Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0661
The Lodge, Polecat Lane, Copsale, West Sussex, RH13 9DJ

DESCRIPTION:
Removal of Condition 5 of previously approved application DC/12/1642 (Change of use from self contained annexe to a holiday let unit of accommodation and the erection of a single storey side extension following demolition of existing stable block) relating to holiday let restriction.

RELEVANT PLANNING HISTORY:

DC/24/1679	Application to confirm the continuous use of a holiday let as an occupied dwelling for a period in excess of ten years (Lawful Development Certificate - Existing).	Application Permitted on 27.03.2025

DESCRIPTION OF THE SITE

The application site comprises a single-storey, detached two-bedroom dwelling known as The Lodge, located on the eastern side of Polecat Lane in the rural area of Copsale, within the Horsham district. The property lies outside of any defined settlement boundary, approximately 500m from Southwater and around 1 km to the north of the small hamlet of Copsale.

The Lodge occupies a modest plot and is accessed via an established private drive from Polecat Lane. The dwelling was originally created through the conversion of an annexe associated with a nearby main dwelling and was subsequently extended following the demolition of a former stable block. The site is set within a countryside location characterised by dispersed residential properties and open fields, with a rural and verdant setting. The surrounding land is predominantly agricultural and residential in nature.

DESCRIPTION OF THE APPLICATION

The application seeks full planning permission for the removal of Condition 5 associated to planning permission DC/12/1642, which was granted on 11 December 2012. That permission allowed for the change of use of a former annexe to a holiday let unit and the erection of a single-storey side extension following demolition of an existing stable block.

Condition 5 of that approval restricts the use of the building to holiday accommodation only and prohibits any use as a permanent residential dwelling falling within Class C3 of the Use Classes Order. The condition was imposed on the basis that permanent residential accommodation would not normally be supported in this countryside location.

However, a Certificate of Lawful Use application Ref: DC/24/1679 was issued on 27 March 2025, confirming that the building had been occupied continuously as a self-contained dwellinghouse in breach of Condition 5 for a period exceeding ten years. As a result, the existing residential use is now immune from enforcement action and is considered lawful in planning terms.

This application therefore seeks to formally remove Condition 5 to reflect the current lawful use of the property as a permanent dwelling and to regularise the planning status of the site. No operational development or physical alterations are proposed as part of this application.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 26 - Strategic Policy: Countryside Protection
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 40 - Sustainable Transport
Policy 41 - Parking

Nuthurst Neighbourhood Plan:
Nuthurst Parish Neighbourhood Plan has been Made.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 14: Countryside Protection
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 25: Parking

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Parish Design Statement:

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

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

PUBLIC CONSULTATIONS:
None Received

Parish Comments:
Nuthurst Parish Council: No Objection

Member Comments:
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 material to this application is whether the condition still serves a planning purpose and is reasonable and necessary.

Condition 5 of DC/12/1462 states:

The accommodation hereby permitted shall be used for holiday accommodation only and for no other purposes (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, or in any provisions equivalent to that Class in any statutory instrument revoking or re-enacting that Order).

Reason: Planning permission would not normally be granted for residential accommodation in this location; however, it is considered reasonable to make an exception in this instance to allow for holiday accommodation in accordance with Policy DC39 of the Horsham District Council Local Development Framework: General Development Control Policies (2007).

The above application seeks the removal of Condition 5 of planning permission DC/12/1642, which restricts the use of The Lodge to holiday accommodation only. The condition was originally imposed to prevent the creation of a permanent dwelling in a countryside location, where unrestricted residential use would not normally be supported. However, subsequent planning history has materially altered the planning status of the site.

A Certificate of Lawfulness Ref: DC/24/1679 was issued by Horsham District Council on 27 March 2025, confirming that The Lodge has been continuously occupied as a self-contained residential dwelling in breach of Condition 5 for more than 10 years. The Council accepted, on the balance of probabilities, that this breach had occurred for a sufficient period to be immune from enforcement action. The effect of this certificate is that the continued residential occupation is now lawful.

While the certificate establishes the lawfulness of the existing use, it does not in itself remove Condition 5 from the original planning permission. This application has therefore been submitted to formally remove the condition and regularise the planning status of the property. The key consideration in this case is whether the condition continues to serve a useful planning purpose and whether its retention is reasonable or necessary, particularly in the light of the NPPF’s tests on the use of planning conditions.

In relation to the above circumstances, Condition 5 is no longer enforceable and serves no meaningful planning function. In terms of tests set out in Paragraph 56 of the NPPF, it fails on the grounds of enforceability and necessity. The use has become lawful through the passage of time, and there is no evidence that the current residential use is causing any demonstrable harm. The Lodge has functioned as a permanent residence without impact on rural character or local amenity. No additional built development or physical changes are proposed.

Policy 26 and Paragraph 80 of the NPPF seek to protect development in the countryside by restricting new isolated dwellings and promoting sustainable growth within defined settlement boundaries. It is acknowledged that the property lies outside of a defined settlement boundary and therefore is generally

subject to these countryside protection policies. However, this application does not seek to introduce a new dwelling or significantly intensify the use of the site. Instead, it aims to regularise a use that is already established, lawful, and long-standing. The removal of the condition in question is therefore a matter of formalising the existing lawful position rather than enabling new development.

As such, the proposal would not conflict with the objectives of Policy 26 or the NPPF, as it does not undermine the principle of protecting the countryside from inappropriate development. Furthermore, the removal of the condition would not set a precedent for new isolated development, since it relates specifically to a lawful existing use and does not alter the scale or character of the site. In this way, the application supports the continued protection of the rural environment while acknowledging the established lawful use of the property.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.

An advice note from Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The removal of condition 5 attached to the 2012 permission would have no bearing on the water demand of the dwelling. In any case, whether a holiday let, annexe, or dwelling, the unit would comprise a similar water demand given the general residential use of the building and unrestricted occupancy. As such, the proposal can be screened out from significant effects on the protected sites.

Conclusions:

In conclusion, it is considered that the continued imposition of Condition 5 is no longer justified. The permanent residential use of the dwelling has become lawful through immunity and no longer gives rise to planning harm. In line with policies set out in the HDPF and guidance of the NPPF, the removal of the condition is reasonable and appropriate in this instance. The application is therefore supported.

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: DC/25/0661

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	23.04.2025
Supporting Statement	Planning	NONE	23.04.2025
Supporting Docs	Decision Notice	NONE	23.04.2025

DELEGATED

Case Officer sign/initial	Shazia Penne	Date:	16.06.2025
Authorising Officer sign/initial	RHERMITAGE	Date:	01.07.2025