



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0604

Farthings Walk, Rudgwick House , Farthings Hill, Horsham, West Sussex, RH12 1WR

SITE LOCATION AND DESCRIPTION:

Removal of condition 7 of planning permission HU/183/98 (Erection of 6 houses and single garages for Farthings Farm Cottage and Sunicot) relating to permitted development rights.

RELEVANT PLANNING HISTORY:

HU/183/98	Erection of 6 houses and single garages for farthings farm cottage and sunicot Site: Farthings Farm Farthings Hill Horsham	Application Permitted on 10.09.1998
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REPRESENTATIONS AND CONSULTATIONS RESPONSES:

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

Consultations:

None

Representations:

None received.

Parish Comments:

Horsham Town Parish Council: No Comment (27/05/2026)

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Application HU/183/98 granted permission for the erection of six houses and single garages for Farthings Farm Cottage and Sunicot. This application relates to Rudgwick House, one of the six

dwelling, as identified on the application plans submitted with this application. Permission is sought under this application to remove condition 7 of HU/183/98 which restricts permitted development rights, stating: -

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or Orders amending or revoking and re-enacting the same. The buildings shall not be expected or altered in any way, unless permission is granted by the Local Planning Authority on application in that behalf.

Reason: to maintain control over the development in the interest of amenity

Paragraph 017 of the Planning Practice Guidance on the "Use of Planning Conditions" states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. The scope of such condition needs to be precisely defined by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 so that it is clear exactly which rights have been limited or withdrawn.

The reason for condition 7 was in the interest of amenity. The current amenity policy of the HDPF, policy 33 states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land. Rudgwick House is a two-storey detached dwelling set within a reasonable sized plot which is comparable to surrounding properties. There are no particular site or scale constraints which would make any enlargement of the existing dwelling undesirable. The GPDO contains restrictions on development to provide controls to mitigate potential amenity impacts in addition to character and appearance matters.

It is not considered that removing condition 7 would have wider implications that would lead to an unacceptable impact on the design and appearance of the property and neighbouring amenity. The condition was originally imposed on all six dwellings approved under HU/183/98. The submitted location plan confirms that the current application relates solely to Rudgwick House, and any permission granted would apply only to that dwelling.

It is noted that the removal of Condition 7 has previously been approved for Avoca House within the same development, under ref: DC/24/1772. The removal of the condition for Avoca House has not caused any apparent adverse impacts, and given the similar nature of the properties / curtilages none are anticipated as part of the current application for Rudgwick House. It is therefore recommended that condition 7 be removed from HU/183/98; there are no relevant conditions attached to this permission which would need to be reimposed on this current application.

Recommendation: Application Permitted

NOTE TO APPLICANT

The removal of Condition 7 of previously approved application HU/183/98 relates only to 'Plot 5' (Rudgwick House) (as identified on the plans approved under HU/183/98).

POSITIVE AND PROACTIVE STATEMENT

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.

Plans list for: DC/26/0604

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved:**

