



Dems House, Old Mill Drive, Storrington, Pulborough, RH20 4QD

Section 73 Town and Country Planning Act 1990

Removal of condition No.3 of Planning Permission DC/23/1991

Planning Statement

Room 205, Technopole Portsmouth, Kingston Crescent, Portsmouth, Hampshire, PO2 8FA  
023 9252 3352 - [help@tpexpert.org](mailto:help@tpexpert.org) - [www.tpxexpert.org](http://www.tpxexpert.org)

Jonathan McDermott, and Francelita Balbido are Chartered Town Planners regulated by the Royal Town Planning Institute  
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Town Planning Expert  
The Technopole  
Kingston Crescent  
Portsmouth  
PO2 8FA



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### Site Information

Consultant	Francelita Balbido
Client	Hancoda Ltd
Site Address	Dems House, Old Mill Drive, Storrington, Pulborough, RH20 4QD
LA	Horsham District Council
Description of Development	Removal of condition No.3 of Planning Permission DC/23/1991
Pathway (PD/Application/Appeal)	Sec 73 Application

### Constraints Review

Flood Risk Zone	1
Contaminated Land	No
Tree Preservation Order	No
Heritage Assets	No
Noise Abatement Areas	No
Explosive Hazard Areas	No
National Landscape	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(2) Directions	No

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## Local Policy Requirements

Local Plan/Core Strategy	Horsham District Planning Framework (November 2015)
Effective Policies in Development Control	N/A
SPG/SPD's	N/A
Planning History	DC/23/1991   Permitted 28/02/2024   Change of Use from Beauty Salon (Sui Generis) to Offices Class E(c) (3 Dems House)

**Report Date** 05 December 2025



## 1. Introduction

1.1. The site, the subject of this application, relates to Dems House, Old Mill Drive, Storrington, Pulborough. Dems House is a two-storey building used as a business/shop on the ground floor, and an office and beauty salon are on the first floor.

1.2. This application is submitted under Section 73 to request the removal of Condition 3 from planning approval DC/23/1991 (for Unit 3).

1.3. The Town Planning Expert is the agent for this application.

### About Town Planning Expert

1.4. Town Planning Expert is a general needs planning consultancy formed in 2012 and practising as a Chartered Planning Practice. Town Planning Expert is instructed to submit a planning application for development as set out below.

### Our VICTORY © Framework

1.5. Our VICTORY Framework applies a policy, plan lead, approach to development with the intent of gaining planning permission in a manner that complies with National and Local Planning Policy in accordance with S38 of the Planning and Compulsory Purchase Act 2004.

### Matters Pursuant to the Application

1.6. An application for the removal of condition 3 from application DC/23/1991 is sought. The reason for the removal is that the reason for the condition in the first instance no longer applies following the official withdrawal of Natural England's requirements for demonstrating water neutrality in the area. This change was formally confirmed on 31 October 2025.

1.7. Condition 3 states:

*3. Regulatory Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises shall be used as an office within Class E (g) (i) and for no other purposes whatsoever without express planning consent from the Local Planning Authority first being obtained.*

**Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to prevent unacceptable impact(s) on neighbouring amenity which would arise from an alternative use within Class E) in accordance with Policy 33 of the Horsham District Planning Framework (2015).**

## Summation of Case

1.8. This application seeks the formal removal of Condition No. 3, a planning condition originally imposed under planning permission DC/23/1991. The justification for this request is that the condition is no longer valid, as Natural England has since withdrawn the nutrient-neutrality requirement for this area.

## 2. Site Context

2.1. The application site relates to a two-storey building comprised of 4 units. Unit 1 - Bits & PC's (shop), Unit 2 - Flowerwise (shop), Unit 3 - office, and Unit 4 - Beauty Salon. Units 1 and 2 are on the ground floor, while units 3 and 4 are on the first floor. It is adjacent to a car park to the north and a public car park to the south.

2.2. The site is within the Storrington Old Mill Drive Diamond. HDPF recognise this as a secondary centre of Storrington. The site lacks a traditional shopping frontage, as its ground floor is below the elevation of the car park in front of the building. It is also located at the back of residential units along Mill Lane and commercial units along Old Mill Drive.

2.3. The surrounding area is predominantly residential, with two and three-storey semi-detached and terraced dwellings. The Storrington Fish and Chips and Marakesh Indian Takeaway are the business establishments left in Old Mill Drive Diamond, which both facing the car park.

2.4. The Storrington Old Mill Drive Diamond comprises two and three-storey buildings. The buildings were arranged at the sides fronting Mill Lane and Mill Parade, and their back formed an oblong-shaped area with car parking in the middle. The other end of the oblong-shaped area is the High Street. The property's location near the High Street provides easy access to local amenities and public transport.

2.5. The property is not a listed building and is not within a Conservation Area.

### 3. National Development Framework and Related Legislation

#### 3.1. Section 73 of the TCPA 1990

##### **Determination of applications to develop land without compliance with conditions previously attached.**

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

## 4. Justification

4.1. The property in question comprises four separate units and this application relates to unit 3.

4.2. Unit 3 is subject to a restrictive condition that seeks to limit the use of the property to an office within Class E (g)(i). The reason for the condition is to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC, SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015).

4.3. The conditions PPG states:

*Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. The local planning authority also has powers under article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to enable them to withdraw permitted development rights across a defined area, where justified.*

4.4. On the face this condition effectively controlling the use of the property within Class E would not meet the tests of reasonableness or necessity in that the change of use to any other use within Class E is not a material change of use and therefore not development requiring planning permission in the first instance having regard to S55(1) of the Town and Country Planning Act 1990.

4.5. Notwithstanding this, the condition was originally imposed to address concerns related to water neutrality, following guidance issued by Natural England. However, Natural England has subsequently withdrawn the requirement for water neutrality mitigation measures within this specific geographical area. As such, the specific reason for the condition has now been



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extinguished, and therefore, the condition would fail the test of relevance to planning control as well.

4.6. Given the above and in the absence of a specific reason for the condition, it is now considered that the condition itself fails the tests of reasonableness, relevance to planning and necessity and should be removed.

## 5. Conclusion

5.1. Given the material change in environmental regulation and guidance, it is asserted that Condition No. 3 is no longer necessary, reasonable, or legally valid for the proposed development, and its continued imposition is therefore unwarranted. The removal of this condition will allow the development permitted under DC/23/1991 to proceed without an unnecessary and now obsolete regulatory burden.

5.2. With the above justifications and reasons, the applicant requested that condition 3 for application DC/23/1991 be removed, and a new planning approval issued under the S73 process.