Horsham District Council

Mr Tim Rodway
Rodway Planning Consultancy Limited
Rodway Planning Consultancy Limited
293 Upper Shoreham Road
Shoreham By Sea
BN43 5QA

Application Number: DC/24/0625

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr Andrew Jackson

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the following development, that is to say:

Variation of condition 1 of previously approved application DC/23/0340 to allow for: front and rear skylight changed to dormer windows; amendments to driveway entrance; addition of timber pergola, 2 no. external outbuildings, open lean to, relocation of consented back door to side of house and minor fenestration alterations.

Oakfield Cox Green Rudgwick West Sussex

to be carried out in accordance with Application No. DC/24/0625 submitted to the Council on 02/05/2024 and subject to compliance with the plans/documents and conditions specified hereunder.

Emma Parkes
Head of Development and Building Control

Date: 19/07/2024

1 **Plans Condition**: The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Tree plan	Tree Survey	TCP.02	24.09.2021
Supporting Statement	Energy and Sustainability Statement	NONE	24.09.2021
Supporting Statement	Drainage Statement	NONE	24.09.2021

Supporting Statement	Transport	NONE	24.09.2021
Supporting Docs	Bat Survey	P3302	24.09.2021
Supporting Docs	Preliminary Ecological Appraisal	P3302	24.09.2021
Site plan		Rev.B 2.02	02.07.2024
Elevation & Floor plan	Roof, General Arrangement, as proposed	2.03	30.04.2024
Elevation & Floor plan	Outbuildings, as proposed	2.04	30.04.2024
Supporting Statement	Planning	NONE	23.04.2024
Supporting Statement	Tree Protection Plan & Arboricultural Method Statement	TPP 04 Rev C	01.07.2024

Reason: For the avoidance of doubt and in the interest of proper planning.

2 **Pre-Demolition Condition**: No demolition works shall commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
b) a method statement relating to a registered site supplied by an individual registered to use a Bat Mitigation Class Licence for Bats; or
c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve Protected and Priority species and allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998 and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

3 **Pre-Occupation Condition**: The dwelling hereby permitted shall not be occupied until the Biodiversity Enhancement Strategy for Protected and Priority species has been carried out in accordance with the details approved under application ref: DISC/23/0053 on 06.04.2023, unless details of an alternative Strategy have otherwise been approved in writing by the Local Planning Authority. The works shall be retained in that manner thereafter.

Reason: To safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

4 **Pre-Occupation Condition**: Prior to the first occupation of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include details and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary/residential curtilage treatments
- Existing and proposed lands levels
- Ecological and Biodiversity Enhancements

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Pre-Occupation Condition**: No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Site Plan and numbered 2.02 (received 02.07.2024).

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition**: No part of the development shall be first occupied until visibility splays of 2.4 x 54 metres northeast and 2.4 x 52 metres southwest have been provided at the proposed site vehicular access onto Cox Green in accordance with the approved planning drawings (Site Plan Numbered 2.02, received 02.07.2024). Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan.

Reason: To ensure safe access onto the highway in accordance with Policy 40 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition**: No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan 2.02 (received 02.07.2024). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car parking for the use in accordance with Policy 41 of the Horsham District Planning Framework (2015).

8 **Pre-Occupation Condition**: No part of the development hereby permitted shall occupied until 1no electrical vehicle charging point per dwelling has been provided on site. The charging points shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

9 **Pre-occupation Condition**: No part of the development shall be first occupied unless and until covered and secure cycle parking spaces have been provided to serve the dwellings. The facilities shall thereafter be retained for use at all times.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and in accordance with Policy 40 and 41 of the Horsham District Planning Framework (2015).

10 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling (or use) in accordance with drawing number 2.03 (received 30.04.2024). These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11 **Pre-Occupation Condition**: The development hereby permitted shall not be occupied until the first floor side windows on Plan 2.03 (received 30.04.2024) have been fitted with obscured glazing. No part of that/those window(s) that are/is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

Reason: To protect the privacy of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

12 **Pre-Occupation Condition**: Prior to the first occupation of the dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

13 **Regulatory Condition**: The development hereby approved shall be undertaken in strict accordance with the schedule of materials as approved under DISC/24/0082 on 14.06.2024, unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

14 **Regulatory Condition**: All mitigation and enhancement measures and works shall be carried out in accordance with the details contained in the 'Preliminary Ecological Appraisal Updated' report (The Ecology Co-op, August 2021) and the 'Bat Survey Report Update' (The Ecology Co-op, August 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

15 **Regulatory Condition**: The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

16 **Regulatory Condition**: All works shall be executed in full accordance with the submitted Arboricultural Reports TCP02 dated 10.7.2021 & TPP04 dated 21.06.2024, prepared by Treeline Services Ltd. (Received 24.09.2021 and 21.06.2024 respectively).

- Any excavations within the RPA should be undertaken carefully, using hand-held tools.
- If any roots are exposed during the work, they should immediately be wrapped or covered to prevent desiccation and protect them from rapid temperature changes. Any

wrapping should be removed before backfilling, which should take place as soon as possible.

- Before backfilling, any retained roots should be surrounded with topsoil or uncompacted sharp sand (builders' sand should not be used because of its high salt content, which is toxic to tree roots), or other loose inert granular fill, before the soil or another suitable material is replaced. This material should be free of contaminants and other foreign objects potentially injurious to tree roots.

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

17 **Regulatory Condition**: The means of foul and surface water drainage shall be executed as per the drainage statement submitted 24.09.2021.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

18 **Regulatory Condition**: No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

19 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) as amended, no development falling within Classes A, AA, B, C, or E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to the nature of the development and constraints of the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

20 **Regulatory Condition**: No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

Reason: To safeguard the amenities of neighbouring properties along Hermongers Lane in accordance with Policy 33 of the Horsham District Planning Framework (2015).

21 **Post-Occupation Condition**: Upon the first occupation of the dwelling hereby permitted, the existing dwelling indicated on drawing no. 2.03 (received 30.04.2024) shall cease to be used for any purpose whatsoever and within a period of 3 months thereafter such existing building shall be demolished (including the removal of foundations). All materials arising from such demolition shall be removed from the site.

Reason: The retention of existing buildings together with the new buildings would result in the proliferation of buildings on the site, detracting from the character of the area which would be contrary to Policy 33 of the Horsham District Planning Framework (2015).

22 **Regulatory Condition**: The outbuildings hereby permitted (shown on plan 2.02 received on 30.04.2024) shall be occupied solely for purposes incidental to the occupation and enjoyment of the main dwelling and shall not be used as a separate unit of accommodation, or commercial purposes.

Reason: The establishment of an additional independent unit of accommodation or commercial use would give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).

Note to Applicant – Community Infrastructure Levy (CIL):
Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development**.

If you have not received a Liability Notice from the Council within 1 month of the decision date please contact the CIL Team at cil@horsham.gov.uk

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

Note to Applicant:
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.

ADDITIONAL INFORMATION

Planning Permission – Important Provisos
If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts of Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted. The Building Control Department can be contacted on 01403 215151.

If this permission relates to new dwellings, commercial premises or other buildings which will require a new postal address you should contact the Council's Street Naming & Numbering Department as soon as possible or before work commences on site. Further details are available on the Street Naming page on the Council's website or alternatively e-mail streetnaming@horsham.gov.uk or telephone 01403 215139.

It is the responsibility of the developer to provide bins for the development. If you are a developer and need to purchase bins, please email hop.oast.admin@horsham.gov.uk.

It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over lands, or to access land that is not within your control or ownership.

Compliance with the Approved Plans and Conditions
The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or part of the development is started. These will appear in the 'Pre Commencement Conditions' section of the Notice.

If works on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

Amendments
Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Monitoring
Horsham District Council monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

Conditions Compliance
Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.

A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.