Horsham District Council

Mr David Campion
Batcheller Monkhouse
1 London Road
Tunbridge Wells
Kent
TN11DH

Application Number: DC/24/1150

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

On behalf of: Mr Steven Wassenaar

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:

Removal of Condition 5 of previously approved application DC/21/1986 (Demolition of existing storage annex, erection of a single storey side extension to west elevation. Loft Conversion with installation of dormer windows to existing roof. Erection of a two storey extension to east elevation and a two storey link and change of use to extend the residential curtilage) Relating to development falling within Class E or F of Part 1, or Class A.

Newlands Frylands Lane Wineham West Sussex

as shown on Plan and Application Number DC/24/1150 submitted to the Council on 09/08/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 The proposal to remove Condition 5 of permission DC/21/1986 is unacceptable, as it would enable development within areas subject to significant environmental protections, including Tree Preservation Orders (TPO/1553), flood risk zones (Flood Zone 2/3), and a Great Crested Newt protection zone (red). Condition 5 restricts the laying of hardstanding, and the erection of outbuildings and fences within the extended domestic curtilage, ensuring that these works cannot proceed without due consideration. Its removal would circumvent critical safeguards, as the General Permitted Development Order 2015 (as amended) lacks provisions to address the sensitive nature of these designations. Consequently, the condition is considered necessary and justified under Paragraph 56 of the National Planning Policy Framework (2023) and its retention remains essential for the protection of these sensitive areas.

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement		NONE	29.07.2024
Location plan		PL.001 REV D	09.08.2024

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: 04/10/2024

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.