Little Sele, Brighton Road, RH13 6PR

Discharge of S106

Planning Statement

JULY 12TH 2024

Henry Adams planning

Planning Statement

In connection with an application to discharge a Section 106 Agreement under Part III, Section 106A of the Town and Country Planning Act 1990 (as amended).

At

'Little Sele', c/o The Coach House, Selehurst, Brighton Road, Lower Beeding, Horsham, RH13 6PR

On behalf of

Mr. M. Prideaux

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Introduction

1. This statement has been created by Henry Adams in support of an application to discharge a Section 106 Agreement at 'Little Sele', as part of the Coach House, Selehurst, Brighton Road, Lower Beeding, Horsham, RH13 6PR.

2. The subject property and extent of land to which this application relates and herein called 'the site', are outlined in red on the Plan 2 of the agreement and included in Appendix A accompanying this application.

3. This application is made under the provision of Section 106A(4)(b) 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.

S106 Context

4. The site forms part of a larger holding known as Selehurst, located on the western side of the A281; east of Nuthurst and south of Lower Beeding. The google map extract, Figure 1, is included below to show the site relative to the postcode marker 'RH13 6PR.'

5. The property known as the Coach House is to the north of the main building, Selehurst, and is a 'U' shaped two-storey building.

6. The Coach House was subject to a Section 106 agreement in 2007 between Horsham District Council (the council) and Mr Michael Charles Terrell Prideaux Susan Henriette Peto Prideaux (the owners) and Halifax PLC (the mortgagee). The agreement can be read in full in Appendix A.

7. This application is made on behalf of the owners, Mr Michael Prideaux and Mrs Susan Prideaux.

8. Relevant planning history:

    a. DC/06/0749 - Conversion of Coach House to provide ancillary accommodation. *Approved 02/03/2007.*

9. The conversion works were completed and signed off by Building Control on 13th September 2007.

10. The building has enjoyed full lawful use since completion in 2007.

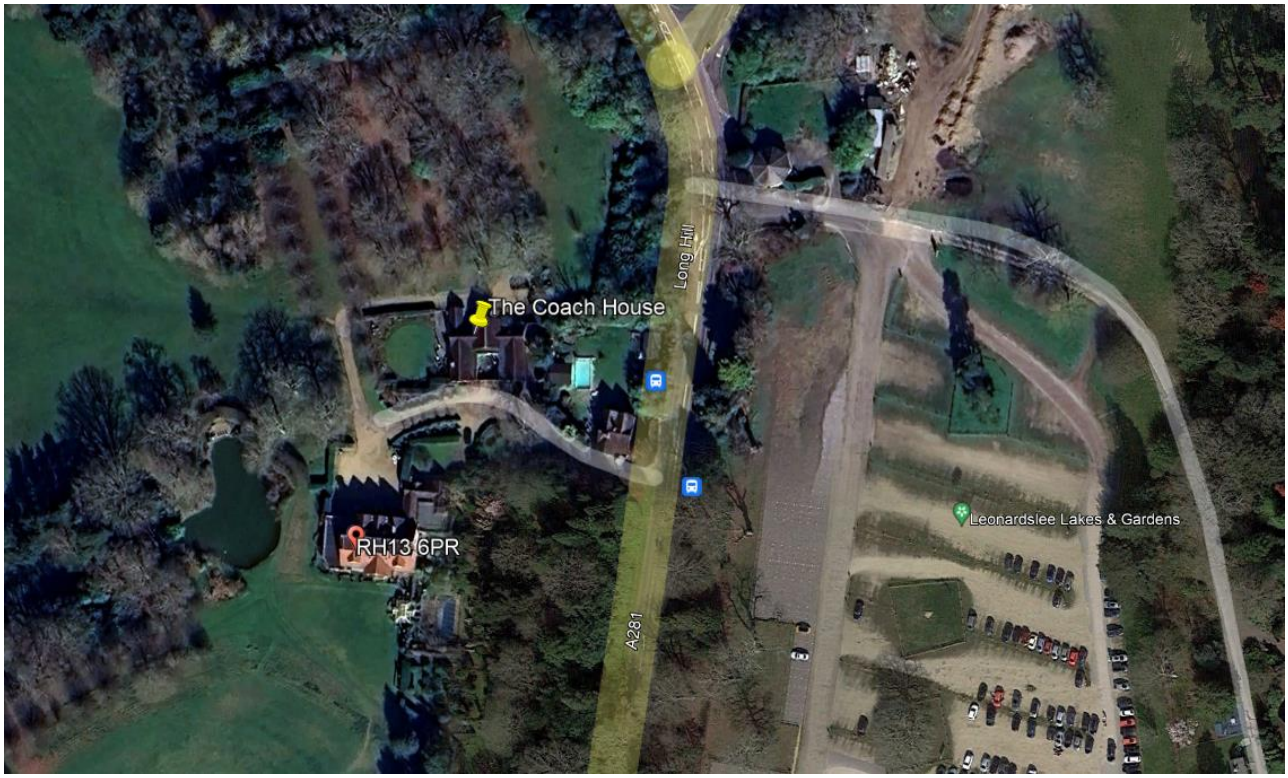

Figure 1 – Extract from Google Earth.

Planning Obligation

11. This application is to discharge the restrictions listed in paragraphs 5.1 and 5.2 of the planning obligation which is dated 16th February 2007.

12. Section 106 number: FR/PAG/365.

13. 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."

14. Paragraph 5.2 states:

    "The Owners covenant:

    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 of or cause or permit the sale letting or other disposal of the Dwelling separately from the Coach House"

Reasons for discharge

15. The Coach House has been occupied by the daughter of Mr and Mrs Prideaux for the last 15 years, as well as her spouse and dependents. However, a change in circumstances now means that they are to move to another location with no other family or staff member available to occupy the property.

16. The owners would like to offer the Coach House to the open rental market to find suitable tenants rather than sell the property as a separate entity to the main dwelling or be forced to leave it empty; however, the S106 prevents this.

17. National policy shows a strong level of support for reusing existing buildings and making efficient use of land as part of the nation's commitment to climate mitigation.

18. The adopted and Regulation 19 Local Plan both permit the conversion of rural buildings, including reusing them to allow communities to grow and meet modern demands, especially where the conversion works would not significantly alter the character of the area.

19. Both Plans note that the reuse or redevelopment of existing buildings will be encouraged to bring redundant buildings back into use.

20. The surrounding area consists of a number of scattered dwellings, rural enterprises, and farms. It is not considered that, were the building to be proposed under current planning policy, that it would adversely affect the character of the local area.

21. Rightmove and Zoopla show the rental market currently includes six comparable properties within a 5-mile radius at the time of writing. Local lettings agents consider that the rental market is strong in the area for family homes, with minimal time spent awaiting a tenant.

22. At the time of the initial application, Horsham District Council were concerned about the reliance on private transport. However, in the intervening years, a pair of bus stops have been created immediately adjacent to the Coach House on the A281 providing regularly scheduled services to Brighton, Henfield, and Horsham. These can be seen marked in Figure 1.

23. Additionally, approximately 1/3 mile to the north, is the start of the Sussex Ouse Valley Way, a long-distance walking trail that follows the course of the River Ouse from Lower Beeding through the Low Weald to Newhaven and Seaford Bay.

24. It is also worth considering the changes to the planning system as a whole since the original application. The introduction of the National Planning Policy Framework (NPPF) in 2012, as well as the General Permitted Development Order (GPDO), following its associated consultations on changes of use in 2013, demonstrated a stronger level of support for reusing existing buildings in rural areas for residential purposes.

25. Historic England have published numerous reports encouraging the recycling and reusing old buildings to help the UK meet its carbon neutral target by 2050.

26. Planning Practice Guidance states that planning obligations may be changed when they no longer serve a useful purpose.

27. Despite both the 2015 Horsham Local Plan and the Regulation 19 Local Plan referring to Circular 5/2005 in the glossary with reference to planning obligations, the circular was replaced on 27th March 2012 by the NPPF and the National Planning Practice Guidance (NPPG).

28. Nonetheless, the NPPF and NPPG state that planning obligations must only be sought when they can satisfy all the following tests, taken from Regulation 122(2) of The Community Infrastructure Levy Regulations 2010:

    - *"necessary to make the development acceptable in planning terms;*
    - *directly related to the development; and*
    - *fairly and reasonably related in scale and kind to the development."*

29. Policy 28 (3) of the adopted Local Plan notes that ancillary accommodation would be permitted provided the ancillary accommodation would not be used as a separate dwelling.

30. Policy 46 (5) of the Regulation 19 Local Plan restates that any ancillary accommodation should not be used as a separate dwelling.

31. Condition 2 in the DC/06/0749 approval states that:

    "The residential accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Selehurst."

32. It is considered that the requirements of the adopted and future local plan could easily be met through the existing condition, making paragraph 5.1 of the S106 unnecessary in making the development acceptable and thereby failing the first test of Regulation 122(2).

33. The restriction in paragraph 5.2 of the agreement limiting the lease of the building would create a redundant building that is no longer able to revert back to its original use as an agricultural building.

34. Since the original agreement was entered into, there has been clarification on the definition of the word 'isolated' with regard to building new homes in the countryside. The word should not be over-interpreted and should follow the standard dictionary definition.

35. As stated above, the Coach House is surrounded by a number of other rural dwellings and would not be isolated in its ordinary meaning. The intent of the agreement to avoid creating a separate unit makes little sense therefore when compared to the alternative of

creating a redundant brownfield site, contrary to the overall intention of national policy to re-use such sites.

36. Given the change in planning policy, circumstances, and sustainable transport that were all factors in the original application, it is considered that paragraph 5.2 would now fail the test of being fairly and reasonably related in scale and kind to the development.

Conclusion

37. This application seeks to discharge a Section 106 Agreement at 'Little Sele', as part of the Coach House, Selehurst, Brighton Road, Lower Beeding, Horsham, RH13 6PR

38. Paragraph 5.1 of the original obligation restricts the occupation of the Coach House but overlaps with an existing planning condition in meeting the local policy requirements for ancillary accommodation; thereby becoming unnecessary to make the development acceptable in planning terms.

39. Paragraph 5.2 limits the lease of the building which would create a redundant brownfield site, contrary to national policy. The Coach House could no longer be considered an isolated dwelling in the countryside and is now supported by sustainable transport options, making the agreement fail the requirement of being fairly and reasonably related in scale and kind to the development.

40. It is therefore requested that Horsham District Council approve the discharge of this planning obligation.

Appendices

Appendix A – S106 Agreement FR/PAG/365