Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

S106/24/0008
Old Clayton Boarding Kennels, Storrington Road, Washington, Pulborough, West Sussex, RH20 4AG

DESCRIPTION:

Discharge of planning obligation pursuant of Schedule 5 (FR/PAG/190) to application DC/04/2084

RELEVANT PLANNING HISTORY:

DC/04/2084	Erection of 2 staff dwellings in replacement for 2 existing mobile homes	Application Permitted on 25.01.2005.

PLANNING ASSESSMENT

A planning application was granted consent on 25.01.2005. This permission was for the following:

'Erection of 2 staff dwellings in replacement for 2 existing mobile homes"

Consent is sought for a Deed of Discharge for the removal of the, as this is the only planning obligation secured by the agreement.

Schedule 5:

The planning obligation contained in schedule 5 of the planning agreement restricted:

"5.1 The Owners covenant with the Council not to cause or permit the occupation of the Staff Dwellings by any person other than Staff who are occupying the Staff Dwellings because their employment requires it.

5.2 The Owners further covenant:

> *5.3.1 not to sell lease or otherwise dispose of or cause or permit the sale letting or other disposal of the Staff Dwellings separately from the Business.*
>
> *5.3.2 not to sell of lease or otherwise dispose of or cause or permit the sale letting or other disposal of the Business separately from the Staff Dwellings."*

The Legal Agreement states the purpose of the inclusion of this obligation was to ensure that the residential dwellings were occupied by staff members from the kennels business. The obligation was attached presumably with the intention to protect the countryside location and to retain the use of the site for rural employment and business. However, the submitted application form outlined that the kennels and cattery part of the land are now closed, due to the impact of the COVID pandemic, and therefore there are no employees working there.

Accordingly, the agreement has not served a relevant purpose for a substantial period of time, thus it would not be reasonable for such a clause to remain imposed on the dwellings. Given that the business has not be operating for a period of nearly 4 years, a condition tying the two dwellings to occupation only by staff members of the kennels would serve no purpose. The kennels and cattery buildings are

also to be subsequently demolished due to a permitted planning application for a care home on the site which was granted permission in 2024 (ref: DC/23/0701). Therefore, the business and the bungalows are to be demolished and therefore the legal obligation restricting the bungalows occupation by staff members only is therefore redundant and not necessary anymore. The removal of this obligation in this case would therefore not result in harm.

With the above in mind, the Local Planning Authority is satisfied that the above referenced planning obligation attached to the legal agreement associated with planning application DC/04/2084 should be discharged from the agreement and amended accordingly.

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.

Plans list for: S106/24/0008
(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
Location plan		NONE	21.10.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 23.10.2024

Authorising Officer sign/initial Tamara Dale Date: 05.11.2024