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Planning Statement

TOWN & COUNTRY PLANNING ACT 1990

TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

PROPOSAL:
REMOVAL OF CONDITION NO. 5
(HOLIDAY LET RESTRICTION)
FROM PLANNING PERMISSION
REF. DC/12/1642

SITE:
THE LODGE
POLECAT LANE
COPSALE, HORSHAM
WEST SUSSEX RH13 9DJ

APPLICANT:
MR A NICHOLL

Background

The Lodge is a detached dwelling located on the east side of Polecat Lane, in a position approximately 1km to the north of the hamlet of Copsale and 500 metres to the east of the settlement of Southwater.

It is a single storey property comprising 2 bedrooms. It was granted consent under planning permission ref. DC/12/1642. The permission was for a change of use from an annexe to holiday let accommodation and the erection of a single storey side extension following demolition of an existing stable block.

Condition No.5 on the consent stated:

'The accommodation hereby permitted shall be used for holiday accommodation only and for no other purposes (including any other purposes in Class C3 of the Town & Country Planning [Use Classes] Order 1987 as amended by the Town & Country Planning [Use Classes] [Amendment] [England] Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.'

Under application ref. DC/24/1679 a Certificate of Lawful Use or Development (Existing) was granted confirming that it was lawful to continue occupation of The Lodge as a self-contained dwelling house in breach of Condition No. 5 on DC/12/1642. A copy of this Certificate is forwarded with this application.

Evaluation

Whilst the granting of the Certificate under application ref. DC/24/1679 confirms that it is lawful to continue the occupation of The Lodge as an unrestricted, self-contained dwelling, it does not, in itself, remove the Condition from the original planning consent (DC/12/1642). This can only be done through the submission of a planning application.

This application therefore seeks to formally remove the holiday let restriction from the planning consent. In normal circumstances, the removal of a holiday let restricted by way of a planning application would have to demonstrate no demand for continued occupation of the dwelling in compliance with the occupancy condition. However, in the current situation, where it has been confirmed by the granting of a CLUED, that it is lawful to occupy the property on an unrestricted basis, there is considered no need for this normal procedure to be followed.

In essence, there is considered no logical or persuasive reason to retain the holiday let restriction on the original consent now that it has been demonstrated that it is lawful to occupy the property in breach of this condition.

Given the planning history on the property, it is considered that removal of the holiday let restriction is the logical outcome that follows on from the grant of CLUED.