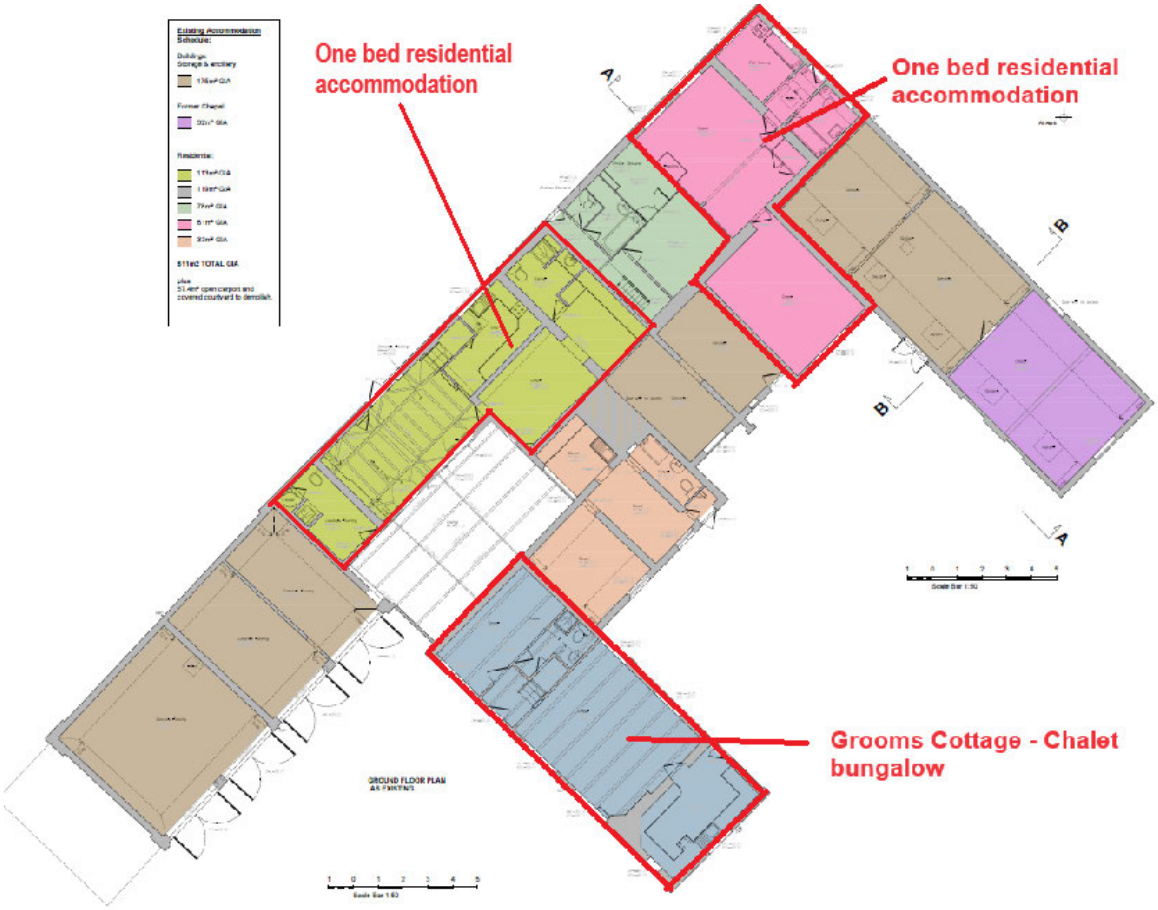
Planning statement

Honeywood House Horsham Road Rowhook Horsham West Sussex RH12 3QD

Application to confirm that repair works to 'Grooms Cottage' (3 The Stables), 2 The Stables and 'Stable Cottage' (1 The Stables) would be permitted development under GPDO Class A involving 'materials used in any exterior work of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse' or not development requiring planning permission i.e. the carrying out for the maintenance, improvement or other alteration of any building of works which(i)affect only the interior of the building, or (ii)do not materially affect the external appearance of the building to reinstate residential accommodation.



Rhetoric behind application:

The application description relates to three areas, the extent of the residential accommodation coloured blue, pink and green above, that each contain kitchen and bathroom areas and is clear have included lounge and bedroom areas.

There is a lengthy recent planning history relating to the site with all applications having been refused. The latest dismissed appeal decision, APP/Z3825/W/22/3307772 following application DC/22/1187 was refused for 'Demolition of tractor shed and cottage; erection of two dwellings; conversion and restoration of clock tower and stable

building to form a dwelling; associated car parking and landscaping helpfully established the following common ground:

APP/Z3825/W/22/3307772

29. Whilst there is dispute in relation to the number of units, ***the parties agree that the appeal site has a previous residential use.*** *However, I note that those units have not been needed for over six years and the staff flat in the nursing home is sufficient for the home's needs.*



<u>The phrase 'residential accommodation' in the application description has been purposefully used. The reasons for this are:</u>

- To isolate out any discussion of whether the dwellings' accommodation provided was an independent or ancillary (staff) accommodation. On such basis it would appear, that so long as the buildings have not been abandoned, they qualify as dwellinghouses.
- **To establish common ground with regards to repair works not requiring permission**
- To keep planning application fees and related work as cheap as possible to establish a baseline permission.

The main issues are:

1. **Dwellings - Does the existing residential accommodation constitute dwelling(s)**
2. **Abandonment - Has the residential accommodation / dwelling(s) been abandoned in the legal sense**
3. **Repair works - Do the proposed repair works require planning permission (or are they not development / permitted development)**

1. Dwellings

The italicised extracts below from officer report DC/23/0953 are a useful starting point.

They acknowledge that there is no definition of a dwelling house but confirm use of a dwellinghouse includes occupation by a single person or by people to be regarded as forming a single household.

With regards to the three areas of residential accommodation coloured blue, green and pink above, that each contain kitchen and bathroom areas and is clear have included lounge and bedroom areas they had (albeit not for c.6 years) provided occupation by a single person or by people to be regarded as forming a single household.

Both areas of residential accommodation have their own front doors and the layout of the accommodation is separate from other parts of the adjacent buildings.

Definition of dwellinghouse

There is no definition of "dwellinghouse" within the Town and Country Planning Act 1990 (TCPA) but reference is made within other relevant planning legislation.

Part C of the Use Classes Order 1987, as amended, defines Class C3 as "dwellinghouses" and refers to "use as a dwellinghouse (whether or not as a sole or main residence) by –

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where no care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4)."

Article 2(1) of the Town and Country Planning (General Permitted Development) Order 2015 as amended defines a "dwellinghouse" and states:

"…except in Part 3 (Changes of Use), Part 12A (development by local authorities and health service bodies) and Part 20 (construction of new dwellinghouses) of Schedule 2 to this Order, does not include a building containing one or more flats, or a flat contained within such a building."

2. Abandonment

The abandonments tests are as follows (a couple of albeit dismissed appeal decisions are included as background documents, wherein the state of dereliction 'total collapse of roofs and walls' had meant the buildings had been 'physically incapable of being lived in as a dwelling. **This is clearly not the case in the current instance.**

[a] the physical condition of the building;

[b] the length of the period of non-use as a dwelling;

[c] whether or not there had been any intervening use; and

[d] evidence of the owner's intentions throughout the period of non-use.

Inspector's Reasons

The physical condition of the building:

5. The building was originally a modest, semi-detached, 2 storey, thatched roofed dwelling. The rear and side walls were of stone construction and the front wall was timber-framed with infill panels. There were chimneys at both ends of the property. At the rear of the building were two further rooms within a single storey, lean-to structure.

6. Mr White purchased the property in April 1998. At that time, the thatched roof of the dwelling and all associated timbers had totally collapsed. The front, timber-framed wall had also completely collapsed, as had the internal first floor of the building. The three outer stone walls were still standing up to a maximum height of about 3 metres. It is clear however, from photographs taken around that time, that significant portions of each of these three walls had also collapsed, and that the upper sections of both chimneys were no longer in place. The single storey, lean-to structure was still intact.

7. Having regard to the above factors, I consider it reasonable to conclude that by April 1998 the property was in an advanced state of dereliction. Clearly it was physically incapable of being lived in as a dwelling, and I regard this as positive evidence of the residential use having been abandoned.

The issue of abandonment is complex. The image below and italicised extracts are from the Development Control Practice Manual confirming that even a building that would appear substantially derelict would not necessarily mean it had been abandoned.

The High Court in quashing the decision concluded that it was clear from the documents before the inspector, that the council had rejected the relevancy of the policy because of its conclusion that the use had been abandoned. However the evidence suggested that the use had not been abandoned and therefore the policy applied. Indeed the evidence indicated that the scheme would comply with its provisions and the decision was quashed MH Services Ltd v SoS 2002. The second inspector agreed that the use as a dwellinghouse had not been abandoned despite its dilapidated state. The proposed design would be similar to the original dwelling and would not harm the character of the surrounding countryside, see Tynedale 20/06/2002 DCS No 047-726-081.



Tynedale: use as a dwellinghouse had not been abandoned despite dilapidated state

Physical condition of the building(s)

The buildings at Honeywood House:

- Have clearly suffered water damage; notwithstanding the structure, room layout, area and volume remain evident.
- No walls or roofs have collapsed
- Sufficient of the dwellings remain that the 'substantive works' would constitute repairs as opposed to structural alterations.

Extract from previous Council officer report:

6.9 The evidence available indicates that the existing buildings are currently not capable of occupation and have not been occupied for some years (in excess of 6 years as outlined within the Planning Statement). Reference was made to staff now being accommodated elsewhere at Honeywood House during the site visit, albeit that no information is available to substantiate this. As evident from the site visit, the buildings are not capable of occupation in their current state, and would require ***substantive works*** *to bring them to a standard suitable for occupation. It is noted that the buildings have been left vacant for an extended period of time, are in a partial degraded and derelict state, and there seems to have been a lack of intent to bring them back into use. Taking these factors into account, on the matter of fact and degree, it is not considered that the buildings are capable of occupation, and the weight to be afforded as residential dwellings is therefore limited.*

COMMENTS – With regards to the abandonment tests there is a clear distinction between partially degraded (not abandonment) and dereliction (abandonment).

The length of the period of the non-use of the dwelling(s)

In this instance it is 6 plus years; far less than several decades in cases that have counted towards abandonment. It must be borne in mind that there have been several years of applications which had put the repair of the buildings on hold.

Whether or not there had been any intervening use

It is common ground with the Council that there had not been any intervening use.

Evidence of owner's intentions throughout the period of non-use.

Included below are ongoing Council tax payments in respect of that have been made in respect of the dwellings as a long-term empty premium.

The Trustees intentions by continuing to make the payments, despite the non-use, **have been to ensure that abandonment has not occurred.**

Horsham District Council

west sussex county council

[redacted]

Council Tax Bill 2022/2023

Date of Issue
9 March 2022

GO ONLINE
24/7 Self Service Facility
www.lgss-revs-bens.com

[redacted]

[redacted]

PLEASE KEEP THIS BILL FOR FUTURE REFERENCE

Amount you are liable to pay for Band A

	% increase/decrease from previous year (rounded up/down to one decimal place)
West Sussex County Council	1.9%
Adult Social Care Authority Precept (WSCC)	1.0%
Sussex Police and Crime Commissioner	4.7%
Horsham District Council	2.9%
Rudgwick Parish Council	1.7%
Overall	**3.1%**

[redacted]

The Council Tax attributable to West Sussex County Council includes a precept to fund adult social care (shown separately above). For more details, please see overleaf.

Total charge for Band A

[redacted]

How your bill is worked out

Period 01.04.2022 to 31.03.2023
Plus 100.00% Long Term Empty Premium
From 01.04.2022 to 31.03.2023

TOTAL TO PAY

[redacted]

Your instalment details - Current payment method: Monthly Direct Debit on the 1st

Date Payment Due		Date Payment Due	
01.04.2022	[redacted]	01.10.2022	[redacted]
01.05.2022		01.11.2022	
01.06.2022		01.12.2022	
01.07.2022		01.01.2023	
01.08.2022			
01.09.2022			

Your Direct Debit will continue unless you are notified that it has been cancelled.

Further information regarding your bill

Your overall account balance is [redacted]

The Government is providing a £150 one-off Energy Bills Rebate for most households in council tax bands A-D
Any payments received after 22nd February 2022 may not show on this bill

[redacted]

Council Tax Bill 2022/2023

Date of Issue
9 March 2022

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[redacted]

[redacted]

[redacted]

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Horsham District Council	2.9%	
Rudgwick Parish Council	1.7%	
Overall	**3.1%**	

The Council Tax attributable to West Sussex County Council includes a precept to fund adult social care (shown separately above). For more details, please see overleaf.

Total charge for Band A [redacted]

How your bill is worked out

Period 01.04.2022 to 31.03.2023 [redacted]

TOTAL TO PAY [redacted]

Your instalment details - Current payment method: Monthly Direct Debit on the 1st

Date Payment Due		Date Payment Due	Ar
01.04.2022	[redacted]	01.10.2022	[redacted]
01.05.2022		01.11.2022	
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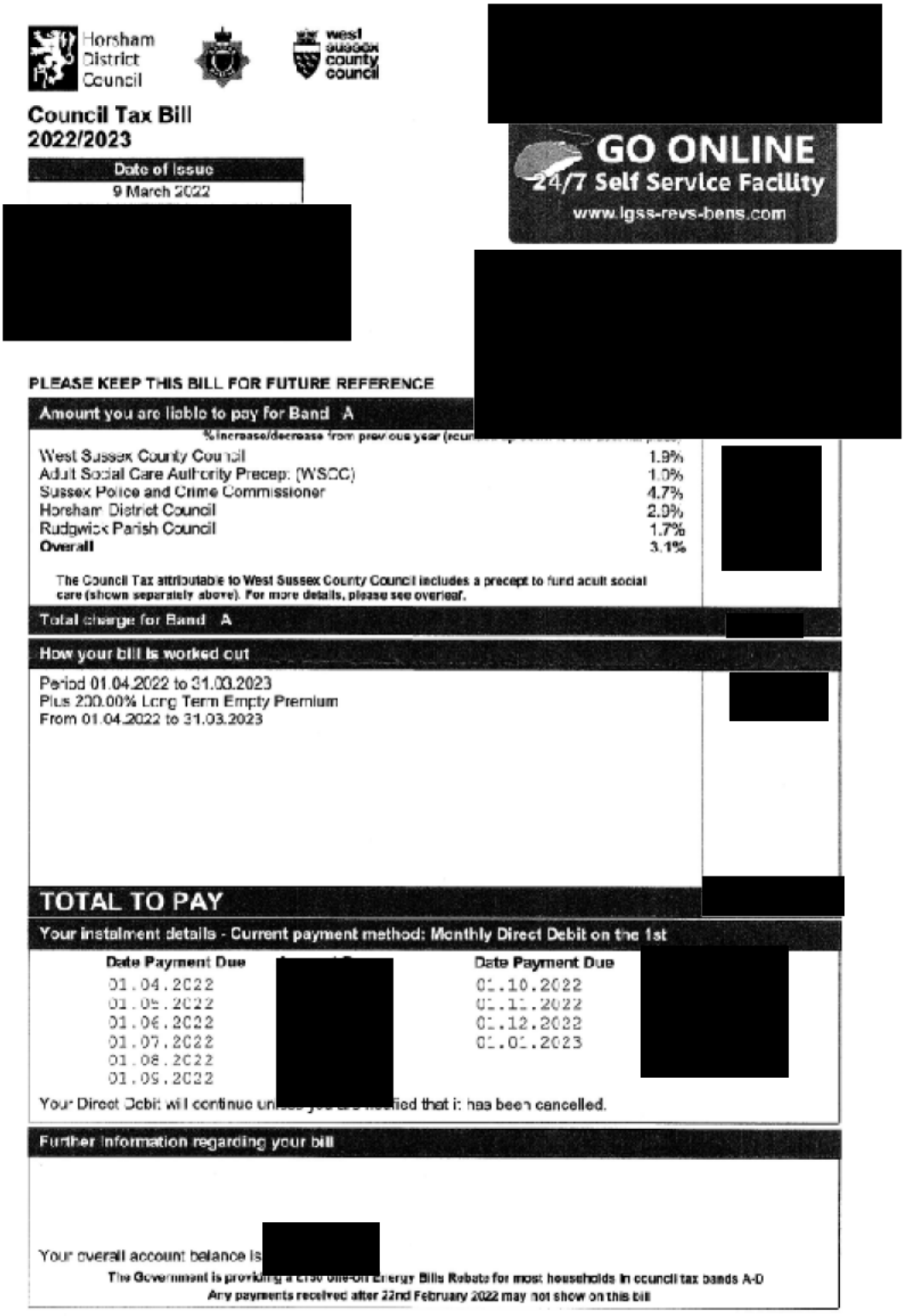

Horsham District Council

west sussex county council

Council Tax Bill 2022/2023

[redacted]

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Date of Issue
9 March 2022

[redacted]

[redacted]

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Rudgwick Parish Council	1.7%
Overall	**3.1%**

[redacted]

The Council Tax attributable to West Sussex County Council includes a precept to fund adult social care (shown separately above). For more details, please see overleaf.

Total charge for Band A [redacted]

How your bill is worked out

Period 01.04.2022 to 31.03.2023 [redacted]
Plus 200.00% Long Term Empty Premium
From 01.04.2022 to 31.03.2023

TOTAL TO PAY [redacted]

Your instalment details - Current payment method: Monthly Direct Debit on the 1st

Date Payment Due		Date Payment Due	
01.04.2022	[redacted]	01.10.2022	[redacted]
01.05.2022		01.11.2022	
01.06.2022		01.12.2022	
01.07.2022		01.01.2023	
01.08.2022			
01.09.2022			

Your Direct Debit will continue unless you are notified that it has been cancelled.

Further information regarding your bill

Your overall account balance is [redacted]

The Government is providing a £150 one-off Energy Bills Rebate for most households in council tax bands A-D
Any payments received after 22nd February 2022 may not show on this bill

As further evidence of intent to continue residential accommodation at the site there have been a series of applications listed below since 2016 in connection with the subject buildings:

The coloured plan was included as a background document to one of those applications.

- **Demolition of tractor shed and cottage. Erection of 1no replacement two-storey dwelling, conversion and restoration of clock tower and stable building to form 1no two-storey dwelling with associated car parking and landscaping.**

Honeywood House Horsham Road Rowhook Horsham West Sussex RH12 3QD

Ref. No: DC/22/2037 | Validated: Mon 31 Oct 2022 | Status: Decided

- **Demolition of tractor shed and cottage. Erection of 2no. two storey dwellings, conversion and restoration of clock tower and stable building to form a two storey dwelling; associated car parking and landscaping.**

Honeywood House Horsham Road Rowhook Horsham West Sussex RH12 3QD

Ref. No: DC/22/1187 | Validated: Thu 23 Jun 2022 | Status: Decided

- **Demolition of outbuildings and erection of 3.No three bedroom dwellings, including a pair of semi-detached units, with detached garages; creation of overflow car park**

Honeywood House Horsham Road Rowhook Horsham West Sussex RH12 3QD

Ref. No: DC/20/0562 | Validated: Wed 18 Mar 2020 | Status: Decided

- **Demolition of outbuildings and erection of 3.no dwellings with detached garages and creation of overflow car park**

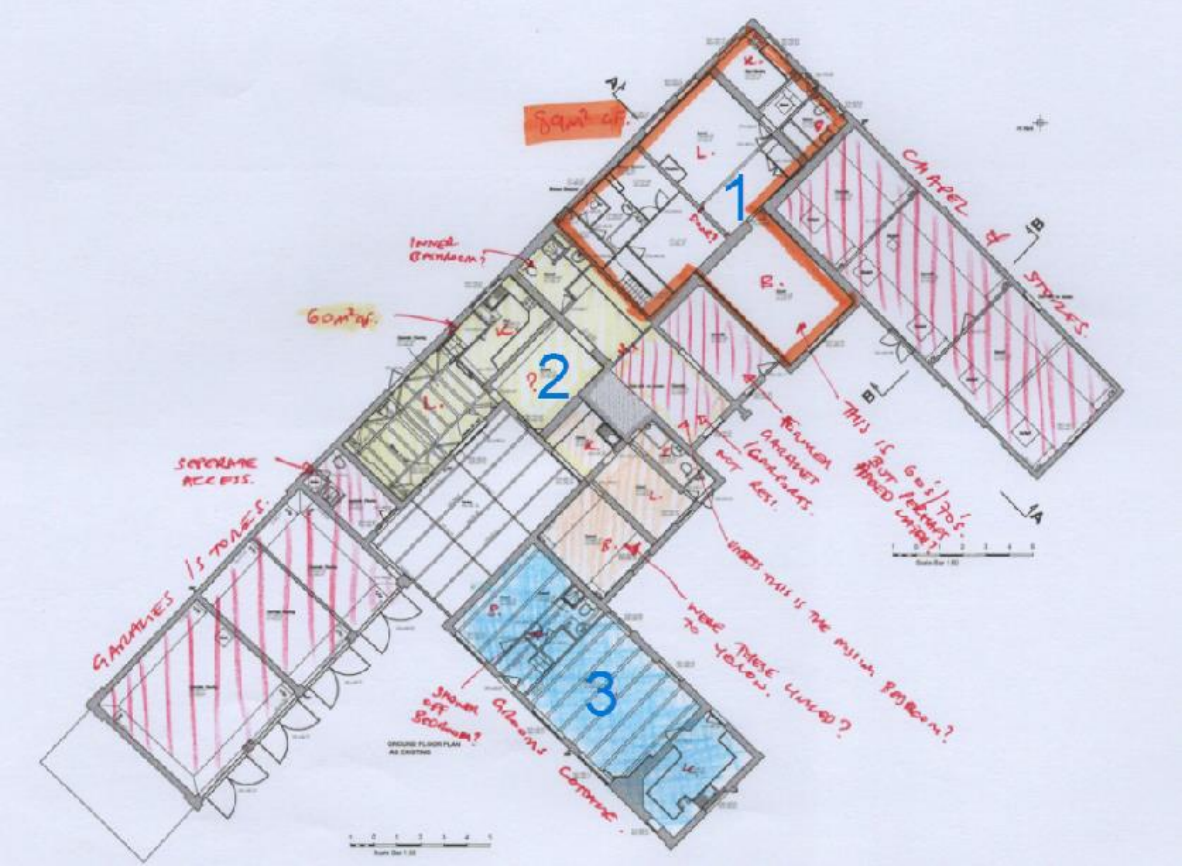
Honeywood House Horsham Road Rowhook Horsham West Sussex RH12 3QD

Ref. No: DC/19/0291 | Validated: Tue 12 Feb 2019 | Status: Decided

- **Erection of four x 3 bedroom semi-detached dwellings with detached garages; demolition of outbuildings and creation of 25 space car park**

Honeywood House Horsham Road Rowhook Horsham West Sussex RH12 3QD

Ref. No: DC/16/2637 | Validated: Wed 07 Dec 2016 | Status: Decided



3. Repair works

Do the proposed repair works require planning permission (or are they not development / permitted development).

Looking at the November 2023 external photo below it would be rational to consider that the Grooms accommodation had not been abandoned.



Above – Grooms Cottage

APPENDIX 1 – elaborates on the ‘Development and permitted development’ criteria.

Grooms Cottage – 1 The Stables – coloured blue on main plan

The schedule of repair works in respect of the water damage would be:

- Roof tile materials used in any exterior work to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse'
- Replacement windows
- Repairs to internal ceilings and decoration (Internal works – not development)
- Re-wiring and plumbing (Internal works – not development)

In summary the repair schedule (where not visible externally) would constitute; "the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i)affect only the interior of the building, or (ii)do not materially affect the external appearance of the building"

No.2 The Stables comprises one bed ground floor accommodation- **coloured green on main plan**

The schedule of repair works in respect of the water damage would be:

- Replacement windows
- Removal of pergola / covered walkway (partially collapsed) coloured white on main plan.
- Repairs to internal ceilings and decoration (Internal works – not development)
- Re-wiring and plumbing (Internal works – not development)





'Stable Cottage' (no.3 The Stables) **coloured pink on main plan**

Stable Cottage comprises one bed ground floor accommodation.







The schedule of repair works in respect of the water damage would be:

- Replacement windows
- Repairs to internal ceilings and decoration (Internal works – not development)
- Re-wiring and plumbing (Internal works – not development)

In summary the repair schedule (where not visible externally) would constitute; "the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i)affect only the interior of the building, or (ii)do not materially affect the external appearance of the building"

Conclusion

The evidence, analysis and assessment against applicable case law contained within this statement presents a robust argument that:

1. the residential accommodation has not been abandoned and
2. the proposed repair works would be permitted development under GPDO Class A involving ‘materials used in any exterior work of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse’ or not development requiring planning permission i.e. the carrying out for the maintenance, improvement or other alteration of any building of works which(i)affect only the interior of the building, or (ii)do not materially affect the external appearance of the building to reinstate residential accommodation.

APPENDIX 1 – Development and permitted development

S.55 Town and Council Planning act.

Meaning of "development" and "new development".

(1)Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

F1[(1A)For the purposes of this Act " building operations " includes—

(a)demolition of buildings;

(b)rebuilding;

(c)structural alterations of or additions to buildings; and

(d)other operations normally undertaken by a person carrying on business as a builder.]

(2)The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a)the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i)affect only the interior of the building, or

(ii)do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

(b)the carrying out on land within the boundaries of a road by a F2. . . highway authority of any works required for the maintenance or improvement of the road [F3but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment];

(c)the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

(d)the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such

SCHEDULE 2 Article 3 - Permitted development rights

PART 1 - Development within the curtilage of a dwellinghouse

Class A – enlargement, improvement or other alteration of a dwellinghouse

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse