Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
S106/24/0014
Little Sele, Brighton Road, Lower Beeding, Horsham, West Sussex, RH13 6PR

DESCRIPTION:
Discharge of planning obligations to approved application DC/06/0749

RELEVANT PLANNING HISTORY:

DC/06/0749	Conversion of Coach House to provide ancillary accommodation	Application Permitted on 02.03.2007.
DC/25/0334	Removal of Condition 2 of previously approved application DC/06/0749 (Conversion of Coach House to provide ancillary accommodation) to allow for occupation for other purposes which are not ancillary to the residential use of the dwelling.	Pending Consideration
DC/25/0335	Non-Material Amendment to previously approved application DC/06/0749 (Conversion of Coach House to provide ancillary accommodation) to remove the word 'ancillary'.	Application Refused on 31.03.2025.

SITE AND SURROUNDS

The application site consists of the Coach house which is a residential unit with four bedrooms. The site is in a countryside location on the western side of Brighton Road. The access is a shared driveway with Selehurst.

DETAILED DESCRIPTION

Little Sele was previously an ancillary accommodation to Selehurst previously for use by the family's gardener and an application was submitted under DC/06/0749 for Little Sele to be used as a dwellinghouse to be occupied by the applicant's daughter. Whilst this application was at first taken to committee and refused, it appears a decision notice was issued permitting the application. A legal was entered into in light of the countryside location where the proposal was felt to be in an unsustainable location with few sustainable modes of transport. The current application seeks permission to alter the legal agreement under the provision 106(A) of the Town and Country Planning Act 1990 where a period of more than 5 years has elapsed since the date on which the obligation was entered into. The alteration of the obligations would remove the requirement for Little Sele to not be rented or sold as a separate unit of accommodation

PLANNING ASSESSMENT

Paragraph 5.1 and 5.2 of the planning obligation which is dated 16th February 2007 of Section 106 agreement FR/PAG/365.

Paragraph 5.1 states:
"The Owners covenant with the council not to cause or permit the occupation of the Coach House by any party other than the Family Members or staff.

Paragraph 5.2 states:
"5.2.1 not to sell lease or otherwise dispose of or cause or permit the sale letting or other disposal of the Coach House separately from the dwelling"
"5.2.2 not to sell lease or otherwise dispose

The Legal Agreement does not give a reason as to the purpose of this obligations inclusion. However, it is presumed that the obligation was included to justify development within a countryside location.

The obligation was attached presumably with the intention to protect the countryside character of the locality and given that the dwelling has been in place for a number of years. The submission includes details of the occupation of the planning unit by the daughter of the applicant, her husband and their dependents applicants for 15 years. They claim they do not have other members of family or staff that would need to inhabit the property. Currently the property is empty, with the S106 preventing the rental of the property. The applicants wish to rent the property at market rent.

It is noted that the report under DC/06/0749 highlighted that given the countryside location, the siting of the development which was remote from sustainable modes of transport meant that it was not considered to be in a sustainable location. Since this assessment, two new bus stops have been sited adjacent to the dwelling such that the development does have options to get into Brighton, Henfield and Horsham. The reason for imposing the restrictions on the development to prevent independent occupation by people other than the applicant's family or staff is now to a lesser extent, an unsustainable location.

Accordingly, the agreement has served its relevant planning purpose for a significant length of time to prevent development in an unsustainable location. In the event that an application were submitted for to vary the conditions of DC/06/0749 which ensured the dwelling was not independent from the Applicant's host dwelling, it would likely not be regarded as a change of use and would be approved given that it would not be considered contrary to policy 26 of the HDPF, providing no increase in activity over what is already possible within the site currently.

With the above in mind, the Local Planning Authority is satisfied that the above planning obligation attached to the legal agreement associated with the planning application should be discharged from the agreement and amended accordingly.

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	Hannah Darley	Date:	23rd January 2025
Authorising Officer sign/initial	RHERMITAGE	Date:	29.04.2025