Horsham District Council

Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number: 26

Suffix:

Property Name:

Address Line 1: Warminghurst Close

Address Line 2:

Address Line 3: West Sussex

Town/city: Ashington

Postcode: RH20 3QD

Description of site location must be completed if postcode is not known:

Easting (x): 512926

Northing (y): 116245

Description:

Applicant Details

Name/Company

Title

Mrs

First name

Kathy

Surname

Vander Stichele

Company Name

Address

Address line 1

26 Warminghurst Close

Address line 2

Address line 3

Town/City

Ashington

County

West Sussex

Country

United Kingdom

Postcode

RH20 3QD

Are you an agent acting on behalf of the applicant?

◯ Yes
⊘ No

Contact Details

Primary number

***** REDACTED ******

Secondary number

***** REDACTED ******

Fax number

Email address

***** REDACTED ******

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

◯ Yes
⊘ No

Does the proposal consist of, or include, a change of use of the land or building(s)?

◯ Yes
⊘ No

Has the proposal been started?

◯ Yes
⊘ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

We reside in a standard home in a residential development consisting of several similar homes, built in 2001. All was to our understanding, constructed as per standard regulations and lawful.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

From what I can see on the Planning Permission Portal, the approved Planning Application AS/27/97 applies to our home on 26 Warminghurst Close and also an additional approximate 135 dwellings.

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C3 - Dwellinghouses

Is the proposed operation or use

⊘ Permanent
◯ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

Following submitting the Pre-Application Advice - PE/23/0240 to ask whether any planning permission is required to replace our current windows in our home to newer and better insulated windows and with a change in colour from white standard UPVC windows to grey flush UPBVC windows, I was advised the below which indicates that we CAN proceed with our plans to change our respective windows to our preferred option of Grey Flush UPVC windows:
A condition of Permitted Development is that:-
the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse
The above condition requires only that 'materials....must be of a similar appearance' and it is not therefore necessary for replacement windows to replicate like-for-like the existing windows / materials. In respect of replacement windows the Government advises that:-
It may be appropriate to replace existing windows with new uPVC double-glazed windows ... What is important is that they give a similar visual appearance to those in the existing house, for example in terms of their overall shape, and the colour and size of the frames.
It is advised that provided the replacement windows are similar to the existing in terms of their overall shape, the frame size, glazing proportions and divisions, and opening method then the proposed change in colour would, taken as a whole, retain a 'similar visual appearance' to the dwelling. This view would though require all windows to be replaced so there is no resulting contrast between window frame colours across the building.

The response from the Horsham District Council does also state the below which is the reason why we wish to obtain a lawful development certificate as per the Horsham District suggestion despite it does not seem to be mandatory:
If formal confirmation is required that the replacement windows would constitute 'Permitted Development' I would recommend applying for a lawful development certificate, further details of which can be found through the following link:-
https://www.planningportal.co.uk/permission/responsibilities/planning-permission/lawful- development-certificates
I hope this is of some assistance. The above comments are given as the opinion of the Case Officer and do not prejudice any outcome of a subsequent application. Should you submit a formal planning application, please quote reference number PE/23/0240 in your submission.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- [x] Yes
- [ ] No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- [ ] The agent
- [x] The applicant
- [ ] Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- [x] Yes
- [ ] No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED ******

First Name

***** REDACTED ******

Surname

***** REDACTED ******

Reference

PE/23/0240

Date (must be pre-application submission)

27/11/2023

Details of the pre-application advice received

Dear Mrs Vander Stichele
Location: 26 Warminghurst Close Ashington Pulborough West
Sussex Details: Do I Need Planning Permission - Replacement grey windows.
Thank you for your recent enquiry regarding the above and my apologies for the delay in replying, I can advise as follows:
It is often possible to carry out alterations to a dwellinghouse the need for planning permission through what are known as 'Permitted Development' rights. These rights extend to replacement windows and doors, and subject to a number of criteria / conditions being met no planning permission would be required for their installation.
A condition of Permitted Development is that:-
the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse
The above condition requires only that 'materials....must be of a similar appearance' and it is not therefore necessary for replacement windows to replicate like-for-like the existing windows / materials. In respect of replacement windows the Government advises that:-
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If formal confirmation is required that the replacement windows would constitute 'Permitted Development' I would recommend applying for a lawful development certificate, further details of which can be found through the following link:-
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I hope this is of some assistance. The above comments are given as the opinion of the Case Officer and do not prejudice any outcome of a subsequent application. Should you submit a formal planning application, please quote reference number PE/23/0240 in your submission.
Yours sincerely
Guy Everest
Applications Team Leader

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

◯ Yes
⊘ No

Interest in the Land

Please state the applicant's interest in the land

- [x] Owner
- [ ] Lessee
- [ ] Occupier
- [ ] Other

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

- [x] I / We agree to the outlined declaration

Signed

Kathy VanderStichele

Date

24/01/2024