Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1929
Sendalls Yard, Horsham Car Centre, Crawley Road, Horsham, West Sussex, RH12 4HG

DESCRIPTION:
Non-Material Amendment to previously approved by appeal application DC/22/0785 (Change of use of the vacant car showroom (sui generis) to retail unit (Class E(a)) with extensions to the ground floor and associated parking) to change windows on front elevation to be full height.

RELEVANT PLANNING HISTORY:

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|---|---|---|
| DC/22/0785 | Change of use of the vacant car showroom (sui generis) to retail unit (Class E(a)) with extensions to the ground floor and associated parking. | Application Refused on 18.01.2023 |
| DC/24/1177 | Installation of 2x non-illuminated signs and 1x internally illuminated fascia sign. | Application Permitted on 14.10.2024. |

RELEVANT PLANNING POLICIES

**The National Planning Policy Framework (NPPF)**

**Horsham District Planning Framework (2015)**:
Policy 32- Strategic Policy: The Quality of New Development
Policy 33- Development Principles

**Neighbourhood Plan**:
North Horsham Neighbourhood Plan area was designated, then the area voluntarily withdrew the designation.

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 received.

Parish Comments:
None received.

Representations:
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

The main consideration of this application is whether the proposed alterations can be considered as non-material amendments to the approved scheme in accordance with Section 96A of the Town and Country Planning Act 1990 (as inserted by S190 of the Planning Act 2008). The discretion rests with the Council to decide to whether the revisions would constitute a non-material amendment to a planning permission, which would not take it outside the scope of the original permission.

The application, planning ref: DC/22/0785, was granted permission on appeal (ref: APP/Z3825/W/23/3325135). The approved elevation had dark grey metal cladding upstanding at the base of the shop frontage, which would be removed with full height windows on the shop front, which would more closely reflect the existing front elevation of the unit. The positioning of the door and ATM remain the same as on the approved elevation. The nature and extent of the proposed amendments to change the windows on the front elevation of the building to be full height are not considered to raise any further issues in respect of visual amenity, with the nature and extent of the amendment not diluting the original design approach for development. The full height windows would be similar to the existing windows on the building and would be reflective of the existing design.

The amendments would not result in any change in the impact on neighbouring amenity beyond the existing planning permission and is not considered to give rise to any other material impacts. The amendment is therefore considered non-material under Section 96A of the Town and Country Planning Act 1990.

**Recommendation: Application Permitted**

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.

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**Plans list for: DC/24/1929**

Schedule of plans/documents **approved**:

| Plan Type | Description | Drawing Number | Received Date |
|---|---|---|---|
| Elevation plan | Proposed West | D/14 REV B | 12.12.2024 |

**DELEGATED**

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|---|---|---|---|
| Case Officer sign/initial | Bethan Tinning | Date: | 07.01.2025 |
| Authorising Officer sign/initial | RHERMITAGE | Date: | 17.01.2025 |