



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/1975

Rascalls Farm, Shipley Road, Southwater, Horsham, West Sussex, RH13 9BG

DESCRIPTION:

Non-Material Amendment to previously approved application DC/24/0249 (Reserved matters application for the erection of 96 dwellings and ancillary parking and landscaping following approval of outline application DC/20/0695 (up to 100 residential units with associated vehicular and pedestrian access), relating to layout, scale, appearance and landscaping.) relating to differing unit types for Plots 1 and 2, additional sub-station, and temporary parking area.

RELEVANT PLANNING HISTORY:

DC/24/0249	Reserved matters application for the erection of 96 dwellings and ancillary parking and landscaping following approval of outline application DC/20/0695 (up to 100 residential units with associated vehicular and pedestrian access), relating to layout, scale, appearance and landscaping.	Application Permitted on 05.06.2025
DC/19/0501	Continued use of land for the siting of a mobile home unit for a temporary period of 2 years	Application Refused on 28.08.2019
EIA/20/0001	Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (As Amended) Request for an EIA Screening Opinion	EIA Advice Given on 25.04.2020
DC/20/0695	Outline application for the erection of up to 100 residential units with all matters reserved except access (excluding internal estates roads)	Application Refused on 07.07.2020
DC/21/2126	Non Material Amendment to planning permission DC/20/0695 (Outline application for the erection of up to 100 residential units with all matters reserved except access (excluding internal estates roads)). Amendment to list of approved plans to omit plan drawing 21007-04-1 (Proposed 30/60 mph speed limit change) and correction of plan drawing reference to read 21007-03 REV B Proposed Site Access Arrangement.	Application Permitted on 12.10.2021

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 25- Strategic Policy: The Natural Environment and Landscape Character

Policy 26- Strategic Policy: Countryside Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32- Strategic Policy: The Quality of New Development

Policy 33- Development Principles

Policy 40 - Sustainable Transport

The Shipley Neighbourhood Plan (June 2021)

Policy Ship HD1: New Housing Development

Policy Ship HD2: Housing Mix

Policy Ship HD3: High Quality Design

Policy Ship TT1: Active Travel

Parish Design Statement:

Shipley Parish Village Design Guidance (2018)

Other documents:

West Sussex County Council Guidance on Parking at New Developments (2020)

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:

Tree Officer – No Objection to revised layout as the works are outside of the RPA

HUMAN RIGHTS AND EQUALITY:

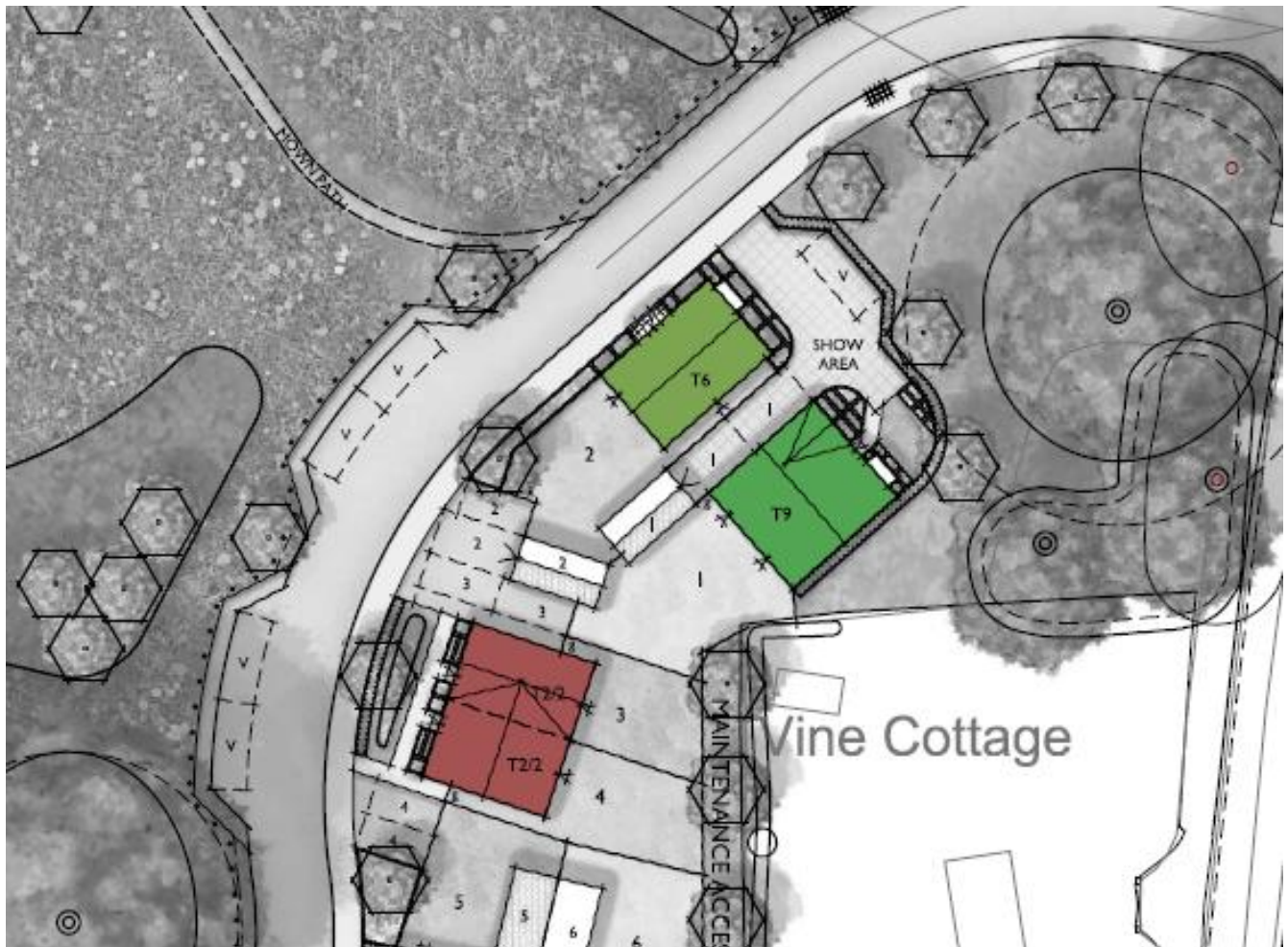
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. 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 submitted cover letter sets out that the proposed amendments relate only to Plots 1 and 2 only, as originally permitted under DC/24/0249, with the varied documents amounting to a total of 14 associated plans and documents. Plots 1 and 2 would comprise the 'show arena' of the development site. Dwellings types and their parking areas have been revised to Plots 1 and 2, and there is also a new temporary (show-home) parking area to the northern side of the new estate road, which is shown within an area that would be formed over a cellular attenuation tank, and removed once the development is completed. The plans also show a new sub-station at the site entrance and south of the PRoW, along with an associated access / parking space.



Consented layout under DC/24/0249

Officers note that the approved layout provided a tandem parking arrangement and detached garage for Plot 2 and a rear parking area and detached garage for Plot 2, with the parking and turning areas keeping outside of the RPA of the protected oak Tree (TPO/1167), which dates from 2003.

The proposals show the following amendments in more detail:

Plot 1 now shown as dwelling type 'Richmond' (4-bed) with a large integrated garage and two surface spaces at the front of the dwelling. The increased width of the property sits within the space previously at the side of the dwelling and shown as a tandem parking area and garage – *previously dwelling type T9 (4-bed) shown with 2 x tandem parking spaces set between Plots 1 and 2, and a detached single garage to the rear of the building line*

Plot 2 now shown as dwelling type 'Warwick' (3-bed) with two surface spaces at the front of the dwelling. The dwelling design largely replicates that of the previously approved with noted reduction of fenestration along the street-facing elevation – *previously dwelling type T6 (3-bed) shown with 2 parking spaces to the rear alongside Plot 3 and a single detached garage at the rear of the garden.*



Proposed revised layout

The revised boundary plan indicates the only changes occur to Plots 1 and 2, with a new tree re-sited to the front of Plot 2, which was previously positioned to the rear adjacent to the garage, where the boundary line stepped back around the parking space. The plans have been amended to show a curved wall and new tree to provide a visibility splay to the parking spaces of Plot 3, following officer request.

Externally, the materials would remain largely as per the approved scheme, with the exception that Plots 1 and 2 no longer include Sage Green windows, being white now instead, and Plot 2 no longer including a GRP chimney. However, the design and detailing of Plot 1 is visually interesting with a stepped frontage and roof-line that compensates for the loss of a chimney to Plot 2.

In terms of parking strategy, the revision previously proposed 2.5 spaces per dwelling (with the 0.5 space comprising a single garage), with the revised proposal resulting in 2 spaces for Plot 2 and 2.5 for Plot 1 on account of the large integral garage. There would be the loss of one visitor space, previously shown alongside the front boundary planting / hedgerow.

The amendments also include for a new sub-station opposite Plot 2 with a service parking space to the front. The appearance of the sub-station would be the same as for the other two approved on the site as shown on the approved drawings.

The amendments would lead to the parking area for both properties being focussed directly to the front of the dwellings. Noting that these two plots are the primary focus point at the entrance to the development site, there is concern that the arrangement would lead to an unduly urbanised frontage, dominated by a continuous row of 4 parking spaces. However, the landscape matters remain to be

forthcoming and considered under Condition 10 of DC/24/0249, and officers consider that suitable planting can mitigate the visual impact and be determined at conditions stage.

The revised design of Plot 2, which now results in a side / street-facing elevation with reduced visual interest, would be partially mitigated by the new tree located to the front. The temporary parking area of the sales area would facilitate the sales area of the site, and would be removed to accord with the consented plans once the sales area is no longer needed. Furthermore, the details in relation to the sub-station and landscape treatment around it could be picked up by way of the landscape details submitted under Condition 10 of DC/24/0249.

Following concern raised by the Council's Tree Officer in relation to the initially submitted layout encroaching into the RPA of the protected Oak tree, the parking / turning area to the front of Plot 1 has been revised to ensure it is outside of the defined RPA. Accordingly, the proposed revisions would now not require any additional above ground works or below-ground excavations within the sensitive root protection area of the tree, thus overcoming the Council's Tree Officer's concerns and ensuring the continued protection of the RPA of the protected Oak tree, which is recognised as being a tree with landscape significance and importance. This tree is noted to be constrained on its eastern side by the highway ditch, so the protection of and retention of the RPA to the western side was of great importance to ensure the future health and vigour of the tree.

The scale and nature of the changes to Plot 1 have also been considered, beyond those approved under the RM scheme, particularly in relation to the existing residential property at Vine Cottage to the south of the site's boundary. Although the new building line to Plot 1 extends marginally closer to the common boundary with Vine Cottage, the bulk and massing of the dwelling is revised so that the hipped roof would lessen the overall impression of the approved 2-storey dwelling at Plot, which was previously a gable-ended design. Window positions to the first floor remain broadly as per the consented dwelling type, although a new flank window is to be positioned at first-floor level, serving a bathroom and marked as being obscure-glazed.

On account of the revised amendments proposed to Plots 1 and 2 and their forecourts, the proposals would not give rise to material impacts in relation to the protected Oak Tree or the neighbouring property (Vine Cottage). The amendments are therefore considered non-material under Section 96A of the Town and Country Planning Act 1990. The relevant conditions below have been amended to reflect the new drawing numbers.

Recommendation: Application Permitted

Amended Conditions:

- 6 **Pre-Commencement (Slab Level) Condition:** Notwithstanding the indicative details shown on approved External Finishes Layout plan [CB_17_420_508 Rev A], no development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows, roof-lights, doors and roofs of the approved buildings, and details of the porch canopy, have been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy ShipHD3 of the Shipley Neighbourhood Plan.

- 11 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the car parking spaces (including garages and car ports where applicable) necessary for that dwelling have been constructed and made available for use in accordance with approved drawing numbers [CB_17_420_506 Rev A]. The car parking spaces, garages and car-ports permitted shall thereafter be retained as such for their designated use and used only as private domestic

garages and car ports for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To provide adequate and satisfactory car-parking provisions is made for the parking of vehicles clear of all carriageways in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

- 13 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the garage or side or rear garden or cycle storage for that dwelling, in accordance with approved drawing numbers [CB_17_420_507 Rev A]. The cycle parking facilities shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

New Condition:

20. **Regulatory Condition:** The temporary parking area detailed on drawing no. CB_17_420_501 Rev A shall be removed following the closure of the 'Show Arena' (Plots 1 & 2) and the land planted in accordance with the approved landscaping details.

Reason: In the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy ShipHD3 of the Shipley Neighbourhood Plan.

NOTE TO APPLICANT

The Applicant is advised approval of this NMA may impact on the Community Infrastructure Levy (CIL) calculated charge to this development, and to contact Horsham District Council CIL team for advice.

NOTE TO APPLICANT

This decision only relates to the non-material amendments sought and is not a reissue of the original outline planning permission (DC/20/0695), or the subsequent Reserved Matters (DC/24/0249), which still stand. The conditions of the original outline planning permission and Reserve Matters remain applicable. The three documents should be read together.

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/25/1975

(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
Elevation & Floor plan	Plot 1	CB_17_420_500_ RIC-01	01.12.2025
Elevation & Floor plan	Plot 2	CB_17_420_500_ WAR-01	01.12.2025
Layout plan	Planning	CB_17_420_501 A	09.03.2026

