Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/2002
The Copse , Worthing Road, Horsham, West Sussex, RH13 9AT

DESCRIPTION:
Prior notification for the demolition of derelict house known as The Copse.

RELEVANT PLANNING HISTORY:

DC/24/0622	Erection of a 70-bed care home, access, landscaping and associated infrastructure	Application Permitted on 26.03.2025

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:

HDC Arboriculture: Comment

The trees subject to a Tree Preservation Order ref W1 - TPO/1477 at the site, are located primarily along the northern western boundary, well away from the areas where demolition activity is proposed. As such, no significant impacts are anticipated.

Regarding mature Oak tree T1C2, near the entrance to the site; this tree is not subject to any tree related planning constraints such as a TPO or being sited with a Conservation Area. Although the current fencing layout does not technically cover its full Root Protection Area 9RPA), the tree is in terminal decline and is likely to require removal in the coming years as its condition continues to deteriorate. Given its limited remaining SULE (Safe Useful Life Expectancy) value, I would not be overly concerned about any minor encroachment in this instance.

Similarly, I have no major concerns with the position of the fencing in relation to the trees at the front of the site. These are not subject to a TPO, and, in terms of quality, none are of outstanding merit.

Overall, I have no objections to the proposed demolition under the prior approval notice based on the arboricultural information provided, being implemented and maintained throughout the duration of the works.

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

This application is made pursuant to Class B, Part 11, Schedule 2 of the General Permitted Development (England) Order (2015) (as amended), and seeks a determination from the Local Planning Authority as to whether its prior-approval will be required as to the demolition of the existing two storey dwelling known as The Copse.

Schedule 2, Part 11, Class B reads:

B.1 Development is not permitted by Class B if—

(a)*the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;*

(b)the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)

Conditions:

The Local Planning Authority is aware the building has been derelict for a number of years. The Local Planning Authority acknowledged that over this time the building is likely to have fallen into some disrepair. A review of the complaints and correspondence between the Environmental Health Department and HDC's Community Wardens points towards antisocial behaviour at the site being the safety concern at the site. A desktop survey of Google Streetview shows the applicant has sought to secure the site from unauthorised persons, including boarding up of the house, fencing and a sign stating that CCTV is present at the site. Correspondence with the applicant, however, confirms the sites security had been repeatedly breached. While the Local Planning Authority recognise there may be a factor of building structural safety that resulted in the applicant applying for demolition on balance, the evidence suggests the antisocial behaviour at the site outweighs this.

For the above reasons it is considered suitable to assess the proposal against part B2 of the General Permitted Development Order, Schedule Two, Part 11.

Article B.2(b) states that *"where the demolition does not fall within paragraph (a) and is not excluded demolition-*

(i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site,

(ii) An application described in paragraph (b)(i) must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid."

The application includes information which confirms that a site notice has been posted in accordance with Part 11 of the Town and Country Planning (General Permitted Development) (England) Order.

Method of Demolition:

The application is supported by a detailed Construction Environmental Management plan (CEMP), it confirms demolition will be undertaken with machinery. Hardstanding its to be broken down using hydraulic breakers. The waste will be separated into like types to be disposed of or recycled and section 5.6 confirmed the disposal of waste will be via suitably licences waster hauliers and facilities.

An asbestos survey has been submitted and a certificate confirming asbestos removal has also been submitted. Part 11.5 of the risk assessment report confirms a watching brief be put in place.

The CEMP includes site hours of operation restricting them to *"0800 – 1800 Monday to Friday. Saturday working hours shall be 0800 – 1300. No working shall be permitted on Sundays or bank holidays."* It also includes confirmation dust, noise and vibrations will be monitored and proposed mitigations. Paragraph 4.1.2 of the CEMP includes information on the routing of traffic and includes information on entrance arrangements. A condition of the planning permission DC/24/0622 has been attached securing compliance with the CEMP and site operation hours. The Local Planning Authority have considered it necessary to include bank and public holidays in their condition to safeguard neighbouring amenity.

Proposed Restoration of the Site:

The application form confirms on completion of the demolition works the site will be cleared and the area will be reinstated through grading and levelling to match the surrounding ground levels.

Trees and Ecology:

There are TPO Trees present to the north of the site and a Tree Protection Plan for the demolition has been provided. The Arboriculture Officer has confirmed in their comments that this plan as long as it is implemented and maintained throughout the duration of the works would be suitable given the terminal decline of T1C2.

Regulation 9 of The Conservation of Habitats and Species Regulations 2010 states that "the competent authority must exercise their functions which are relevant to nature conservation…so as to secure compliance with the requirements of the Directives". Accordingly, competent authorities must consider the Directives in making decisions relating to any of their planning functions.

The applicant has submitted a bat licence covering DC/24/0622 which included the demolition of the Copse this licence should be adhered to. Should this licence not cover the demolition proposed this application A licence from Natural England, pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 should be secured prior to works starting.

A condition has been secured to ensure the proposal is carried out in accordance with the bat licence and reptile and Ecological survey submitted as part of the full planning application DC/24/0622. A further condition has been recommended to secure compliance with the Tree Protection Plan.

Conclusion:

It is considered that the demolition works would not be detrimental to public health or the amenity of nearby residents and mitigations have been proposed to limit the impact on the operation of the highway network. It is considered that there are matters associated with the proposed demolition which require control, though, considered that satisfactory detail of these matters has been submitted with the application.

It is considered that the Method Statement is sufficiently detailed to provide confidence to the Authority as to the acceptability of the proposed method of demolition without unacceptable harm to the amenities of nearby occupiers/users of land, highway safety and/or operation. In respect of the

environment it is considered necessary to secure conditions to ensure the demolition process is acceptable and as such prior approval is required and approved.

Recommendation: Prior Approval Required and PERMITTED

Conditions:

1 **Regulatory Condition**: The development hereby permitted shall be undertaken in strict accordance with the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead.

Reason: To conserve protected species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998, and in in accordance with Policy 31 of the Horsham District Planning Framework (2015).

2 **Regulatory Condition**: The development hereby permitted shall be undertaken in strict accordance with the details contained in the Reptile Survey Report (Lizard Landscape Design and Ecology, April 2024) and Ecological Appraisal (Lizard Landscape Design and Ecology, March 2024) as already submitted with the planning application DC/24/0622 and agreed in principle with the local planning authority prior to determination. This includes the Non-licenced Precautionary Method Statement for bats in Section 5.5.4; the Non-licensed Precautionary Method Statement for Hazel Dormouse in Section 5.6.2; and the Precautionary Method Statement for mobile protected species in Section 5.7.2 of the Ecological Appraisal (Lizard Landscape Design and Ecology, March 2024). This avoids impacts on European Protected Species (bats and Hazel Dormouse) and protected species.

This shall include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

3 **Regulatory Condition**: The development hereby permitted shall be undertaken in strict accordance with the details contained in the Construction Environmental Management Plan received 17th of December 2025.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition**: The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Tree Protection Plan TSP-01 Rev 1 received 11th of December 2025.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

NOTE TO APPLICANT

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/25/2002

(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	Asbestos Survey Issue No: 1 Issue Date 17 Oct 2025 by Asbestos Gone		15.12.2025
Supporting Statement	Bat Licence WML-CL47 [March 2025]		11.12.2025
Supporting Statement	PHASE II AND UPDATED RISK ASSESSMENT REPORT by GeoEnviro Solutions Limited	4444-23 P1	11.12.2025
Location plan	Existing Site Plan	FL24-2145-051	11.12.2025
Tree plan	Tree Protection Plan	TSP-01 Rev1	11.12.2025
Supporting Statement	Construction Environmental Management Plan December 2025 by DC Development Consultants	25-356-DC-CEMP-12-XX-XX-R2	17.12.2025

DELEGATED

Case Officer sign/initial Alice Johnson Date: 29-12-2025

Authorising Officer sign/initial Matthew Porter Date: 29-12-2025