PLANNING STATEMENT

Proposal: *Section 73 application - Variation of condition of previously approved application DC/19/0419.*
Site: *Elenge Plat, Grouse Road, Colgate, West Sussex RH13 6HT*
Reference: *D17107_A_DC_1010 rev P1_PS*
Date: *2 November 2026*

INTRODUCTION

This planning statement supports a Section 73 application for the variation of condition 1 of the previously approved application reference DC/19/0419 (Demolition of existing buildings and erection of a two storey detached dwelling).

The purpose of the application is to regularise the changes to the retaining wall that have occurred during the construction of the dwelling by replacing the proposed site plan.

This application relates to Condition 1 – By replacing the approved drawings (Site Plan drawing D17107_A_1002_Rev P1).

SECTION 73 ROUTE

Prior to submission of this application, Horsham District Council planning department received a complaint that an illegal building had been constructed on the application site. A site visit was undertaken by Jennifer Baxter, Planning Compliance Officer on 21 September 2026 and although no additional building was discovered, there was a change of materials and position of the retaining wall that was previously approved under planning permission DC/19/0419.

The applicant sought further advice from the Local Authority and in correspondence dated 25 September 2026, Jennifer Baxter confirmed to the applicant that the as-built changes to the retaining wall would constitute a material amendment to the approved scheme. The Officer recommended that a minor amendment (Section 73) application should be submitted so that the changes can be regularised.

This section 73 application has therefore been submitted expressly in accordance with that pre-application advice and follows the procedural route recommended by Horsham District Council Planning Compliance Officer.

RELEVANT PLANNING HISTORY

Horsham District Council granted planning permission on 28/08/2019 for the "Demolition of existing buildings and erection of a two storey detached dwelling". The permission contained 13 conditions. Condition 1 identifies the approved drawing list.

Relevant to this section 73 application is Condition 9 which required details of all the hard and soft landscaping works to be submitted and approved in writing prior to the first occupation.

On 17 August 2021 the Council approved details pursuant to condition 9 of the planning permission DC/19/0419 under the application reference DISC/21/0165. The decision establishes the approved landscape works including all hard surfacing and finishes.

The new dwelling was completed and signed off by Sussex Building Control on 25 August 2026, and this is the first planting season following the first occupation of the development. The soft landscaping is currently ongoing and will incorporate the new retaining wall location.

PLANNING POLICY CONTEXT

The relevant adopted local planning framework comprises the Horsham District's Planning Framework 2015 (HDPF) and the emerging Horsham District Local Plan (2023-40). The Section 73 application should be considered against the relevant development plan policies, taking account of the National Planning Policy Framework (NPPF August 2026) and other material considerations. The assessment focuses on the material changes and alternative location of the retaining wall to the approved planning permission that have occurred during the construction phase.

Strategic Policy 2 (Strategic Development) seeks to '*maintain the districts unique rural character whilst ensuring that the needs of the community are met through sustainable growth.*' The strategy within the overarching Policy 2 includes the requirement to:

- *'12. Retain and enhance natural environmental resources, including landscapes and landscape character, biodiversity, and retaining and enhancing environmental quality.*'

Strategic Policy 25 (The Natural Environment and Landscape Character) states that '*The Natural Environment and landscape character of the District, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development*.'

Strategic Policy 26 (Countryside Protection) states that '*Outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located, including:*

1. *The development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change;*
2. *The pattern of woodlands, fields, hedgerows, trees, waterbodies and other features; and*
3. *The landform of the area.*'

Strategic Policy 33 (Development Principles) states that '*In order to conserve and enhance the natural and built environment developments shall be required to:*

- *Ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the build surroundings, landscape, open space and routes within and adjoining the site, including any impact on the skyline and important views;*
- *Are locally distinctive in character, respect the character of the surrounding area (including its overall setting, townscape features, views and green corridors) and, where available and applicable, take account of the recommendations/policies of the relevant Design Statements and Character Assessments;*
- *Use high standards of building materials, finishes and landscaping….;*
- *Presume in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.'*

PLANNING ASSESSMENT

Proposed Amendments

The Site Plan drawing D17107_A_1002_Rev P1 of the approved planning application (DC/19/0419) indicated a gabion cage and cobble stone retaining wall along the northern side of the driveway. The retaining wall is required to accommodate the sloping site and changes in storey levels of the proposed new dwelling.

During the demolition of the existing stable and barn buildings, including the foundations and hardstanding, the area to the northeast of the proposed new dwelling was excavated. This excavated area allowed for the safe construction and safe access around the site. To keep costs down, the applicant decided to erect leftover Insulated Concrete Formwork to the area that had already been excavated without realising the departure from the approved planning drawing.

The retaining wall has been located slightly further to the northeast of the new dwelling and recessed further into the bank which creates a marginally larger open area for car parking and turning of vehicles.

The retaining wall will be rendered in matching concrete effect render that has already been installed on the new dwelling and retaining wall on the opposite side of the drive.

Design, Landscape and Visual Impact

The design principles established through the planning permission DC/19/0419 remain fundamentally unchanged. A retaining wall was originally proposed albeit located slightly closer to the new dwelling. The new location of the retaining wall provides a much more open space which is more sympathetic with the new dwelling, landscape, open spaces and routes within the site.

Once completed and with soft landscaping incorporated, the alterations to the retaining wall position and materials will not cause any further unacceptable harm to the landscape.

Impact on Neighbouring Amenity

There is no material basis upon which the proposed amendments could alter the Council's previous conclusion in respect to neighbouring amenity.

The Officer's assessment of the planning permission DC/19/0419 concluded that when viewed from the northern perspective, the topographical levels whereby the properties to the north and east are located at a slightly elevated position and the distances maintained (some 35m to the nearest residential property), it is considered that the proposed new dwelling would not have a detrimental impact on neighbouring amenity.

The retaining wall is constructed into the landscape banking (albeit in a slightly different location) and the retaining wall remains no higher than the top of the banking when viewed from the residential amenity space of the adjacent property to the north.

Access & Parking

The access and parking standards remain unchanged. The only added benefit to the relocated retaining wall, is that it creates a more functional area to park cars whilst still maintaining space for turning and visitor access.

CONCLUSION

The Section 73 application seeks to regularise the changes that have occurred during construction of the retaining wall on the northern side of the driveway.

The location of the retaining wall provides an improved functional parking and turning area and is finished in the same materials as the new dwelling and retaining wall on the southern side of the drive, it does not cause harm to the landscape or visual impact on the Area of Outstanding Beauty (AONB).

The amendments to not undermine any of the conclusions reached by the Council's planning officer when granting the planning application DC/19/0419.

Finally, the application has been made under Section 73 following prior correspondence between the applicant and the Council, and with express agreement of Jennifer Baxter's email date 25 September 2026, that Section 73 represents the appropriate route by which the changes can be regularised.

In view of the limited nature and effects of the changes, their compatibility with the approved development, and the continued operation of the conditions and environmental safeguards secured through DC/19/0419, we respectfully request that the Local Planning Authority approve the application and issue a new planning permission under Section 73 incorporating the amended site plan.