

SECTION 73 APPLICATION – PLANNING STATEMENT

Application under Section 73 of the Town and Country Planning Act 1990

Proposal: Variation of Condition 4 attached to planning permission DM/23/2011

Site: 62 Wickham Hill, Hurstpierpoint, Hassocks, BN6 9NP

Applicant: Mr Chris Nutley - 07752 912623

1. Introduction

This Planning Statement supports an application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 4 of planning permission **DM/23/2011**, which currently restricts the approved outbuilding to “incidental” use and prohibits its use as a separate dwelling.

The applicant seeks to replace the condition with wording that allows the building to be used as **ancillary/annexe accommodation** to the main dwelling, while still preventing its use, sale, or rental as a separate planning unit.

No physical changes are proposed.

The purpose of this application is to regularise an appropriate and policy-compliant annexe use moving forward.

2. Background

Planning permission DM/23/2011 granted consent for the conversion of a carport/garden store into a home working office. The approved structure was subsequently completed to a **full Building Regulations standard**, including a kitchen and bathroom, and has been formally certified by Building Control.

The building is detached, but modest in scale, and sits well within the curtilage of the main dwelling at 62 Wickham Hill.

Condition 4 currently states:

“The resulting building hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of 62 Wickham Hill... and shall not be used as a separate unit of accommodation.”

This application seeks to update the condition to reflect a reasonable, controlled, and policy-compliant **ancillary residential use**.

3. Purpose of the Variation

The existing condition is overly restrictive in that it prohibits any form of residential occupation beyond incidental use, despite the building being:

- Designed and built to a **high specification**
- Fully compliant with all **current Building Regulations**
- Fitted out to meet all standards for safe, modern living
- Well-related to the main dwelling
- Appropriate for family members, dependants, or guests
- Provided with **one dedicated on-site parking space**, suitable for a small annexe

The proposed variation allows the homeowner to make flexible, sustainable use of the building as an **annexe**, while ensuring that it **cannot** become a separate dwelling or be independently rented or sold.

4. Proposed New Condition

The applicant proposes the following widely accepted wording:

“The building shall be used only as accommodation ancillary to the main dwelling known as 62 Wickham Hill and shall not be sold, let, or occupied as a separate unit of residential accommodation.”

This ensures:

- The council retains full control over subdivision of the plot
- No new independent dwelling is created
- No harm to character, density, or local amenity
- No risk of future enforcement issues
- Compliance with Policy **DP26** and the Council’s design expectations
- A sustainable and efficient use of an existing building (in line with NPPF principles)

This exact form of wording has been repeatedly used and supported by local planning authorities including Mid Sussex.

5. Planning Policy Assessment

DP26 – Character and Design

The variation does not involve any physical alterations.

The relationship between the annexe and the main house remains unchanged. No harm arises.

DP22 – Transport

The annexe has **one dedicated parking space**, which is suitable for ancillary accommodation and prevents any overspill parking.

DP29 – Noise, Privacy, and Amenity

No changes are proposed that would affect neighbours' amenity.

Use as an annexe is low impact and typical of residential areas.

DP28 – Accessibility

Safe, independent access is already in place.

NPPF – Efficient Use of Land (Section 11)

The proposal promotes the effective re-use of an existing outbuilding.

NPPF – Conditions Tests (Paragraph 56)

The original condition is now overly restrictive in relation to modern, flexible accommodation needs.

The proposed condition meets all six statutory tests.

6. Justification

The proposed annexe use:

- Supports multi-generational living
- Enables flexible work, guest, and family accommodation
- Makes sustainable use of an existing high-quality building
- Avoids any identifiable planning harm
- Prevents the creation of an independent dwelling, satisfying the council's core concern
- Aligns with Mid Sussex's consistent practice for annexes and ancillary buildings

7. Conclusion

The proposed variation to Condition 4 provides a balanced, reasonable, and policy-compliant solution which:

- Allows the building to be used appropriately and flexibly as ancillary living accommodation
- Prevents any future independent occupation
- Results in no harm to character, design, highways, parking, or amenity
- Meets both local and national planning policies
- Reflects constructive dialogue with the Council following cessation of the previous occupation

For these reasons, approval of the variation is respectfully requested.