Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0465
Block Containing Flats 1 To 28 And 53 To 66, Kings Gate, Horsham, West Sussex, RH12 1AE

DESCRIPTION:
Removal of existing external wall insulation system and replacement with a new system. (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:
None relevant.

SITE LOCATION & APPLICATION DESCRIPTION
The application site comprises a block of flats known as Kings Gate. The site abuts Albion Way and is not within a conservation area and there are no Article 4 Directions covering the site. The application seeks to remove the existing external wall insultation system and replace with a new system, as the current materials were identified as combustible materials and require remediation to ensure compliance with current building fire safety regulations.

PLANNING ASSESSMENT
The main consideration is whether the proposed works to remove the existing external wall insultation system and replace with a new system would constitute development as defined within Section 55 of the Town and Country Planning Act 1990.

Section 55(1) of the Town and Country Planning Act 1990 states that:

"Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."

Section 55(2) of the Town and Country Planning Act 1990 furthers that certain operations or uses of land shall not be taken for the purposes of the Act to involve the development of land. This includes:

(a) the carrying out for the maintenance, improvement, or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building, and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

Applicant's Case
The Applicant has submitted a Cover Letter which outlines the purpose of the Certificate of Lawful Development Proposed is for the removal of external insulation and replacement with a new system on Flats 1 to 28 and 53 to 66 Kings Gate. The existing external wall cladding materials are combustible and as such require remediation to ensure compliance with the current building fire safety regulations. The submitted information includes a site location plan, existing elevations, proposed elevations, existing plans, and proposed plans.

The submitted Cover Letter details the proposed alterations and the materials that will be used. The existing External Wall Insultation (EWI) system with combustible insulation will be removed and replaced with External Wall Insultation (EWI) system with a reaction to fire classification European Class A2. The Metallic Insultation Core Façade system will be replaced with Ventilated Rainscreen Façade system. The Cover Letter notes that the replacement cladding would increase in depth by 50mm but remain within the current external building footprint and match the existing appearance. The Insulated Spandrel Panels with combustible PUR foam insultation will be replaced with an Insulated Spandrel Panel with a reaction to fire classification European Class A2.

The existing timber decking present in the flanked balconies will be removed and replaced with aluminium decking panels, with a reaction to fire classification of European Class A2. The uPVC soffits on the timber batterns in the flanked balconies will be removed and replaced with a soffit system that has a reaction to fire classification to European Class A2. Both horizontal and vertical cavity barriers are to be introduced and installed to wall types, except the Brickwork façade which will remain unchanged. No other internal or external alterations are proposed, other than those set out above and in the cover letter. The replacement materials will closely match the existing, in terms of colour, finish and profile. It is noted that the existing elevation plans have highlighted some areas in grey, however, the Agent confirmed that these areas are still included within the scope of the works and are part of the full extent of the cladding panels as shown on the proposed drawings.

The Cover Letter concludes that following competition of the remediation works, the external elevations would not be materially altered and therefore, the proposal does not constitute “development” that would require full planning permission under Section 55 of the Act.

Discussion

The proposal is considered to amount to a building operation which is capable of amounting to development, as defined above. The works though would retain the external appearance of the building and any changes to the materials would closely match the existing, in terms of colour, finish and profile.

Section 55 of the Town and Country Planning Act (1990) states that: -

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—
  (i) affect only the interior of the building, or
  (ii) do not materially affect the external appearance of the building,

  and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

Shall not be taken to involve development of the land.

The submission sets out that the existing external appearance of the building would be retained, with the proposal contained within the current external building footprint, and the materials matching the existing appearance. It is considered that any deviation from the existing would not amount to a material change to the external appearance of the building, such that the works would not constitute development as defined under Section 55 of The Act.

Conclusion

It has been demonstrated that the proposal would not amount to development, as defined by Section 55 of the Town and Country Planning Act 1990, as amended.

Recommendation: Application Permitted

Reason:

1. It has been demonstrated that the proposal would not amount to development, as defined by Section 55 of the Town and Country Planning Act 1990, as amended.

Plans list for: DC/25/0465
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Heritage	NONE	14.04.2025
Site plan		01 REV P00	14.04.2025
Elevation plan	Existing	03 REV P00	22.04.2025
Elevation plan	Existing	06 REV P00	22.04.2025
Elevation plan	Existing	07 REV P00	22.04.2025
Elevation plan	Existing	04 REV P00	22.04.2025
Elevation plan	Existing	51 REV P01	04.06.2025
Elevation plan	Proposed	52 REV P01	04.06.2025
Elevation plan	Proposed	53 REV P01	04.06.2025
Elevation plan	Existing	05 REV P00	22.04.2025
Elevation plan	Proposed	54 REV P01	04.06.2025
Elevation plan		08 REV P00	22.04.2025
Elevation plan	Existing	09 REV P00	22.04.2025
Elevation plan	Existing	10 REV P00	22.04.2025
Elevation plan	Existing	11 REV P00	22.04.2025
Elevation plan	Existing	12 REV P00	22.04.2025
Elevation plan	Existing	13 REV P00	22.04.2025
Elevation plan	Existing	14 REV P00	22.04.2025
Elevation plan	Existing	15 REV P00	22.04.2025
Elevation plan	Existing	16 REV P00	22.04.2025
Elevation plan	Existing	17 REV P00	22.04.2025
Elevation plan	Existing	18 REV P00	22.04.2025
Elevation plan	Proposed	51 REV P01	04.06.2025
Elevation plan	Existing	02 REV P00	22.04.2025
Elevation plan	Existing	01 REV P00	22.04.2025
Location plan		NONE	25.03.2025
Supporting Statement	Cover Letter	NONE	04.06.2025
Floor plan	Proposed Fourth	51 REV P00	14.04.2025
Floor plan		01 REV P00	14.04.2025
Elevation plan	Proposed	56 REV P01	04.06.2025
Elevation plan	Proposed	58 REV P01	04.06.2025
Elevation plan	Proposed	66 REV P01	04.06.2025

Elevation plan	Proposed	52 REV P01	04.06.2025
Elevation plan	Proposed	53 REV P01	04.06.2025
Elevation plan	Proposed	54 REV P01	04.06.2025
Elevation plan	Proposed	55 REV P01	04.06.2025
Elevation plan	Proposed	57 REV P01	04.06.2025
Elevation plan	Proposed	59 REV P01	04.06.2025
Elevation plan	Proposed	60 REV P01	04.06.2025
Elevation plan	Proposed	64 REV P01	04.06.2025
Elevation plan		62 REV P01	04.06.2025
Elevation plan	Proposed	65 REV P01	04.06.2025
Elevation plan	Proposed	63 REV P01	04.06.2025
Elevation plan	Proposed	61 REV P01	04.06.2025
Elevation plan	Proposed	68 REV P01	04.06.2025
Elevation plan	Proposed	67 REV P01	04.06.2025

DELEGATED

Authorising Officer sign/initial Guy Everest Date: 04.07.2025