



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0533

Land South of East Street, Rusper, West Sussex,

DESCRIPTION:

Non Material Amendment to previously approved application DC/21/2172 (Erection of 6 No. 3-bed dwellings (including 1 No. retirement property), creation of an access drive and landscaping works (Resubmission of DC/20/2454) to remove reference to '1 No. retirement property'.

RELEVANT PLANNING HISTORY:

DC/21/2172	Erection of 6 No. 3-bed dwellings (including 1 No. retirement property), creation of an access drive and landscaping works (Resubmission of DC/20/2454)	Application 10.07.2024	Permitted	on
DC/21/2359	Variation of condition A to previously approved application DC/14/0413 (Erection of two detached dwellings and garages (to the rear of the site) and revisions to approved dwelling (permitted under DC/12/0353 dated 16/04/2012) together with a new access road)) to allow for a revised site area to accommodate a separate access to serve the previously permitted 2no. dwellings at the rear of the former Longfield House site and additional minor amendments to Plot 1.	Application 11.03.2022	Permitted	on
DC/23/0069	Variation of condition A to previously approved application DC/14/0413 (Erection of two detached dwellings and garages (to the rear of the site) and revisions to approved dwelling (permitted under DC/12/0353 dated 16/04/2012) together with a new access road)) to allow for amendments include changes to the internal layout of the dwellings, resulting in Plot 2 becoming a 5-bed (previously 4-bed) property, with associated fenestration changes and the increase in size of the permitted garages serving both Plots 2 and 3 to include first floor home office space.	Application 24.03.2023	Permitted	on
DISC/23/0120	Approval of details reserved by condition 2 to approved application DC/14/0413	Withdrawn 22.09.2023	Application	on
DC/23/1191	Variation of condition 2 of previously approved application DC/23/0069 (Variation of condition A to previously approved application DC/14/0413 (Erection of two detached dwellings and garages (to the rear of the site) and revisions to approved dwelling (permitted under DC/12/0353 dated 16/04/2012) together with a new access road)) to allow for amendments include changes to the internal layout of the dwellings, resulting in Plot 2 becoming a 5-bed (previously 4-bed) property, with associated fenestration changes and the increase in size of the permitted garages serving both Plots 2 and 3 to include first floor home office space.) Variation sought to finished floor levels for Plot 2 and Plot 3.	Withdrawn 22.09.2023	Application	on

DC/24/1144	Variation of Condition 'A' to DC/14/0413 and Condition 1 of previously approved applications DC/15/0834, DC/15/1712, DC/21/2359, DC/23/0069 Relating to the alignment and position of the access drive and refuse collection point. The access position remains unchanged.	Application 19.09.2024	Permitted	on
DC/24/1300	Erection of 2No. detached self-build dwellings with car parking. Relocation of an approved access and retention of existing access.	Application 29.09.2025	Permitted	on
DISC/26/0077	Application for Approval of Details Reserved by Condition 8 to approved application DC/23/0069	Pending Consideration		

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 32- Strategic Policy: The Quality of New Development

Policy 33- Development Principles

Policy 34- Cultural and Heritage Assets

Neighbourhood Plan:

Parish Design Statement:

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

Parish Comments:

None received

Representations:

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 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 proposal seeks to alter the description of development to remove reference to the 1no. retirement property. This would have the effect of allowing each of the 6no. dwellings to be occupied as open market housing.

While reference to 1no. retirement property was made within the description of planning permission reference DC/21/2172, the approval did not give weight to the provision of 1no. retirement property, nor was a s106 Agreement imposed to require occupation for this purpose. While some benefit did arise through such provision, the approval of the application was not balanced or deemed acceptable on the basis of the 1no. retirement property. Therefore, while the loss of this provision would be unfortunate, it is not considered to be materially harmful, nor would it be unacceptable in policy terms.

The proposed amendment would not appreciably impact on the approved development and would give rise to no other material impacts. The amendment is therefore considered non-material under Section 96A of the Town and Country Planning Act 1990.

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.

DELEGATED

Case Officer sign/initial Tamara Dale Date: 24.04.2026

Authorising Officer sign/initial RHERMITAGE Date: 24.04.2026