Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1677
Daisy Cottage , Bonnetts Lane, Ifield, West Sussex, RH11 0NX

DESCRIPTION:

Removal of Conditions 3 and 4 of previously approved application RS/11/01 (Conversion of buildings to dwelling and garage retention of access removal of hardstanding to form paddock), to remove permitted development right restrictions.

RELEVANT PLANNING HISTORY:

RS/11/01	Conversion of buildings to dwelling & garage retention of access removal of hardstanding to form paddock	Permitted on 11.04.2001

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Consultations:

Natural England: Standing Advice: -

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not

having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to

demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Parish Comments: Objection

These restrictions just remove permitted rights and require any future changes to need specific permission. This is not dissimilar to restrictions on Listed Buildings. The supporting reasons for the removal of conditions are spurious and list points such as "amenity" not being valid, however the definition of amenity as "the pleasantness or attractiveness of a place" is wholly relevant as was the main reasons for both conditions 3 and 4 being imposed.

Changes in planning policy have made conversion of buildings easier, but the requirements for subsequent development after the conversion can still have similar conditions imposed and no legal planning change (that RPC are aware of) has altered this. The rules for conditions were met at the time and the council feel are reasonable against the criteria they list in their document and are also reasonable against the latest NPPF guidance [(a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development]. Given the rural nature of the location, requiring planning consent for any further changes is not unreasonable.

PLANNING ASSESSMENT

Application RS/11/01 granted permission for the conversion of buildings to dwelling & garage retention of access removal of hardstanding to form paddock. Permission was granted on the 11th of April 2001. The converted dwelling is referred to in this current application as Daisy Cottage.

RS/11/01, included condition 3 and 4 which this current application seeks to remove from RS/11/01.

Condition 3:

Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1955 or Orders amending or revoking and re-enacting the same, the building(s) shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on application in that behalf.

Reason: In the interest of visual amenity and to comply with this Council's policy regarding the conversion of buildings in the countryside.

Condition 4:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) order 1995 or Orders amending or revoking and re-enacting the same, no development within Class E of Schedule 2 Part 1 to the Order shall be carried out within the residential curtilage of the proposed new dwelling without the prior approval in writing of the Local Planning Authority.

Reason: to maintain control over future development in the interests of amenity.

The NPPF sets out tests to ensure planning obligations are suitable. Paragraph 58 of the NPPF states

"Planning obligations must only be sought where they meet all of the following tests:

a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development."

Paragraph 017 of the "Use of Planning Conditions" Planning Practice Guidance states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. The scope of such condition needs to be precisely defined by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 so that it is clear exactly which rights have been limited or withdrawn.

The reasons conditions 3 and 4 were required were in the interest of amenity, visual amenity and to comply with a policy for the conversion of buildings in the countryside.

The current amenity policy of the HDPF, policy 33 states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

In regards to development in the countryside, Policy 26 of the HDPF states that outside built-up area boundaries the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location and fulfil one of a number of criteria. Development should not lead to a significant increase in the overall level of activity in the countryside and should protect the characteristics of the landscape in which it is located.

Daisy Cottage is a detached dwellinghouse, located to the north of Stafford House. While not directly addressing conversions in the countryside, the current development plan does not require the removal of permitted development rights for new dwellings in the countryside with the PPG stating that such condition is unlikely to meet the tests of reasonableness or necessity. The Draft Development Plan provides direction in respect to decisions on conversions of agricultural and rural buildings through Policy 32. This policy also does not recommend removing permitted development rights.

The GPDO contains restrictions on development, expected to prevent significant impacts on neighbouring amenity and the design and appearance of a building. Daisy Cottage is single storey in nature and set back from the boundary with Stafford House. This layout and relationship is not dissimilar to a layout considered typical for a single dwelling. Given this and the restrictions of the GPDO to protect neighbour amenity and ensure suitable design, it is not considered that removing condition 3 and 4 would have wider implications that would lead to an unacceptable impact on the design and appearance of the property and neighbouring amenity.

Given the restrictions within the GPDO, the layout of the site and the current local plan policies, it is not considered the conditions are necessary to make the development acceptable in planning terms, or fairly and reasonably related in scale and kind to the development. In conclusion conditions 3 and 4 do not meet all the tests required for a planning obligation in the NPPF, and are therefore permitted to be removed.

Recommendation: Application Permitted

Conditions:

2 **Regulatory Condition**: The paking turning and access facilities shall be retained soley for the parking, turning and access of motor vehiciles in connection with the development.

Reason: To ensure adequat parking, turning and access facilities are available to serve the development.

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.

Plans list for: DC/24/1677
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Block plan		369/01/01A	22.10.2001
Plans		369/01/01A	22.10.2001

DELEGATED

Case Officer sign/initial Alice Johnson Date: 10/12/2024

Authorising Officer sign/initial Tamara Dale Date: 23/12/2024