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Sent: 16 February 2024 07:54
To: Planning
[redacted]

Importance: High

Categories: Comments Received

Subject: Your Ref: DC/24/0035

Dear Sir/Madam

I am a leaseholder of a flat at Stanford Orchard, Hollands Way, Warnham RH12 3RF and am writing to you regarding the above referenced application to confirm use of flat as Sheltered Residential Accommodation without requiring planning permission. This was submitted by our freeholder, RLHA/Elm Group (Your Ref: DC/24/0035, Case Officer: Bethan Tinning). I have been asked to write this email on behalf of several leaseholders who do not have the internet or email, and also some of those who weren't sent your letter.

Firstly, you have sent your letter notifying of the application to Flats 15 - 32. These constitute only one block, and just half of the estate.

There are 14 flats and cottages that have not received this application from you, ie numbers 1 - 14. However, all 32 properties are very much a part of Stanford Orchard.

The 32 flats and cottages that comprise Stanford Orchard are all bound by the same lease and that lease clearly states we must have an on-site warden and Flat 33 is the warden's residence. As far as we all know, this is a clause in our leases that was originally inserted by Horsham District Council, yourselves, specifically to allow Wates (the original builders) to construct the estate. And as far as we've all been advised, Flat 33 (the subject of this application) was constructed specifically and only for that purpose, as the warden's flat.

As this clause in our leases affects all 32 leaseholders of Stanford Orchard, your letter notifying of the freeholder's application should have been sent to all properties, not just those in one part of the estate.

There is another point that may need your consideration.

The 32 properties of Stanford Orchard pay the warden's rent for Flat 33 to the freeholder. This rent is paid through our service charges. In the 1990s/2000s the Stanford Orchard leaseholders took the freeholder to tribunal over the high cost of the rent being charged to them, and the rent was subsequently fixed by law as a result of that tribunal; it was agreed legally that the rent paid to the freeholder must not exceed 50% of the standard rental rate. As we all pay for the rental we would need to know what financial liability we would all have should the freeholder decide to make physical changes to Flat 33, as currently we are also liable for certain bills concerning that flat, not just the rent.

So if there was to be any change of use of the flat, then planning permission would make the whole exercise more transparent for the leaseholders. The freeholder would need to discuss their intentions with the leaseholders as it would mean several changes to our leases + the maintenance and service charges

that we all pay, and potentially changes to the original tribunal's legal decision (which could need to be remedied legally). If the Planning Department agree that the freeholder does not require planning permission to change Flat 33's use, the freeholder would not then be required through seeking planning permission to reveal any changes with leaseholders prior to actioning them, which could then leave our leases in abeyance and no subsequent discussions over our maintenance/service charges. The need for planning permission would enable a transparent discussion over any proposals, and costs involved for leaseholders.

To that end, leaseholders are wondering if, in view of the fact that the Council's stipulation of having a warden on the premises is in our leases, that the Council should be ensuring that planning permission must be sought in conjunction with changes to the lease that would require changes to certain clauses that could probably only be made by the Council? Looking at our leases, it certainly appears that nothing can be done to Flat 33 without a major change to all our leases, which would surely need any application to be subject to planning permission?

Many of the leaseholders here are elderly and have absolutely no idea how to object or quite what to do; they do not have access to the internet or computers. So I hope that this background information will help you reach your decision. I understand that several leaseholders with internet will be objecting via the internet, in the hope that planning permission will need to be sought for any future change.

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