‘Little Sele’

Removal of a planning condition pursuant to Section 73

Planning Statement

Henry Adams rural & planning

FEBRUARY 27TH 2025

Planning Statement

In the matter of the removal of a planning approval condition pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended)

At

'Little Sele', c/o The Coach House, Selehurst, Brighton Road, Lower Beeding, Horsham, RH13 6PR

On behalf of

Mr Prideaux

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Introduction

1. This statement has been created by Henry Adams in support of an application to remove condition 2 attached to the planning permission granted on 2nd March 2007 (ref.: DC/06/0749) for 'Little Sele', as part of the Coach House, Selehurst, Brighton Road, Lower Beeding, Horsham, RH13 6PR.

2. The subject property and extent of land to which this application relates is herein called 'the site'.

3. The relevant condition, number two, states that "*The residential accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Selehurst*."

4. The request to remove the condition above is concurrent to a Section 106 Discharge Application (ref.: S106/24/0014) and has arisen from the change in circumstances of the applicant and their family which prevents 'Little Sele' from being used by family members and staff only as an ancillary property to the main dwellinghouse.

5. This application is made on behalf of the owner, Mr Michael Prideaux, under the provisions of Section 73 of the Town and Country Planning Act 1990 (as amended.)

Background information

6. The site forms part of a larger holding known as Selehurst, located on Western side of the A281; East of Nuthurst and South of Lower Beeding. The Google Earth extract below (**Figure 1**) shows the site's location in relation to the postcode marker 'RH13 6PR.'

7. The property known as Little Sele is to the North of Selehurst and is a 'U'-shaped, two-storey building.

8. The building has enjoyed full lawful residential use since 2007.

9. Relevant planning history includes:

    - DC/06/0749 – Conversion of Coach House to provide ancillary accommodation (approved on 2nd March 2007.)

10. The Coach House has been occupied by the applicant's daughter, her spouse and dependents for the last 15 years. However, they have to move to another location. No other family or staff member is available to occupy the property.

11. The applicant would like to offer the Coach House on the open rental market to find suitable tenants rather than sell the property as a separate entity or leave it empty. The

necessary changes to the Section 106 agreement relating to the property are currently being made.

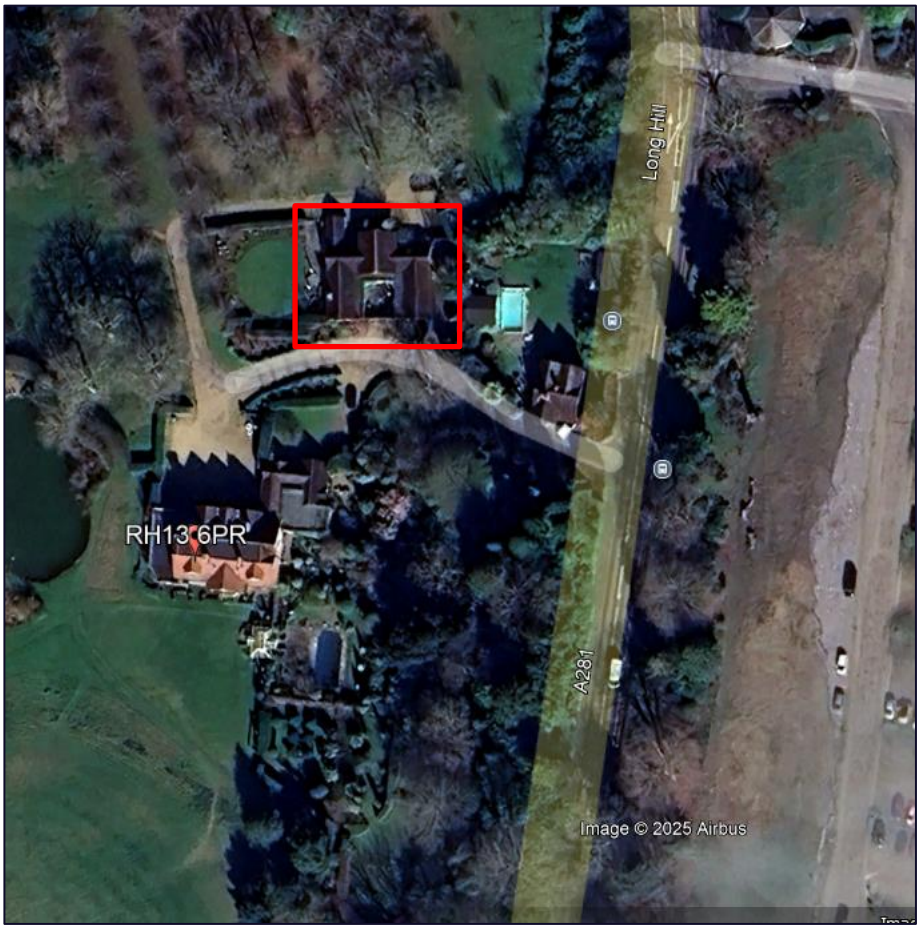


Figure 1 – Extract from Google Earth with an approximate proposal site for information only.

Policy and Legal Background

12. Numerous changes to national policy and national planning guidance (NPPG) have intervened since the granting of the planning permission for the Coach House; therefore, it is considered appropriate analysing the current policy background.

13. The following policy documents are considered relevant to this application:

    - National Planning Policy Framework (NPPF, 2024)
    - National Planning Policy Guidance (NPPG)
    - Horsham District Planning Framework (HDPF, 2015)

14. As local policies are more than five years old, greater weight is to be afforded to the most recent national policy documents.

National Planning Policy Framework

15. **Paragraph 56** states that

> *"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."*

16. **Paragraph 57** specifies that "

> *"Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. [...]"*

17. Section 5 aims to support the Government's objective of "*significantly boosting the supply of homes*" (**paragraph 61**.)

18. Small and medium-sized sites can "*make an important contribution to meeting the housing requirements of an area*" (**paragraph 73**.)

19. Based on the latest Housing Delivery Test, published in December 2024, Horsham delivered 62 per cent of the total number of homes required. This means that "*the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer*" (**paragraph 79c**.)

20. With regards to rural housing, the NPPF requires planning policies and decisions to avoid "*the development of isolated homes in the countryside,*" unless some circumstances apply (**paragraph 84**.) One of these circumstances is the re-use of redundant or disused buildings (**paragraph 84c.**)

21. This direction is also expanded upon in section 11, which promotes the effective use of land in meeting the needs for homes and other uses. The value of using "*suitable brownfield land*" is recognised by **paragraph 125c**, while **paragraph 125d** aims to "*promote and support the development of under-utilised land and buildings*."

22. As explained above, the applicant's circumstances have changed and the condition 2 included in the original planning permission would only leave the Coach House empty. The property is not isolated in the ordinary meaning of the word, which should not be over-interpreted.

23. Overall, current planning policy – not just the NPPF but also the General Permitted Development Order (GPDO) – strongly supports reusing existing buildings in rural areas.

The removal of the condition 2 would allow the applicant to rent the property on the open market and prevent it from falling into disuse.

24. Historic England have also published numerous reports encouraging the reusing of old buildings to avoid losing the CO_2 emissions already embodied within existing buildings and therefore help the UK meet its environmental targets by 2050.

25. Although mostly in regard to significant development, proposals should be located where sustainable transport solutions are available (**paragraph 110**.)

26. According to **paragraph 116**, "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios*."

27. Since the original application, a pair of bus stops have been created immediately adjacent to the Coach House on the A281, providing regular services to Brighton, Henfield and Horsham (see Figure 1.)

28. As the property is currently occupied, the impact on the road network would remain unchanged.

29. In summary, as condition 2 would prevent the use of the Coach House as a rental property and cause it to fall in disuse, the removal of such condition would be deemed sustainable development according to the latest national policy.

National Planning Practice Guidance

30. The NPPG notes that an applicant can take to remove a condition as:

> *"[…] Some or all of the conditions could be removed or changed by making an application to the local planning authority under section 73 of the Town and Country Planning Act 1990. In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question. […]"*
>
> *Paragraph: 031 Reference ID: 21a-031-20180615*

31. This application is made pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended.)

32. NPPG provides the '6 tests' that need to be applied to all planning conditions:

1. *Necessary*
2. *Relevant to planning;*
3. *Relevant to the development to be permitted;*
4. *Enforceable;*
5. *Precise; and*
6. *Reasonable in all other respects.*

Paragraph: 003 Reference ID: 21a-003-20190723

33. With regards to circumstances where planning conditions should not be used, the NPPG also includes conditions which "*place unjustifiable and disproportionate financial burdens on an applicant*", as these will "*fail the test of reasonableness*" (paragraph: 005 Reference ID: 21a-005-20190723.)

34. The circumstances of the planning condition subject to this application have changed; this means that the condition would fail the '6 tests' due to lack of relevance (the applicant does not have family members or staff that can use the building) and reasonableness (asking the applicant to leave the building empty and let it fall in disuse amid a housing crisis.)

35. Additionally, continuing to adhere to the condition would represent an unjustifiable financial onus on the applicant due to the increase in council tax as a result of Horsham's alterations to premiums being introduced on April 1st 2025 for unoccupied properties.

36. Given the above, it is considered reasonable to request the removal of planning condition 2.

Horsham District Planning Framework

37. The HDPF remains the overarching planning document for Horsham District outside the South Downs National Park.

38. As local policies are more than five years old, it is considered that national guidance should be afforded greater weight. As stated in Policy 1, "*where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission, unless material considerations indicate otherwise.*"

39. The following policies are considered relevant:

- Policy 1 – Strategic Policy: Sustainable Development
- Policy 2 – Strategic Policy: Strategic Development
- Policy 15 – Strategic Policy: Housing Provision
- Policy 16 – Strategic Policy: Meeting Local Housing Needs

- Policy 33 – Development Principles
- Policy 35 – Strategic Policy: Climate Change
- Policy 40 – Sustainable Transport

40. While the new local plan remains in draft form, the relevant policies have been carried forward with updated reference numbers.

41. Overall, there is a presumption in favour of sustainable development, which reflects the core principles of the NPPF (**policy 1**.)

42. The Local Planning Authority (LPA) acknowledges the requirements for new homes (**policies 2**,**15** and **16**), which have been addressed earlier in this document, with particular regard to Horsham's housing targets (see paragraphs 19-21 in this document.)

43. **Policy 33** echoes national policy in encouraging the efficient use of land, prioritising "*the use of previously developed land and buildings.*"

44. The Coach House has been used as a dwelling since 2007. Due to changes in the applicant's circumstances, it would fall into disuse, which would not be an efficient use of an existing building.

45. This would also not satisfy **policy 35**, which advocates for reduced energy use in construction to mitigate the effects of climate change. Since the Coach House is already constructed, not utilising it would result in unnecessary waste.

46. Since the original planning application was granted, public transport in the area has increased. A pair of bus stops have been added immediately adjacent to the Coach House on the A281, providing regular services to Brighton, Henfield and Horsham.

47. The property is also close to the Sussex Ouse Valley Way, a long-distance walking trails that follows the course of the River Ouse from Lower Beeding to Newhaven and Seaford Bay.

48. It is therefore considered that potential tenants of the Coach House would benefit from a choice of modes of transports, satisfying **policy 40**.

49. It is therefore considered that the removal of condition 2 would be in line with local policy – current and emerging.

Conclusion

50. Pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended,) this statement has been created by Henry Adams in support of an application to remove condition 2 attached to the planning permission granted on 2nd March 2007 (ref.: DC/06/0749) for 'Little Sele', as part of the Coach House, Selehurst, Brighton Road, Lower Beeding, Horsham, RH13 6PR.

51. The condition states that 'Little Sele' can only be occupied for purposes ancillary to the main dwellinghouse. However, the applicant and their immediate family's circumstances have changed, meaning that there are no family members or staff that can occupy the property.

52. The applicant would like to offer the Coach House on the open rental market to find suitable tenants rather than sell the property as a separate entity or leave it empty.

53. Since 2007, numerous changes to national policy and national planning guidance have taken place which would make the removal of the condition appropriate, particularly when regard is given to housing requirements, efficient use of land and climate benefits of reusing existing buildings.

54. In light of more recent planning guidance, the condition would fail the '6 tests' due to lack of relevance and reasonableness. Additionally, continuing to adhere to the condition would cause an undue financial strain on the applicant due to the increased council tax premiums for unoccupied dwellings.

55. As such, it is respectfully requested that the Local Planning Authority approves the removal of planning condition 2 attached to the planning permission with ref.: DC/06/0749.