Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1772
Farthings Walk, Avoca House , Farthings Hill, Horsham, West Sussex, RH12 1WR

SITE LOCATION & DESCRIPTION:

Removal of Condition 7 of previously approved application HU/183/98 (Erection of 6 houses and single garages for farthings farm cottage and sunicot) relating to permitted development rights.

RELEVANT PLANNING HISTORY:

DC/22/1077	Erection of a single storey rear extension and partial garage conversion.	Application 16.08.2022	Permitted	on
HU/183/98	Erection of 6 houses and single garages for farthings farm cottage and sunicot Site: Farthings Farm Farthings Hill Horsham	Application 10.09.1998	Permitted	on

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

Consultations:

Natural England: Standing Advice:-
It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Parish Comments:
Horsham Denne Neighbourhood Council has **no objection** to this application.

Representations:
One (1) representation has been received, supporting the application for the following reasons: -

- Agreement with applicant.

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Application HU/183/98 granted permission for the erection of six houses and single garages for Farthings Farm Cottage and Sunicot. This application relates solely to Avoca House, one of the six dwellings, as identified on the application plans submitted with this application.

Permission is sought under this application to remove condition 7 of HU/183/98 which restricts permitted development rights.

Condition 7:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Develpment) Order 1995, or Orders amending of revoking and re-enacting the same. The buildings shall not be expected or altered in any way, unless permission is granted by the Local Planning Authority on application in that behalf.

Reason: to maintain control over the development in the interest of amenity.

Paragraph 017 of the “Use of Planning Conditions” Planning Practice Guidance states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. The scope of such condition 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.

The reasons condition 7 was required were in the interest of amenity. The current amenity policy of the HDPF, policy 33 states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

The GPDO contains restrictions on development, expected to prevent significant impacts on neighbouring amenity and the design and appearance of a building. Avoca House is a two storey detached dwelling, set within a reasonable sized plot for the development size. This layout and relationship is not dissimilar to a layout considered typical for a single dwelling. Given this and the restrictions of the GPDO to protect neighbour amenity and ensure suitable design, it is not considered that removing condition 7 would have wider implications that would lead to an unacceptable impact on the design and appearance of the property and neighbouring amenity.

Given the restrictions within the GPDO, the layout of the site and the current local plan policies, it is not considered the conditions are necessary to make the development acceptable in planning terms, or fairly and reasonably related in scale and kind to the development. In conclusion conditions 7 does not meet all the tests required for a planning obligation in the NPPF, and are therefore permitted to be removed for Avoca House.

The Local Planning Authority note that the condition sought for removal (condition 7) was applied to six dwellings. This application has been submitted using the address of Avoca House and with a Certificate A only. An updated location plan has been provided to clarify the location the removal applies to. In brief the above granting of permission to remove condition 7 relates *solely* to Avoca House as shown in the location plan submitted to the Local Planning Authority on the 2nd of January 2025.

Recommendation: Application Permitted

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1772

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation & Floor plan		P.05	03.01.2025
Location plan			02.01.2025

DELEGATED

Case Officer sign/initial Alice Johnson Date: 06/01/2025

Authorising Officer sign/initial RHERMITAGE Date: 07.01.2025