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PP-14011554

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For Official use

App No:

Date Rec:

Fee:

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	
Suffix	
Property Name	Moatlands, Hitchins Cottage
Address Line 1	Vowels Lane
Address Line 2	
Address Line 3	West Sussex
Town/city	West Hoathly
Postcode	RH19 4LL

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
535821	134488

Description

Applicant Details

Name/Company

Title

Dr

First name

Allen

Surname

Zimbler

Company Name

Kingscote Valley Ltd.

Address

Address line 1

Moatlands Vowels Lane

Address line 2

West Hoathly

Address line 3

Town/City

East Grinstead

County

West Sussex

Country

Postcode

RH19 4LL

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

Mr

First name

David

Surname

Gurtler

Company Name

Alpha Planning Ltd

Address

Address line 1

85 Friern Barnet Lane

Address line 2

Whetstone

Address line 3

Town/City

London

County

Country

United Kingdom

Postcode

N20 0XU

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Conversion from existing garages and studio into a dwellinghouse, together with the construction of a detached pair of garages associated with the dwelling (Retrospective)
(as amended by non-material amendment application DM/25/0783)

Reference number

DM/22/0536 (as amended by non-material amendment application DM/25/0783 whereby extraneous wording was removed from the description of development)

Date of decision (date must be pre-application submission)

18/10/2023

Please state the condition number(s) to which this application relates

Condition number(s)

Condition 2

Has the development already started?

- ☒ Yes
☐ No

If Yes, please state when the development was started (date must be pre-application submission)

10/11/2018

Has the development been completed?

- ☒ Yes
☐ No

If Yes, please state when the development was completed (date must be pre-application submission)

10/11/2021

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

Condition 2 states that: "No part of the development shall be first occupied until the car parking spaces within the garages have been constructed in accordance with approved plans. These spaces shall thereafter be retained at all times for their designated purpose."

The reason given for the imposition of the condition was: "To provide car-parking space for the use and to comply with DP21 of the Mid Sussex District Plan." Whilst the approved plans did show two cars within the pair of garages, the Highway Authority commented that: "there appears to be plentiful space on-site for this parking demand to be accommodated, with space for turning."

The non-material amendment application (DM/25/0783) took off the following wording from the description of the original permission: "(Amended plans and description 14.11.2022) (Amended existing and proposed floor plans and elevations 25/09/2023)." The removal of this wording overcomes the officer's comment in their delegated report which notes that the reference in the description to date of the approved plans "reflect some of the approved plans, result in the approved plans being within the 'operative' part of the permission." This is no longer the case.

In drawing 001, submitted with this application, we have shown that two spaces can readily be accommodated adjacent to Hitchins Cottage and we therefore do not consider that this condition was in fact required or necessary, as such it fails to meet the tests in paragraph 57 of the NPPF and should be removed.

See also cover letter for further detail.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

We wish for the condition to be varied and propose the following revised wording for Condition 2:

"The parking spaces shown shaded blue on Drawing 001 (dated 27 November 2024) shall be retained at all times for their designated purpose."

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☐ Yes
☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☐ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ☒ Yes
☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

- ☐ Yes
☒ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of “agricultural tenant” in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

- ☐ The Applicant
☒ The Agent

Title

Mr

First Name

David

Surname

Gurtler

Declaration Date

13/05/2025

☒ Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

David Gurtler

Date

13/05/2025