

BRETT INCORPORATED

PLANNING AND DEVELOPMENT SERVICES

LIMITED



25 June 2026

Our Ref.: 1894.4

Dear Planning Admin,

S73 application to vary condition 1 to refer to 1894.1/01A rather than 1894.1/01 and remove condition 7 from DC/25/1940 approved 05/02/2026.

Alterations and change in use of building to holiday let use.

Valewood Farmhouse, Valewood Lane, Barns Green RH13 0QJ

During consideration of application DC/25/1940, officers sought a revised red edged application site area by excluding the land that currently accommodates a mobile home, agreed by the Council as lawfully occupied for purposes ancillary to Valewood Farmhouse. The applicants' agreed to the request and submitted an amended plan numbered 1894.1/01A. Regrettably, that amended plan was not referred to in condition 1 of the permission, probably as an oversight, which this application seeks to address for good measure by including plan 1894.1/01A.

Regarding the removal of condition 7 from DC/25/1940, it states:

Regulatory Condition: The residential accommodation hereby permitted shall, when occupied as holiday accommodation be managed in accordance with the following:

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(a) The accommodation shall be occupied for holiday and short-term let purposes only;

(b) The accommodation shall not be occupied as a person's sole, or main place of residence;

(c) The accommodation shall not be occupied by any one person for a period exceeding 28 days in any calendar year;

(d) The accommodation shall at all times be managed and supervised by Valewood Farmhouse;

(e) The owners / operators shall maintain an up-to-date register of the names of all owners / occupiers of the accommodation on the site, and of their main home addresses, and shall make this information available to the Local Planning Authority upon request.

Reason: To maintain the availability of the site as short term holiday tourist accommodation in accordance with Policies 10, 11 and 26 of the Horsham District Planning Framework (2015).

The effect of the permission that is endorsed by associated case law but which has not yet been implemented, is primarily to enable use of the building as a Class C3 dwellinghouse albeit restricted by condition to holiday and other short-term lets. To reinforce the case the permission encompasses C3 dwellinghouse use, Classes A, AA, B, C, D, E and F of associated domestic permitted development rights set out in Part 1 of Schedule 2 of the GPDO are removed by condition 8. Condition 6 also seeks to limit the water use of this dwelling. Associated Community Infrastructure Levy generated by the alterations to facilitate C3 dwellinghouse use has been set at £5231.96 by the Council.

In these circumstances and notwithstanding the description of the original application for the change in use of the building to holiday let use, the Courts have confirmed s73 applications such as this can nevertheless be used to remove a holiday let type condition on the basis it leaves intact the primary permitted use of the property as a dwellinghouse.

During consideration of the application, despite subsequent condition 4 ensuring a 15m belt from the adjoining Ancient Woodland being maintained free of outbuildings and other domestic paraphernalia etc., the Tree Officer considered the building itself would be better sited further away from the Ancient Woodland beyond the 15m associated protection zone recommended in the NPPF. Also, whilst the Conservation Officer expressed the view the conversion scheme would not impact further on the setting of Valewood Farmhouse, a Grade II listed building, he prefers it if the building is replaced with something more attractive. These two overall views were taken up with the case officer after the permission who agreed the principle of re-design and re-siting within the reduced curtilage shown on drawing 1894.1/01A, would be in accordance with policy. In this respect, Policy 28 of the HDPF entitled 'Replacement Dwellings and House Extensions in the Countryside' supports the principle of replacement dwellings in the countryside, provided they are located within the curtilage of the existing dwelling. CIL charges, which would apply to new floorspace in the replacement dwelling could be in the region of £25,000. There might also be implications for Biodiversity Net Gain with a replacement dwelling although it is expected that anticipated exemptions to be issued late July 2026 would apply.

The Applicants' primary case for removal of condition 7.

The starting point for the determination of this application is section 38(6) of the 2004 Act, which requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise.

The reason for imposing condition 7 is to maintain the availability of the site as short term holiday tourist accommodation in accordance with Policies 10, 11 and 26 of the Horsham District Planning Framework (2015).

Policy 10 is directed at Rural Economic Development and notes that development in the countryside that maintains the quality and character of the area whilst sustaining its varied and productive social and economic activity will be supported. Proposals for conversion of rural buildings to business and commercial will be considered favourably over residential in the first instance. Policy 11 supports tourism and cultural facilities whilst Policy 26 notes any proposal must be essential to its countryside location and in addition meet one of 4 criteria including, most importantly, to enable the sustainable development of rural areas. The use of the application premises for C3 dwellinghouse Use has been supported primarily under Policy 26. The principle of a replacement house repositioned within the approved curtilage is supported by Policy 28.

Whilst Policies 10, 11 and 26 support holiday let use, there are however no policies directed at meeting, or indeed retaining, any particular scale or type of tourist facilities. Also, whilst this permission enables future holiday let use the permission has not yet been implemented so even if there were policies seeking to resist the loss of a holiday let, the premises do not currently serve the objectives of policies 10 & 11. It is also important to note that C3 dwellinghouse use was permitted under Policy 26 because it allowed for the sustainable development of this rural area by allowing effective use of an existing resource. The principle of a replacement dwelling is also permissible under Policy 28.

On 17 Jul (sic June) 2026, the Council announced that it would start work on a new-style Horsham District Local Plan required as a result of Government reforms to the national planning system that came into force in March 2026, which it will call Horsham District 2045. It has already started consultations in connection with its 2023-2040 Local Plan, for which an Examination in Public

will now be reconvened and which it expects to adopt sometime in 2027. On 05 May 2026, the Examination Inspector set out the requirement for housing provision within the District over the plan period to 2040, amounting to 17,828 to which an allowance will also have to be made for the south coast's unmet housing need. This will be added to the annualised housing requirement and spread across the plan period.

The Council will now review its housing sites including those previously rejected due to water neutrality issues now resolved. Although a stepped annual housing requirement trajectory will be required to be published in due course, at face value the annual housing requirement over the plan period appears be somewhere between 819 and 1000 homes. This represents a significant shortfall in the overall 5-year housing requirement for the District that is not being met and a material consideration of significant weight that should be taken into account in this application. It is also worthwhile noting that whilst tourist use was supported under policies 10 & 11, there is every reason to suppose that absent of that tourist element a C3 dwellinghouse would have been approved under Policy 26.

In these circumstances, it is considered the removal of condition 7 is entirely justified in this instance so that this dwellinghouse can serve the urgent and essential need for local housing rather than the temporary needs of visitors. If approved, this will also likely encourage relocation and re-design of the building within the approved curtilage, as sought by Officers, because a dwelling unfettered by the condition 7 controls will be able to absorb the rebuilding costs and higher CIL burden etc. that arises from that approach. This will not be viable or feasible in connection with a commercial tourist use alone, which will not generate sufficient annual income to recover the overall considerable outlay for a venture of this nature. However, for the avoidance of doubt, this is not considered to be a prerequisite for removal of condition 7 but merely a beneficial consequence that is likely to arise if it is removed.

Whilst the reason for imposing condition 7 is limited solely to the objective of maintaining the availability of the site as short term holiday tourist accommodation, in policy terms, a C3 dwelling is a C3 dwelling irrespective of whether there is a condition that seeks control over duration of occupancy.

In this respect, whilst not issues that arise from the reason for imposing condition 7, it is considered there will be no noticeable difference in activity levels or traffic generation etc. between the two types of occupation. Indeed, on the balance of probabilities, tourist use, particularly for short term lets enforced by condition 7, could well generate more activity and traffic etc. than its unfettered counterpart, for which TRICS data suggests an average of 6-8 vehicle movements a day with most based about morning and evening commuting periods. Tourist traffic will however generally take place throughout the day and may involve a greater number of movements depending on the nature of stay and could well be more noticeable in the local area during the day.

The requirements of condition 4 will not impact on the use of an unfettered dwellinghouse. Outbuildings and domestic paraphernalia are not permitted in the exclusion zone but that is all. It does not prevent domestic use of that part of the land or impact on the use of the remaining extensive curtilage of the property.

There will be no material difference in how the dwellinghouse is used, with or without condition 7. On this basis it is hoped the condition will be removed, so that this dwellinghouse can serve local need rather than the temporary transient needs of tourists, who will, no doubt source other accommodation to serve their needs. There is no alternative for locals who do not have housing, particularly when there is such a significant shortfall in the District. This property will assist locals in a small but worthwhile way.

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