Horsham District Council

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Farthings Walk, Avoca House

Address Line 1

Farthings Hill

Address Line 2

Address Line 3

West Sussex

Town/city

Horsham

Postcode

RH12 1WR

Description of site location must be completed if postcode is not known:

Easting (x)

515598

Northing (y)

131040

Description

Applicant Details

Name/Company

Title

Mr

First name

Paul

Surname

Stanley

Company Name

Address

Address line 1

Avoca House

Address line 2

Farthings Walk

Address line 3

Farthings Hill

Town/City

Horsham

County

Country

United Kingdom

Postcode

RH12 1WR

Are you an agent acting on behalf of the applicant?

◯ Yes
⊘ No

Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Erection of 6 houses and single garages for Farthings Farm Cottage and Sunicot
Site: Farthings Farm Farthings Hill Horsham

Reference number

HU/183/98

Date of decision (date must be pre-application submission)

10/09/1998

Please state the condition number(s) to which this application relates

Condition number(s)

7

Has the development already started?

- [x] Yes
- [ ] No

If Yes, please state when the development was started (date must be pre-application submission)

10/09/1998

Has the development been completed?

- [x] Yes
- [ ] No

If Yes, please state when the development was completed (date must be pre-application submission)

05/11/1999

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

As I understand it, condition 7 effectively constitutes a blanket removal of all Permitted Development Rights associated with the 6 original properties in Farthings Walk, including my property which is the subject of this application. I believe this is now disproportionate and unreasonable in the light of subsequent development in the surrounding area, as well as being unnecessary, and this is inconsistent with the Government's current guidance relating to planning permissions.
The National Planning Policy Framework (the NPPF) states that (December 2023 version, paragraph 54):
"…planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so."
Furthermore, the government's national Planning Practice Guidance suggests that:
"Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity" and that "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".
Notably, there have been 2 large-scale developments in the immediate vicinity (i.e. land on the southern side of Farthings Hill) in the period since. One, for 27 residential units, was approved under DC/09/0985 and Permitted Development Rights appear not to have been removed. The other, for 26 dwellings, was approved under DC/13/0429 and restrictions were imposed only on extensions on any elevation which front or face onto a highway or vehicular access.
I have set out full details of my request to remove the planning condition, and thereby reinstate the national Permitted Development Rights, in the covering letter attached to this application which gives further information regarding the background to my application.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

I am seeking the disapplication / removal of this condition, so that Permitted Development Rights are reinstated.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- [x] Yes
- [ ] No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- [ ] The agent
- [x] The applicant
- [ ] Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- [ ] Yes
- [x] No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- [x] Yes
- [ ] No

Is any of the land to which the application relates part of an Agricultural Holding?

◯ Yes
⊘ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

*** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.**

**** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.**

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

⊘ The Applicant
◯ The Agent

Title

Mr

First Name

Paul

Surname

Stanley

Declaration Date

15/11/2024

☑ Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☑ I / We agree to the outlined declaration

Signed

Paul Stanley

Date

15/11/2024