Horsham District Council

Mrs Angela Smith
Anglian Home Improvements
National Administration Centre
PO BOX 65
Norwich
NR6 6EJ

Application Number: DC/24/0949

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr Stuart

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby REFUSE to permit the works specified hereunder, that is to say:

Replacement windows to first and second floors of apartment.

14 Denne Park House Denne Park Horsham West Sussex

as shown on Plan and Application Number DC/24/0949 submitted to the Council on 27/06/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 The replacement windows would not reflect the sections or proportions of existing windows at Denne Park House, with the double-glazed units not matching the wider building in terms of their glazing and detailing. The replacement windows would therefore cause harm to the cohesive form and quality of the building as a whole, resulting in harm to the overall significance of the Grade II Listed Building. There are no public benefits that outweigh the harm identified. The proposed development is therefore contrary to policy 34 of the Horsham District Planning Framework (2015) and the National Planning Policy Framework.

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Plans	Lounge	6 of 8	21.06.2024
Plans	Lounge	7 of 8	21.06.2024
Plans	Lounge	8 of 8	21.06.2024
Elevation plan	Existing	none	27.06.2024
Design & Access Statement		none	21.06.2024
Supporting Statement	Fire	none	21.06.2024
Supporting Statement	applicant	none	21.06.2024
Photos	Arial	none	21.06.2024

Supporting Docs	BNG	none	21.06.2024
Location plan		none	27.06.2024
Block plan		none	21.06.2024
Elevation plan	Proposed	none	21.06.2024
Plans	Bathroom	1 of 8	21.06.2024
Plans	Bedroom	2 of 8	21.06.2024
Plans	Bedroom	3 of 8	21.06.2024
Plans	Bedroom	4 of 8	21.06.2024
Plans	Lounge	5 of 8	21.06.2024

Note to Applicant

Biodiversity Net Gain Condition
Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

Under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

i. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
ii. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric).

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is likely to be exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Effect of Section 73(2D) of the 1990 Act
Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where –

(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
(b) the conditions subject to which the planning permission is granted:
(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

Note To Applicant:
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.



Emma Parkes
Head of Development and Building Control

Date: 16/09/2024

ADDITIONAL INFORMATION

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.