16 In terms of the design and form of the respective buildings, we emphasise that the workshop/gym is similar in design approach to that of many residential outbuildings. It would have the size and form typical of an outbuilding erected under the auspices of the General Permitted Development Order. This typical form extends to both the proposed materials and roofscape. We consider that such would be wholly appropriate to the character of the area and do not consider that this should justify any concern being raised.

4.17 With respect to the annexe building it is acknowledged that this would occupy a larger footprint than that of the workshop/gym – whilst this is the case, it is still considered to

be of a footprint typical of larger properties within the developed area, many of which would also typically be constructed by virtue of the General Permitted Development Order. The form of the building is relatively simple consisting of a rectangular building with flat roof set below a parapet. The flat roof would also provide suitable form for the proposed solar panels.

- 4.18 The height of the proposed annexe is marginally larger than that allowed under the General Permitted Development Order. This is intended to ensure that the building can be built to a Passivhaus standards with sufficient insulation to ensure that the development is of the highest quality in terms of its sustainability. The same is true of the solar panels which are intended to allow for such benefits to be delivered throughout the year.
- 4.19 We contend that the simple plan form and design is appropriate to the location and would accord with the wider design principles set out within the development plan. It is not uncommon for buildings within settlements such as Billingshurst to benefit from similar proposals whether it be for annexes, home offices, storage provision, detached garaging etc.
- 4.20 In considering the proposal as a whole it is highlighted that the property benefits from a large and spacious garden that could readily accommodate the two buildings without appearing to be over developed or to present as significant constraints to the provision of external amenity. This, again, confirms their status as clearly subordinate ancillary structures.
- 4.21 For the reasons set out above we contend that the design of the buildings and the impact on the character of the area should be considered wholly acceptable and in accordance with relevant policy. Further detail is set out within the 'PS'.

Impact on the Amenity of Neighbouring Properties

- 4.22 Policy 33 of the Horsham District Framework sets out at point 2 that development shall be required to:

Ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development;

- 4.23 The Council does not have any specific design guidance on how this would be examined in terms of impact on neighbours. However, we have given regard to the impact of the development in terms of overlooking, loss of light, overbearing impact, noise and pollution below.
- 4.24 The proposed buildings would be single storey in form and set in from the respective boundaries by at least 2m.
- 4.25 Having regard to the size of the buildings, the residential context of the site and established boundary treatment it is our contention that the buildings would not result in harm to the amenity of neighbouring properties. Further, the proposed use would remain as a single planning unit and therefore it is not anticipated that such use would introduce harm by reason of noise or disturbance.
- 4.26 Having regard to such we consider the proposal to be wholly acceptable in terms of the impact of the development on neighbouring properties.

Sustainable Construction

- 4.27 Policies 35 and 36 of the Horsham District Planning Framework set out the expectation of development to help meet the demands of and help mitigate from climate change. The Council has declared a climate emergency the action plan for which forms a material consideration in the determination of the application.
- 4.28 At the core the policies seek to ensure that new development incorporates energy saving technology and means to influence the behaviour of occupants. Policy 36 provides details of the energy hierarchy and specifies that development must demonstrate accordance with such.

- 4.29 The proposal delivers a number of benefits in terms of the sustainability of the site. Firstly, through the introduction of space for a gym/workshop the need for occupiers to travel from the house to such facilities is greatly reduced.
- 4.30 Principally, however, it is reiterated that the annexe building has been specifically designed to be a highly sustainable build that delivers longer term benefits to addressing the challenges of a changing climate. The building is intended to be constructed to Passivhaus standards with detailed design work being considered for the insulation, accessibility and air tightness. Further, the building would be fitted with Solar PVs that can be angled throughout the year to make the most of the solar gains. The PVs would be accompanied by a storage battery (as shown on the plans) providing further usage throughout the development site.
- 4.31 The ambitions for a highly sustainable form have fundamentally shaped the design approach to the annexe with there being an express intention that it serves such purpose. This has impacted on the shape, roof structure and external dimensions of the building with greater space afforded to insulation etc.

Other Matters

- 4.32 On all other matters the 'PS' is considered to provide sufficient detailing.

5.0 CONCLUSIONS

- 5.1 This appeal is made against the failure of the Council to determine the application within the agreed time. The proposal is essentially for the erection of two residential outbuildings, one to provide an annexe the other a gym/workshop space.
- 5.2 It is our contention that the proposal would accord with the relevant policies of the local plan and would represent sustainable development.
- 5.3 We emphasise those comments made above regarding the appropriateness of the form of the building to the character of the area with particular reference given to the provisions of Class E of the General Permitted Development Order.
- 5.4 We do not consider that the proposal would result in any harm to the amenity of neighbouring properties or the wider area by reasons of highway impact etc.
- 5.5 It is again highlighted that the proposal does not represent a change of use in the land with the two buildings being ancillary/incidental to the host dwelling.
- 5.6 We consider there to be considerable merit in granting permission for the proposed development as outlined on the proposed plans.
- 5.7 Whilst we consider the information provided within this statement and the supporting works to be comprehensive in nature we reserve the right to provide a response to any further comments made by the Council as is set out within the appeal's procedure guide.

D&M PLANNING LIMITED
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