

PLANNING STATEMENT

Variation of Condition 4 of Planning Permission DM/23/2011

62 Wickham Hill
Hurstpierpoint, Hassocks
West Sussex BN6 9NP

Proposal

Variation of Condition 4 to allow the existing building to be used as ancillary accommodation to the main dwelling at 62 Wickham Hill, while preventing its occupation as a separate unit of residential accommodation.

Applicant: Mr Chris Nutley

1. Introduction

This Planning Statement supports an application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 4 attached to planning permission DM/23/2011.

The application seeks one specific change to the existing planning control: to vary the present restriction from use solely for purposes incidental to the occupation and enjoyment of 62 Wickham Hill, to allow the building to be used as ancillary accommodation to the main dwelling.

The application does not seek permission for a separate dwelling. It does not seek subdivision of the residential plot, creation of a separate residential planning unit, independent sale or letting of the building, or any physical extension or alteration.

The applicant accepts that a planning restriction should remain in place to ensure that the building remains ancillary to 62 Wickham Hill and cannot become an independent dwelling. The application therefore seeks a variation of the existing condition rather than its unrestricted removal.

2. Site and Existing Building

62 Wickham Hill is an established residential property at Hurstpierpoint. The building which is the subject of this application is an existing detached building within the residential property. Planning permission DM/23/2011 authorised conversion of the former carport/garden store for use as a working-from-home office.

The approved conversion has subsequently been completed. No extension, enlargement or external alteration forms part of the present application.

The proposal would therefore result in no new building or additional floorspace, no subdivision of the residential plot, no separate access, no additional residential planning unit and no external alteration to the existing building.

The planning issue is consequently the appropriate use and control of an existing lawful building, rather than the construction of additional development.

3. Original Application DM/23/2011 and Intended Use

An important feature of the planning history is that the intended occasional use of the building for overnight carer accommodation was expressly disclosed to the Council before planning permission DM/23/2011 was granted.

In response to a request for further information concerning the intended use, the applicant explained that the building would principally provide a working-from-home office. The statement additionally explained:

"In addition to being office space the converted garage will be used as carer accommodation twice monthly, for 1 night on each occasion. For this reason we have included limited kitchen and WC facilities."

The possibility of ancillary overnight accommodation and the reason for incorporating domestic facilities were therefore disclosed as part of the original planning application. This is relevant because the proposed ancillary accommodation is not an entirely new intention arising after completion of the building.

4. Existing Condition and Variation Sought

Condition 4 currently restricts occupation of the building to purposes incidental to the occupation and enjoyment of 62 Wickham Hill and prevents its use as a separate unit of accommodation.

The applicant wishes to vary this condition so that the building may instead be used as ancillary accommodation to the main dwelling. This distinction is central to the application.

The applicant does not seek removal of the planning relationship between the building and the principal dwelling. On the contrary, that relationship would continue to be expressly protected by condition.

5. Proposed Replacement Condition

The applicant proposes that Condition 4 be replaced with the following wording:

“The building shall be occupied solely as accommodation ancillary to the occupation and enjoyment of the host dwelling known as 62 Wickham Hill, Hurstpierpoint, Hassocks, BN6 9NP, and shall not be occupied as a separate unit of residential accommodation at any time.”

This wording retains clear planning control over the building. It would permit ancillary accommodation while expressly preventing the creation or occupation of an independent residential unit.

The applicant would also accept reasonable additional wording preventing the building from being separately sold, leased or otherwise disposed of independently from the principal dwelling if the Local Planning Authority considers this necessary.

6. Previous Enforcement Investigation

The applicant considers it appropriate to address the previous enforcement history openly. For a limited period, the building was occupied independently by a third party. Following contact from the Council's Planning Investigation and Enforcement team, that occupation ceased.

Following an inspection, the Council's Senior Planning Officer confirmed that the building did not appear to be being used for residential or living accommodation, that it was being used as an office and that the conditions of DM/23/2011 therefore appeared to be complied with. The Council confirmed that the breach of planning control had ceased and closed its file.

Importantly, following closure of the investigation the Senior Planning Officer also noted that the inclusion of a shower room and more fully fitted kitchen gave the building the “potential for an ancillary use”. He advised that, should the applicant wish to pursue such a use, it would be necessary to amend Condition 4 through a Section 73 application to refer to “ancillary” use of the building.

The present application seeks precisely that change.

7. Previous Section 73 Application - DM/26/0121

Following the Council's advice, application DM/26/0121 was submitted to vary Condition 4. The Council described that application as: “Variation of condition no 4 of planning permission DM/23/2011 to allow the approved outbuilding at 62 Wickham Hill to be used as ancillary/annexe accommodation to the main dwelling.”

During consideration of DM/26/0121, the case officer expressly acknowledged that the application did not seek use of the building as a separate residential dwelling and that ancillary use only was proposed.

However, the officer subsequently raised concerns regarding Policy DP15 of the Mid Sussex District Plan. The concern was that because the building is physically detached and contains facilities capable of supporting residential occupation, it was potentially capable of independent use and should therefore be considered against the policy provisions concerning new homes in the countryside.

The officer indicated that he would recommend refusal on that basis. The application was consequently withdrawn rather than refused.

This fresh application seeks to address that concern more fully and, in particular, to demonstrate why permitting ancillary accommodation does not require or authorise the creation of a separate dwelling.

8. Matters Previously Not in Dispute

The previous correspondence usefully narrows the planning issue. In considering DM/26/0121, the previous case officer confirmed that:

- the applicant was seeking ancillary use rather than a separate residential dwelling;
- sufficient parking was available;
- no external changes were proposed; and
- the previous unauthorised use had no bearing upon his recommendation.

The principal issue was therefore the application of Policy DP15 and the concern that the building's detached form and facilities could make it capable of independent occupation.

9. Functional Relationship with 62 Wickham Hill

Although the existing building is physically detached from the main house, it is not independent of it in terms of its servicing, infrastructure or proposed use.

The building remains within the same residential property as 62 Wickham Hill and uses the same access and parking arrangements. Its principal services are supplied directly from the host dwelling. In particular, foul drainage from the WC returns to the principal dwelling and connects into the private sewerage system serving the house.

No independent residential servicing or drainage arrangement is proposed. There would be no separate curtilage, boundary subdivision or independent planning unit.

Physical separation should therefore be distinguished from planning and functional independence. The proposed condition would reinforce that relationship by requiring the accommodation to remain ancillary to occupation and enjoyment of 62 Wickham Hill at all times.

10. Nature of the Proposed Ancillary Accommodation

The proposed use is domestic accommodation associated with the occupation and enjoyment of the principal dwelling. It would enable the existing building to provide ancillary accommodation for circumstances such as visiting family members, guests, elderly relatives and carers.

The application does not seek permission for:

- an independent dwelling;
- a separate household unrelated to occupation of the principal dwelling;
- creation of a separate residential planning unit;
- independent letting;
- separate sale or disposal of the building; or
- subdivision of the residential curtilage.

The proposed accommodation would remain subordinate and ancillary to the principal dwelling.

11. Policy DP15 and the Question of a New Home

The applicant acknowledges the Council's previous reliance upon Policy DP15 and does not suggest that the policy should be disregarded.

The important issue, however, is whether the proposed variation would actually result in the creation of a new home.

The application proposes no new building, creates no additional planning unit, and proposes no separate residential curtilage, access or independent servicing arrangements. Independent residential occupation would remain expressly prohibited by planning condition.

The applicant therefore respectfully submits that there is an important distinction between a building being physically capable of accommodating a person overnight and that building becoming an independent dwelling in planning terms. That distinction is particularly relevant in light of the Council's very recent consideration of detached ancillary accommodation at Bentley Cottage.

12. Bentley Cottage - DM/26/1003

Bentley Cottage is a nearby neighbouring property situated to the rear of 62 Wickham Hill.

Planning permission DM/26/1003 was granted by Mid Sussex District Council on 15 June 2026 for demolition of an existing building and erection of a new detached single-storey annexe ancillary to the main dwelling, together with new parking and landscaping.

The approved accommodation provides approximately 88m² of floorspace and includes a main bedroom with en-suite, a carer's bedroom with en-suite and a living room incorporating a kitchen/dining area.

Most importantly for the present application, the Council expressly considered whether those facilities resulted in an independent dwelling. The delegated report stated:

"Whilst the annexe contains facilities that could support independent day-to-day living, it would remain functionally and physically linked to the host dwelling."

The Council noted that the annexe would share access, parking and services with the principal dwelling, that no separate planning unit or curtilage was proposed, and that there would be no clear physical or legal subdivision of the site. The officer concluded:

"The ancillary relationship would be secured by condition. The provision of a condition restricting occupation to ancillary purposes is both necessary and reasonable to prevent the formation of a separate planning unit."

The subsequent permission imposed Condition 4 requiring the Bentley Cottage annexe to be occupied solely for purposes incidental and ancillary to the occupation and enjoyment of the host dwelling and not as a separate unit of residential accommodation at any time.

The applicant recognises an important policy distinction: the Bentley Cottage delegated report records that site as being within the built-up area boundary. The applicant therefore does not suggest that DM/26/1003 determines the present application or removes the need for the Council to consider DP15.

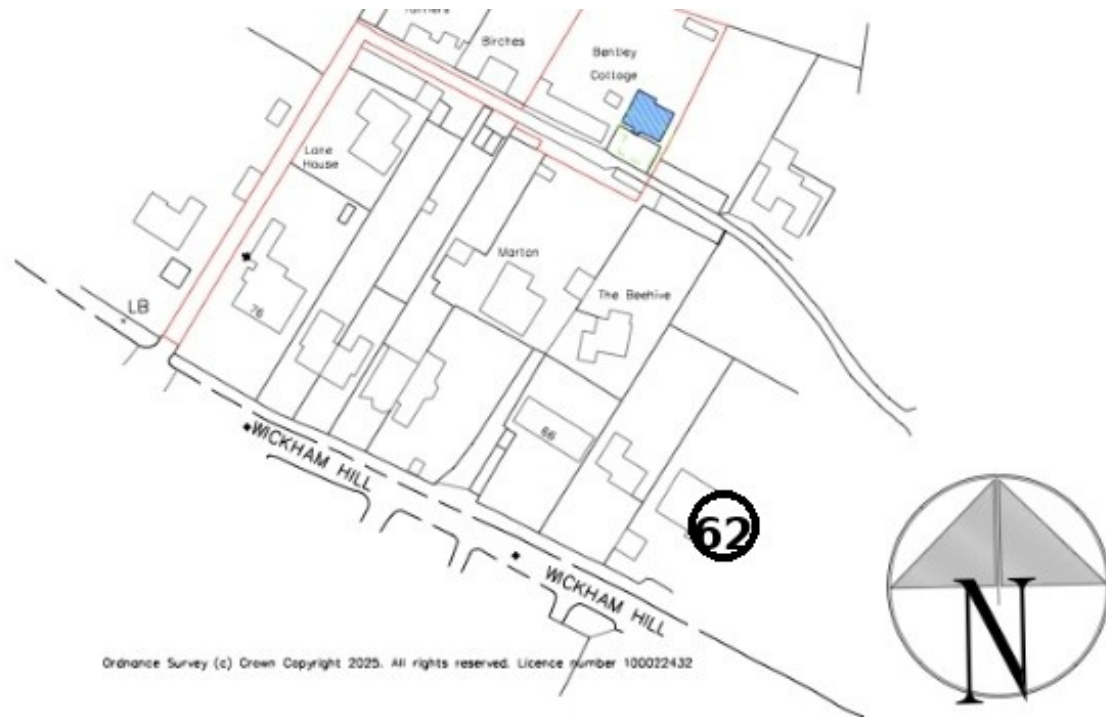
Its relevance concerns a more specific planning question. Bentley Cottage demonstrates that the Council does not consider physical detachment, comprehensive residential facilities and capability for independent day-to-day living to mean automatically that a separate dwelling or planning unit has been created.

The building at 62 Wickham Hill similarly remains within the host residential property, shares access and parking with the principal dwelling, receives its services from the principal dwelling, returns foul drainage to the system serving the principal dwelling, has no separate curtilage, involves no physical or legal subdivision, and would be expressly prevented by condition from becoming an independent residential unit.

The applicant respectfully submits that this same planning mechanism is capable of securing the ancillary relationship at 62 Wickham Hill.

13. Relationship with Nearby Bentley Cottage

The following plans illustrate the close physical relationship between 62 Wickham Hill and Bentley Cottage. Figure 1 is annotated only to identify No. 62 at the position confirmed by the applicant; the underlying Bentley Cottage planning drawing is otherwise unaltered.



Location Plan

1:1250

Figure 1 - Location Plan from Bentley Cottage DM/26/1003, with 62 Wickham Hill identified.

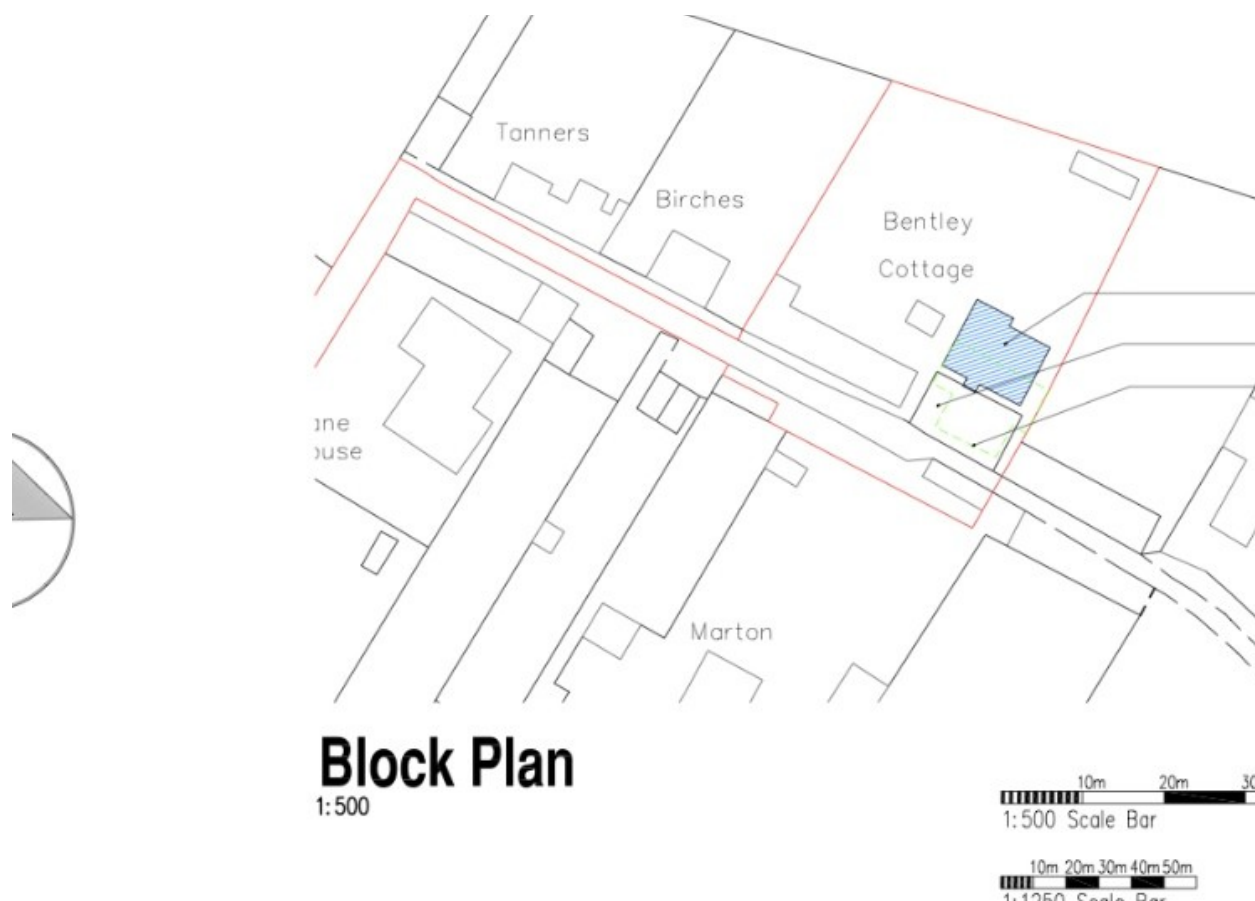


Figure 2 - Block Plan extract from Bentley Cottage DM/26/1003.

Bentley Cottage is a nearby neighbouring property to the rear of 62 Wickham Hill and the approved annexe is currently under construction. The comparison is therefore not with a historic development elsewhere in the District but with the Council's very recent consideration of detached ancillary accommodation within the same nearby residential setting as the application property.

The relevance of Bentley Cottage is principally the Council's recent assessment of the distinction between accommodation capable of independent day-to-day living and the creation of an independent residential planning unit.

14. Appropriate Use of a Planning Condition

The applicant accepts that a planning condition is appropriate. The objective of that condition should be to ensure that the building remains ancillary to the principal dwelling and cannot become an independent residential unit.

The proposed replacement condition directly achieves that objective:

“The building shall be occupied solely as accommodation ancillary to the occupation and enjoyment of the host dwelling known as 62 Wickham Hill, Hurstpierpoint, Hassocks, BN6 9NP, and shall not be occupied as a separate unit of residential accommodation at any time.”

This is clear, precise and enforceable. It also closely reflects the mechanism used by the Council at Bentley Cottage.

The applicant therefore does not seek removal of planning control. He seeks a change in the nature of that control from “incidental” use to “ancillary accommodation”, with the prohibition against independent residential occupation retained.

15. Residential Amenity, Access and Parking

No physical alterations are proposed. There would therefore be no change to the building's scale, appearance, massing or relationship with neighbouring properties.

Access arrangements would remain unchanged. The Council previously accepted that sufficient parking was available.

The proposed use would remain domestic and associated with occupation of the principal dwelling rather than establishing an additional independent household. The variation would consequently not result in the physical, highway or amenity effects normally associated with creation of an additional dwelling.

16. Wider Local Planning Context

The applicant does not rely upon permissions elsewhere along Hurst Road as direct precedents. Each planning application must be considered on its individual circumstances.

Nevertheless, the immediate locality has experienced a continuing pattern of residential infill, redevelopment and subdivision, including permissions for entirely new independent dwellings within or associated with existing residential plots.

That context is relevant principally to the scale and proportionality of the present proposal. In contrast, this application proposes no new dwelling, no new building, no subdivision of the residential plot, no separate access and no additional residential planning unit.

The application seeks only to permit ancillary accommodation within an existing lawful building while retaining a planning condition preventing independent residential occupation.

17. Previous Third-Party Representations

The applicant is aware that concerns were raised during consideration of DM/26/0121 regarding the previous independent occupation of the building and the possibility of its becoming a separate dwelling.

Those concerns are understood. The present proposal directly addresses them. The application does not seek independent occupation and the proposed condition expressly prevents it.

The previous unauthorised occupation ceased, the Council subsequently inspected the property and closed the enforcement investigation, and the previous case officer confirmed during consideration of DM/26/0121 that the previous unauthorised use had no bearing upon his recommendation.

The relevant consideration is therefore whether the ancillary accommodation now proposed can satisfactorily be controlled. The applicant submits that it can.

18. Constructive Engagement with the Council

The applicant has sought throughout to work constructively with the Local Planning Authority.

Following the previous enforcement investigation, independent occupation ceased and the Council confirmed that the breach had ceased and closed its file.

The Council's Senior Planning Officer subsequently advised that, should the applicant wish to use the building on an ancillary basis, an application under Section 73 should be made to amend Condition 4 to refer to "ancillary" use.

The applicant followed that advice and submitted DM/26/0121. When subsequently advised that the application was likely to be recommended for refusal on planning policy grounds, the application was withdrawn rather than allowing a refusal to be issued.

Prior to making the present application, the applicant sought further informal guidance from the Council on three occasions in an effort to establish whether an appropriately worded ancillary occupancy condition could provide an acceptable way forward. No response had been received at the date of submission.

The applicant has therefore proceeded with this application and remains willing to discuss the precise wording of the replacement condition with the Local Planning Authority.

19. Planning Balance

The proposal can be summarised simply. An existing lawful building at 62 Wickham Hill is presently restricted to purposes incidental to occupation of the principal dwelling. The applicant seeks to vary that restriction to permit ancillary accommodation.

The building would remain tied to 62 Wickham Hill and would expressly be prohibited from being occupied as a separate residential unit.

Occasional overnight carer accommodation and the reason for incorporating domestic facilities were disclosed during consideration of the original planning application. No physical development or subdivision is proposed. The building remains functionally connected to the principal dwelling. Parking has previously been accepted as sufficient. The previous unauthorised occupation ceased and the enforcement case was closed.

Nearby Bentley Cottage provides a recent example of the Council recognising that a detached building containing comprehensive residential facilities capable of supporting independent day-to-day living can nevertheless remain ancillary accommodation where its relationship with the principal dwelling is appropriately controlled by condition.

The applicant seeks the same fundamental planning outcome: ancillary accommodation without creation of a separate dwelling.

20. Conclusion

This application seeks a specific and limited variation to Condition 4 of DM/23/2011.

The applicant asks that the existing restriction to incidental use be varied to permit the building to be used as ancillary accommodation to 62 Wickham Hill.

The application does not seek permission for an independent dwelling and expressly accepts a continuing planning condition preventing such use.

The applicant therefore proposes the following replacement wording:

“The building shall be occupied solely as accommodation ancillary to the occupation and enjoyment of the host dwelling known as 62 Wickham Hill, Hurstpierpoint, Hassocks, BN6 9NP, and shall not be occupied as a separate unit of residential accommodation at any time.”

This would retain the Council's ability to prevent independent residential occupation while allowing the building to fulfil a reasonable ancillary residential function associated with the principal dwelling.

In light of the original disclosure of intended carer accommodation, the absence of physical development, the building's continuing relationship with the host dwelling, the absence of any proposed subdivision or separate planning unit, and the Council's recent approach to ancillary accommodation at nearby Bentley Cottage, the applicant respectfully requests that the proposed variation of Condition 4 be approved.