

Section 73 Application

Town and Country Planning Act 1990 (as amended)

Application to Vary Conditions 1 and 9 of Planning Permission DC/19/1787

Site: Smithers Farm, Guildford Road, Rudgwick, Horsham, West Sussex RH12 3BX

Planning Permission: DC/19/1787

Applicant: Mr Stuart Heath

Proposal:

Variation of Conditions 1 and 9 of planning permission DC/19/1787 to permit amended external cladding materials and fenestration arrangements.



The objective for rural business is to sustain a balanced outcome, a delicate relationship between productive activity which includes farming and rural enterprise and the conservation of the environment both historic and landscape needs to be maintained. The rural economy is a constantly changing paradigm and should be nurtured, supported and promoted because it forms the core of the nation.

1.0 Introduction

This Planning Statement has been prepared on behalf of Mr Stuart Heath in support of an application made under Section 73 of the Town and Country Planning Act 1990 seeking to vary Conditions 1 and 9 attached to planning permission DC/19/1787, which granted consent for the erection of two detached buildings for office and workshop use at Smithers Farm, Guildford Road, Rudgwick.

The application seeks approval for amendments solely to the external appearance of the approved buildings, namely:

- revised external wall cladding;
- amended fenestration;
- simplified elevations more reflective of modern commercial buildings.

Importantly, no changes are proposed to the approved use, siting, footprint, scale, height, access arrangements or parking provision. The proposal therefore represents a minor material amendment appropriately dealt with under Section 73.

2.0 Planning History

Planning permission was granted on 29 October 2019 for:

"Erection of two detached buildings for office and workshop use."

The approved development formed part of the continuing evolution of the established commercial complex at Smithers Farm.

The Officer's Delegated Report concluded that:

- the proposal supported rural economic development;
- it represented appropriate employment development within an established commercial site;
- it would improve the quality of the site;
- it complied with Policies 7, 9, 10, 25, 32 and 33 of the Horsham District Planning Framework.

Since the grant of permission:

- all pre-commencement and regulatory conditions have been discharged;
- the development has progressed through Building Control;
- an updated Building Control Amendment Notice has subsequently amended the detailed construction proposals.

3.0 The Section 73 Application

This application seeks to vary:

Condition 1 To substitute the approved Elevation Drawing **19/77/2B** with the revised elevation drawings accompanying this application.

Condition 9 Current wording:

"The materials to be used in the development hereby permitted shall strictly accord with those indicated on drawing 19/77/2B unless details of alternative materials have been submitted and approved in writing by the Local Planning Authority prior to development above ground floor slab level commencing."

The applicant seeks approval for alternative external materials as illustrated on the submitted drawings.

No other planning conditions require amendment.

4.0 Background

Planning permission was granted in late 2019. Since that date the construction industry has experienced unprecedented economic changes including:

- significant inflation;
- substantial increases in steel prices;
- increased labour costs;
- increased timber prices;
- increased glazing costs;
- general supply chain disruption;
- considerably higher construction costs following the Covid-19 pandemic and subsequent inflationary pressures.

The cumulative effect has fundamentally altered the commercial viability of constructing the development exactly as originally approved.

The applicant has therefore undertaken a review of the external specification in order to deliver the approved employment development using more commercially realistic construction methods whilst maintaining a high quality appearance.

The proposed amendments are therefore driven by viability and deliverability rather than any desire to intensify or materially alter the approved development.

5.0 Proposed Amendments

The submitted drawings demonstrate a revised commercial building design incorporating:

- insulated plastisol-coated profiled steel cladding;
- profiled insulated roof panels;
- simplified industrial elevations;
- revised window and personnel door arrangements;
- roller shutter loading doors;
- brick plinth detailing.

The buildings retain the approved commercial character whilst adopting a more contemporary industrial appearance consistent with modern rural employment buildings.

The proposal remains wholly appropriate for its intended workshop and office use.

6.0 Planning Considerations

Principle of Development

The principle of development has already been established through planning permission DC/19/1787.

The current application does **not** seek to revisit:

- the principle of employment development;
- the approved use;
- the amount of floorspace;
- access;
- parking;
- landscaping;
- highways.

Those matters have already been accepted by Horsham District Council. This application is confined solely to external appearance.

7.0 Design and Appearance

The Delegated Officer Report concluded that the approved scheme successfully reflected the utilitarian character of the existing commercial site following amendments made during the original application.

The revised proposals continue that design philosophy.

Indeed, the proposed elevations arguably reinforce the commercial character by replacing the more traditional weatherboard appearance with contemporary insulated steel cladding commonly found throughout rural industrial estates.

The amended fenestration is simpler and more reflective of functional workshop buildings. The revised buildings therefore remain entirely appropriate within the established commercial setting.

There are no changes to:

- building footprint;
- building height;
- ridge levels;
- site layout;
- spacing;
- parking;
- servicing.

Accordingly, there is no additional visual impact.

8.0 Residential Amenity

No changes are proposed which would affect neighbouring occupiers.

The proposal:

- introduces no new openings overlooking neighbouring properties;
- creates no additional floorspace;
- generates no increase in activity;
- introduces no additional noise;
- does not alter hours of operation.

The conclusions reached in the original Officer Report therefore remain entirely applicable.

9.0 Highways

There are no changes whatsoever to:

- vehicle movements;
- parking;
- access arrangements;
- servicing.

The proposal therefore has no additional highway implications.

10.0 Planning Policy

The application remains fully consistent with:

National Planning Policy Framework

In particular the objectives of:

- supporting sustainable economic growth;
- making effective use of existing employment sites;
- achieving good design;
- supporting rural businesses.

The proposal also accords with the Horsham District Planning Framework including:

- Policy 7 – Economic Growth
- Policy 9 – Employment Development
- Policy 10 – Rural Economic Development
- Policy 25 – Landscape Character
- Policy 32 – Quality of Development
- Policy 33 – Development Principles

These are the same policies under which the original permission was approved.

11.0 Deliverability

The amended specification enables the approved development to proceed in circumstances where construction costs have increased substantially since planning permission was granted in 2019. The proposal therefore supports one of the principal objectives of the planning system—ensuring that approved employment development is capable of being delivered.

Rather than leaving an extant permission unimplemented due to abnormal construction costs, the proposed amendments provide a pragmatic solution that secures the delivery of rural employment floorspace whilst preserving the quality and appearance of the development.

12.0 Conclusion

Planning permission has already established the acceptability of:

- the principle of development;
- the scale of development;
- the siting;
- the layout;
- the highways arrangements;
- the employment use.

This Section 73 application seeks only modest amendments to the external appearance of the approved buildings through revised cladding materials and fenestration.

The amendments have been prompted by significant increases in construction costs and the need to deliver a commercially viable development without altering the approved form or function of the scheme.

The revised elevations continue to provide a high-quality commercial appearance that reflects the utilitarian character of the established employment site and fully accords with the objectives of the National Planning Policy Framework and Policies 7, 9, 10, 25, 32 and 33 of the Horsham District Planning Framework.

The proposal will not give rise to any additional visual, residential or highway impacts and all other planning conditions attached to planning permission DC/19/1787 have either been complied with or discharged.

Accordingly, the proposed variation of Conditions 1 and 9 represents a proportionate and justified amendment that will facilitate the implementation of an extant planning permission while maintaining the high standard of development previously accepted by Horsham District Council.

For these reasons, it is respectfully requested that planning permission be granted under Section 73 of the Town and Country Planning Act 1990.

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