Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0950
12 Hatchlands, Horsham, West Sussex, RH12 5JX

DESCRIPTION:
Removal of top of chimney to underside of roof plane. Continue roof over chimney and make good. (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:

NH/21/87	Residential (Max 900 Dwgs) 106.7 acres + 15 acres Council Housing Land. Community uses (6.3 acres) to include Church, Church Hall, Community Centre, Public House, Vicarage, Sheltered / Very Sheltered Housing and appropriate ancillary parking. Open spaces to include buffer zone beside by-pass, playing fields, Riverside Land at North of Horsham bounded by North Heath Lane, Chennels Brook, Proposed North Horsham by-pass and railway.	Permitted on 06.11.1987
NH/143/95	Substitution of 33 house types (approval of reserved matters) Site: Lot 4 Lemmington Way Horsham	Withdrawn on 20-01-2000
NH/120/96	Substitution of house types on plots 55, 56, 58 & 63	Permitted on 18-02-1997

SITE LOCATION & APPLICATION DESCRIPTION

The application site comprises of a large detached two storey dwelling with an attached garage.

The site is not within a conservation area and there are no Article 4 Directions covering the site.

PLANNING ASSESSMENT

The main consideration is whether the proposed alterations fall within 'permitted development rights' as defined within Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Class G **The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse**.

The provision of Class G relates *only* to the installation, alteration or the replacement of a chimney and not the removal of a chimney therefore Class G would not be applicable in this instance.

The proposal would be considered a form of development requiring planning permission. Section 55 of the Town and Country Planning Act 1990 (TCPA) defines the meaning of development, and states:

'(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—
(a) the carrying out for the maintenance, improvement or other alteration of any

building of works which—
(i) affect only the interior of the building, or
(ii) do not materially affect the external appearance of the building, and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground'

It is noted that the demolition / removal of a chimney would not fall within Parts or Classes defined within the Town and Country (General Permitted Development (England) (Order) 2015, as amended to benefit from permitted development rights. Furthermore, the removal of a chimney is considered development under s. 55 of the TCPA as the removal of a chimney would materially alter the external appearance of the building under the provision of s. 55 (2)(a)(ii) as highlighted above. As a result, planning permission would be required for the proposed development.

Recommendation: Application Refused

Reason for Refusal:

1 The proposed removal of the chimney does not fall within any of the Parts or Classes defined within the Town and Country (General Permitted Development (England) (Order) 2015, as amended. In addition, the proposal is considered development under Section 55 of the Town and Country Planning Act 1990 as the works would materially alter the external appearance of the building under s55(2)(a)(ii) of the Act. Planning Permission is threfore required for the described works.

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/25/0950
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Site plan	Photos	KJ/25/01	06.06.2025
Elevation & Floor plan	Existing and Sections	KJ/25/02	06.06.2025
Elevation & Floor plan	Proposed and Sections	KJ/25/03	06.06.2025

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 17.07.2025

Authorising Officer sign/initial RHERMITAGE Date: 29.07.2025