Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0254
Rowfold Lodge , Coneyhurst Road, Billingshurst, West Sussex, RH14 9DD

DESCRIPTION:

Prior notification for the demolition of two buildings at Rowfold Lodge.

RELEVANT PLANNING HISTORY

None relevant

PLANNING ASSESSMENT

This application relates to the prior notification for the demolition of two former equestrian buildings within the wider application site of Rowfold Lodge.

Class B of Part 11 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 relates to any building operation consisting of the demolition of a building.

Article B.2(b) states that *"where the demolition does not fall within paragraph (a) and is not excluded demolition-*

(i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site

(ii) An application described in paragraph (b)(i) must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid."

The two buildings proposed for demolition are located to the south Rowfold Lodge to the east of Coneyhurst Road adjacent to a sand school.

Method of Demolition

The Applicant has submitted a Supporting statement that describes the method of demolition. This includes details of the proposed demolition methods, working hours, arrangements for disposal of waste, and measures to address potential asbestos.

The Method Statement also details the installation of protective fencing, and potential asbestos removal and details of plant and equipment.

The nearest neighbours other than Rowfold Lodge itself is Pondside Cottage on the other side of Coneyhurst Road and Rowfold Nurseries. Given the dwelling's location in relation to the buildings to be demolished, their demolition may result in some temporary amenity harm through noise. However, given that the buildings to be demolished are not substantial in scale, that the buildings will be

demolished by hand, and there are restricted working hours, the impact of the demolition would be temporary and not unacceptable in regard to the neighbouring properties.

Issues such as prolonged excessive dust or prolonged noise disturbance are not anticipated as a result of the work provided that suitable provisions are made, and it is not considered that the proposed demolition would affect the public highway.

Proposed Restoration of the Site

The statement details that the concrete hard standings under the buildings will be retained.

Ecology Impacts

Regulation 9 of The Conservation of Habitats and Species Regulations 2010 states that *"the competent authority must exercise their functions which are relevant to nature conservation…so as to secure compliance with the requirements of the Directives".* Accordingly, competent authorities must consider the Directives in making decisions relating to any of their planning functions.

A licence from Natural England, pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017, authorising the specified activity may be required. The Applicant is advised to liaise with Natural England directly.

Other Matters

The two buildings proposed to be demolished are adjacent to the PROW on the other side of Coneyhurst Road. Obscuring a footpath without permission is an offence under the Highways Act 1980. Whilst this may be the case, and that it could be seen that the demolition of these buildings so close to the PROW may cause some blocking, there are no provisions under the General Permitted Development Order that allows the Local Planning Authority to consider these matters. Therefore, an informative is attached below to advise the applicant that further permissions / agreement may be required between the land owner and the Highways Authority prior to any works taking place.

Conclusion

It is considered that the demolition works would not be detrimental to public health or the amenity of nearby residents, nor have an impact on the operation of the highway network. prior approval is not required and permitted subject to notes to the applicant relating to contamination, protected species that may be present within the buildings, and the PROW system adjacent to the site.

Recommendation: Prior Approval not Required

Wildlife and Countryside Act 1981
The Applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.

The Conservation of Habitats and Species Regulations 2017
The Applicant is advised that a licence from Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead may be required. The Applicant is advised to liaise with Natural England directly.

Public Right of Way
The applicant is advised that obstructing the Public Right of Way without prior consent from the Local Highways Authority may represent an offence under the Highways Act 1980. Any demolished materials or plant / machinery should not be stored on the footpath. The applicant is advised to contact the Local Highways Authority (West Sussex County Council) prior to any works taking place for further guidance on the matter.

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/24/0254
(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	Existing	122_05	15.02.2024
Location plan		NONE	15.02.2024
Site plan		NONE	15.02.2024
Supporting Docs	Cover Letter dated 12.02.2024	NONE	15.02.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 12/03/2024

Authorising Officer sign/initial Tamara Dale Date: 13/03/2024