Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/24/0010
Duncan Reeds Ltd, Unit 11 and 14, Gillmans Industrial Estate, Natts Lane, Billingshurst, West Sussex, RH14 9EZ

DESCRIPTION:
Approval of details reserved by condition 2 to approved application DC/17/2694

RELEVANT PLANNING HISTORY:

| | | |
|---|---|---|
| DC/17/2694 | Erection of single storey side extensions to northern and southern elevations and refurbishment of existing roof including installation of larger skylights | Application Permitted on 09.02.2018 |

PLANNING ASSESSMENT
Consent is sought to discharge the details reserved by condition 2 of DC/17/2694.

**Condition 2**: *Standard Time Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

The submission does not make clear what is being applied for. The applicant form indicates that work has not started on site for the permission approved under DC/17/2694. The date for the implementation of the permission has now expired (expiry date of 08.02.2021). The form states that '*unfortunately because of financial issues we were unable to proceed with the building. We are now in a financial position to proceed but unfortunately the permission has expired.*' It is therefore assumed that the application is to apply for a longer period of implementation.

As stated under Planning Law, an amendment cannot be made to alter conditions relating to time limits for the implementation of planning permissions. S73 of the Town and Country Planning Act states that S73 amendment applications cannot be made to a condition relating '*to the time within which the development to which it related was to be begun and that time has expired without the development having been begun*.'

Notwithstanding the limits under S73, the applicant has applied to vary or remove the conditions time limit application under a conditions discharge application. This is the wrong type of application for this amendment. Condition 2 is a regulatory condition and does not require details to be submitted for approval.

This proposal is therefore considered unacceptable given that it's the wrong type of application and that time limit conditions cannot be amended.

**Recommendation: Application Refused**

Reason(s) for Refusal:

Condition 2 of planning permission DC/17/2694 requires the development to be commenced within 3 years of the date of consent, and does not otherwise require the submission of details for agreement by the Local Planning Authority. The development has not been lawfully commenced within the 3 years of the date of the planning permission.

NOTE TO APPLICANT
The application seeks to extend the time period to implement planning permission DC/17/2694, which requires the amendment of condition 2. The applicant is however advised that S73 of the Town and Country Planning Act 1990 does not allow for the extension of the time period within which a development must be commenced. A new application for full planning permission is required.

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.

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**Plans list for: DISC/24/0010**
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Schedule of plans/documents **not approved**:

| Plan Type | Description | Drawing Number | Received Date |
|---|---|---|---|
| | | | |

**DELEGATED**

Case Officer sign/initial Jason Hawkes Date: 19.03.2024

Authorising Officer sign/initial Adrian Smith Date: 20/03/2024