

Supporting Planning Statement

Application under Section 73 of the Town and Country Planning Act 1990

Variation of Condition 4 – Annex at Carvers, Emms Lane, Brooks Green RH13 0TR

Planning Permission Ref: DC/20/1309

1. Proposal

This application is made under Section 73 of the Town and Country Planning Act 1990 and seeks a variation of Condition 4 attached to planning permission DC/20/1309.

The application does not seek the complete removal of Condition 4. Instead, it seeks to vary the condition to remove the element which prevents use of the annex as a “*separate unit of accommodation*”, while retaining appropriate planning control to ensure that the annex does not become a separate dwelling house.

No physical alterations, extensions, subdivision of the site, or intensification of use are proposed. The annex will remain ancillary to the main dwelling in planning terms.

2. Site and Planning Background

The site comprises a dwelling house with an associated annex. The annex was approved as residential accommodation ancillary to the main dwelling and forms part of the overall residential use of the site.

The site lies within the countryside, where planning policies seek to resist the creation of additional independent dwellings.

3. The Existing Condition

Condition 4 states:

“The accommodation hereby permitted shall be occupied solely for the purposes ancillary to the occupation and enjoyment of [house address] as identified on the approved site location plan, as a dwelling and shall not be used as a separate unit of accommodation.”

The reason given for the condition is:

“The establishment of an additional independent unit of accommodation would not be appropriate in this countryside location and would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).”

4. Scope of the Application

The application **does not** seek:

- The creation of an additional dwelling house
- The formation of a separate planning unit
- Any increase in built form or development footprint
- Any subdivision of the site

The applicant accepts that the annex remains ancillary to the main dwelling in planning terms. The application seeks only to vary the condition to remove the unnecessary restriction on use as a “*separate unit of accommodation*”, which is considered overly broad and imprecise.

5. Assessment

The annex contains facilities suitable for day-to-day residential occupation and is capable of independent use in practical terms. However, independent occupation does not, of itself, equate to the creation of a separate dwelling house or a separate planning unit.

The physical relationship between the main dwelling and the annex would remain unchanged. The proposed variation would not result in over-intensive use of the site, nor would it lead to an unsatisfactory relationship between units of accommodation. Matters of ownership and tenure do not, of themselves, determine whether a separate dwelling house has been created. This remains a matter to be assessed having regard to the circumstances at the relevant time.

6. Planning Policy Considerations

Policies 26 and 33 of the Horsham District Planning Framework (2015) seek to protect the countryside from inappropriate development, including the creation of additional independent dwellings.

The proposal **would not** conflict with these policies because:

- No additional dwelling house is proposed
- No physical development would occur

- The residential character of the site would remain unchanged
- The countryside would not be harmed

The policy concern identified in the reason for the original condition — namely the establishment of an additional independent dwelling — would therefore not arise as a result of the proposed variation.

7. Proportionality of Condition Control

The existing condition goes beyond what is necessary to achieve its stated objective by prohibiting use as a “separate unit of accommodation”, a term capable of wider interpretation than the creation of a separate dwelling house.

A more precise and proportionate form of control would be one which prevents the occupation of the annex as a separate dwelling house, rather than prohibiting independent occupation altogether.

Should the Local Planning Authority consider it necessary to retain control, the applicant considers that the following revised wording would adequately address policy concerns:

“The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Carvers, Emms Lane, Brooks Green as identified on the approved site location plan and shall not be occupied as a separate dwelling house.”

This wording would continue to prevent the creation of an additional dwelling in the countryside while avoiding unnecessary restriction on reasonable residential occupation that does not result in planning harm.

8. Conclusion

The proposed variation would result in a more precise and proportionate planning condition, without undermining the original policy intent. It would not lead to the creation of an additional dwelling house, would not harm the character of the countryside, and would not give rise to over-intensive use of the site.

The proposal is therefore considered acceptable in planning terms and approval is respectfully requested.