Horsham District Council

Mr Henry Wagstaff
Wilbury Planning Ltd
61-63 No. 5
Wilbury Road
Hove
East Sussex
BN3 3PB

Application Number: DC/23/2142

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

On behalf of: Mr and Mrs Phil and Catherine Holcombe C/O Wilbury Planning Ltd

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby REFUSE to permit the works specified hereunder, that is to say:

Variation of Conditions 1, 8, 9, 10 and 13 of previously approved application DC/22/2048 (Variation of condition 1 of previously approved application reference DC/22/1571 (Variation of condition 1 of previously approved application DC/22/0085 (Variation of Condition 1 (plans) and Removal of Condition 4 (finished floor levels), 5 (materials), 6 (water use), and 7 (landscaping) of previously approved application DC/19/1229 (Erection of 2.No two storey detached dwellings with associated parking and garage, landscaping and creation of hard standing) to allow for design alterations to Unit 2) to allow for the phasing of the overall scheme) to allow for minor design changes to Unit 1.) Variation sought in respect of air source heat pump, water drainage details, finished floor levels, engineering layout, and arboricultural details including tree protection plan.

Boreham House Church Street Rudgwick West Sussex

as shown on Plan and Application Number DC/23/2142 submitted to the Council on 24/11/2023. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 The proposed amendment, by virtue of its proximity to nearby trees would result in harm to the health and potential loss of the tree/s. The development is within the root protection area of a retained tree where development is undesirable, and in this case avoidable. This is contrary to Policy 33 of the Horsham District Planning Framework and Paragraph 136 of the National Planning Policy Framework (2023).

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Layout plan	Engineering plan, as proposed	D2022-003 REV L	13.02.2024
Plans	Surface finishes, as proposed	D2022-004 REV H	13.02.2024
Details plan	Construction, as proposed	D2022-005	24.11.2023

Details plan	Construction, as proposed	D2022-006	24.11.2023
Plans	Impermeable Areas, as existing and proposed	D2022-007 REV C	24.11.2023
Supporting Statement	Suds Drainage Maintenance Schedule	NONE	24.11.2023
Supporting Docs	Drainage Network Design Settings	D2022 SW REV C	24.11.2023
Supporting Docs	Surface Water Drainage Design Settings	D2022 SW REV C	24.11.2023
Supporting Statement	Arboricultural Impact Assessment and Method Statement	3156 REV 1	24.11.2023
Supporting Statement	Arboricultural Survey Report (Tree Survey Schedule and Tree Constraints Plan)	STA3156 REV 1	24.11.2023
Tree plan	Tree Constraints plan	STA3156TCP	24.11.2023
Tree plan	Tree Protection Plan	STA3156TPP	21.12.2023
Tree plan	Tree Removals Plan	STA3156TRP	24.11.2023
Elevation & Floor plan	Plot 1, Heat Pump Enclosure, as proposed	D1885.14	24.11.2023
Site plan		D1885.1Z	13.02.2024
Floor plan	Ground and First, Plot 2, as proposed	D1885.5Q	13.02.2024
Elevation plan	Front and North, Plot 2, as proposed	D1885.6O	13.02.2024
Elevation plan	South and Rear, Plot 2, as proposed	D1885.11f	13.02.2024
Elevation & Floor plan	Heat Pump Enclosure, as proposed	D1885.15B	13.02.2024
Plans	Levels and Contours, as proposed	D2022-002	13.02.2024
Details plan	HARD AND SOFT GENERAL ARRANGEMENT DRAWING	RC0398/01	13.02.2024
Details plan	DETAILED PLANTING DRAWING 1/2	RCo398/02	13.02.2024
Details plan	DETAILED PLANTING DRAWING 2/2	RCo398/03	13.02.2024
Details plan	Tree Planting Detail	RCo398/04	26.01.2024

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.

Emma Parkes
Head of Development and Building Control

Date: 30/04/2024

ADDITIONAL INFORMATION

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.