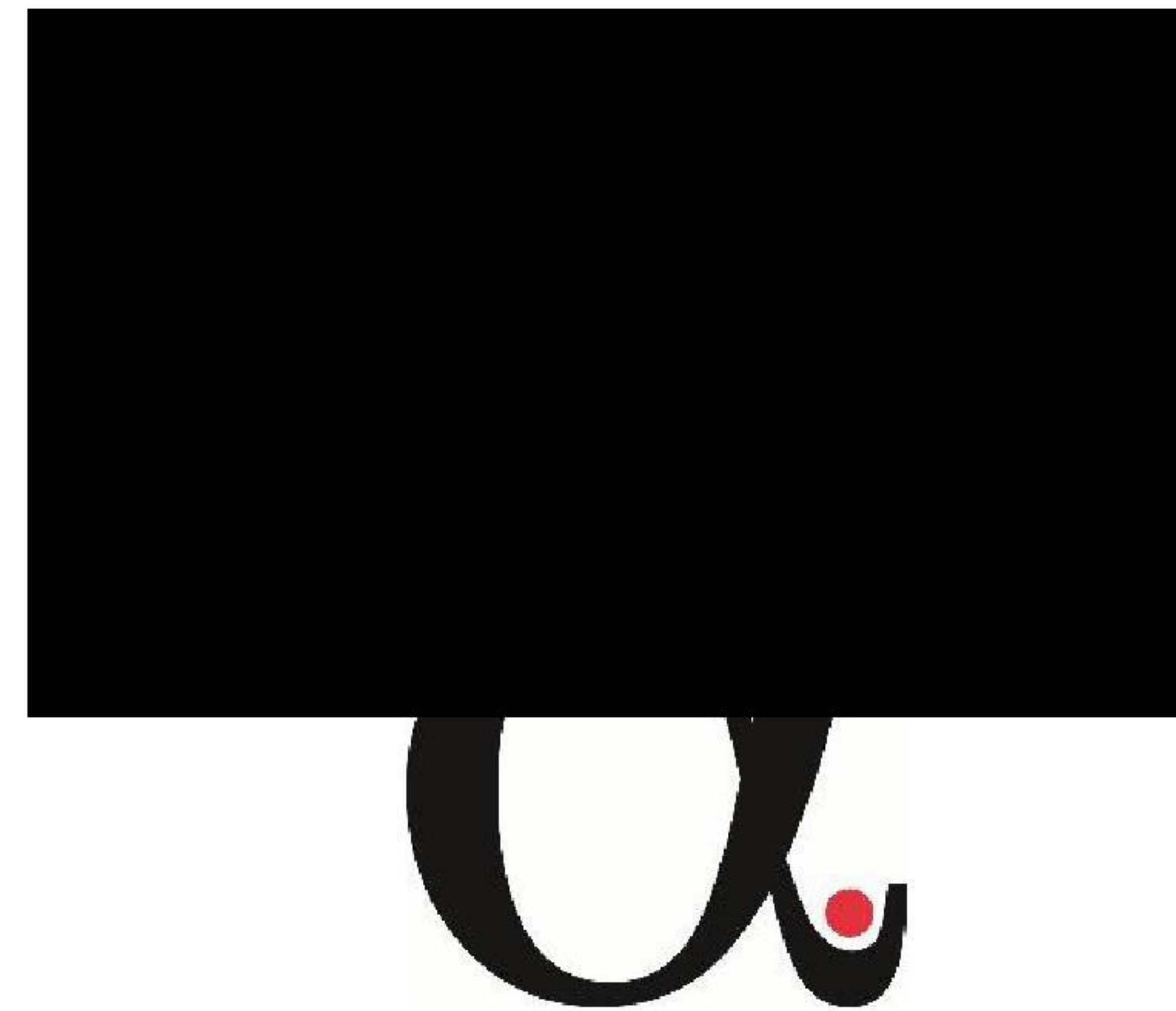




Ms A Biggs
Assistant Director Planning &
Sustainable Economy
Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex RH16 1SS

Date 30 November 2024
Our ref APL/00426/DGu

Dear Ms Biggs

Planning Application for removal of Condition 2 of permission DM/22/0536 at Moatlands, Hitchins Cottage, Vowels Lane, RH19 4LL

We have today submitted via the Planning Portal a S73 planning application to remove condition 2 (provision and retention of car parking spaces) which was attached to the planning permission granted for the retrospective application for the conversion from existing garages and studio into a dwellinghouse, together with the construction of a detached pair of garages associated with the dwelling (MSDC ref: DM/22/0536).

The application covers the completed application form, a plan showing where two parking spaces could be accommodated within the site (drawing 001), and this covering letter.

Reason for removal of condition

Condition 2 of the planning permission required the following:

“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.”

Policy DP21 of the local plan has a number of broad objectives which are to be met by decisions on development proposals taking account, amongst other things, the following:

- Sustainability of the location (which in a rural area could be the economic use);
- Scheme design to adoptable standards, including the size of garages;
- Adequate parking provision within the scheme;
- Scheme designed to protect the safety of road users and pedestrians; and
- Avoidance of harm to the special qualities of the National Landscape through traffic impacts.



These matters were addressed when the application was determined by the Council, with West Sussex County Council, the local highway authority (LHA) providing comments on the application.

Paragraph 56 of the National Planning Policy Framework 2023 (NPPF) states that “planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” The National Planning Policy Guidance goes on to explain that each of these six tests needs to be satisfied for each condition which a local planning authority (LPA) intends to apply (paragraph: 003 Reference ID: 21a-003-20190723).

The LHA in considering the original development was satisfied it would not have an unacceptable impact on highway safety or result in ‘severe’ cumulative impacts on the operation of the highway network and therefore that it was not contrary to paragraph 111 of the then NPPF (now paragraph 115), and consequently there were no highway grounds to resist the proposal.

Additionally, the LHA noted that there appeared to be plentiful space on-site for the parking demand associated with the proposed conversion of the existing garages into a dwellinghouse. In their response to the LPA, the LHA advised that the following condition should be imposed:

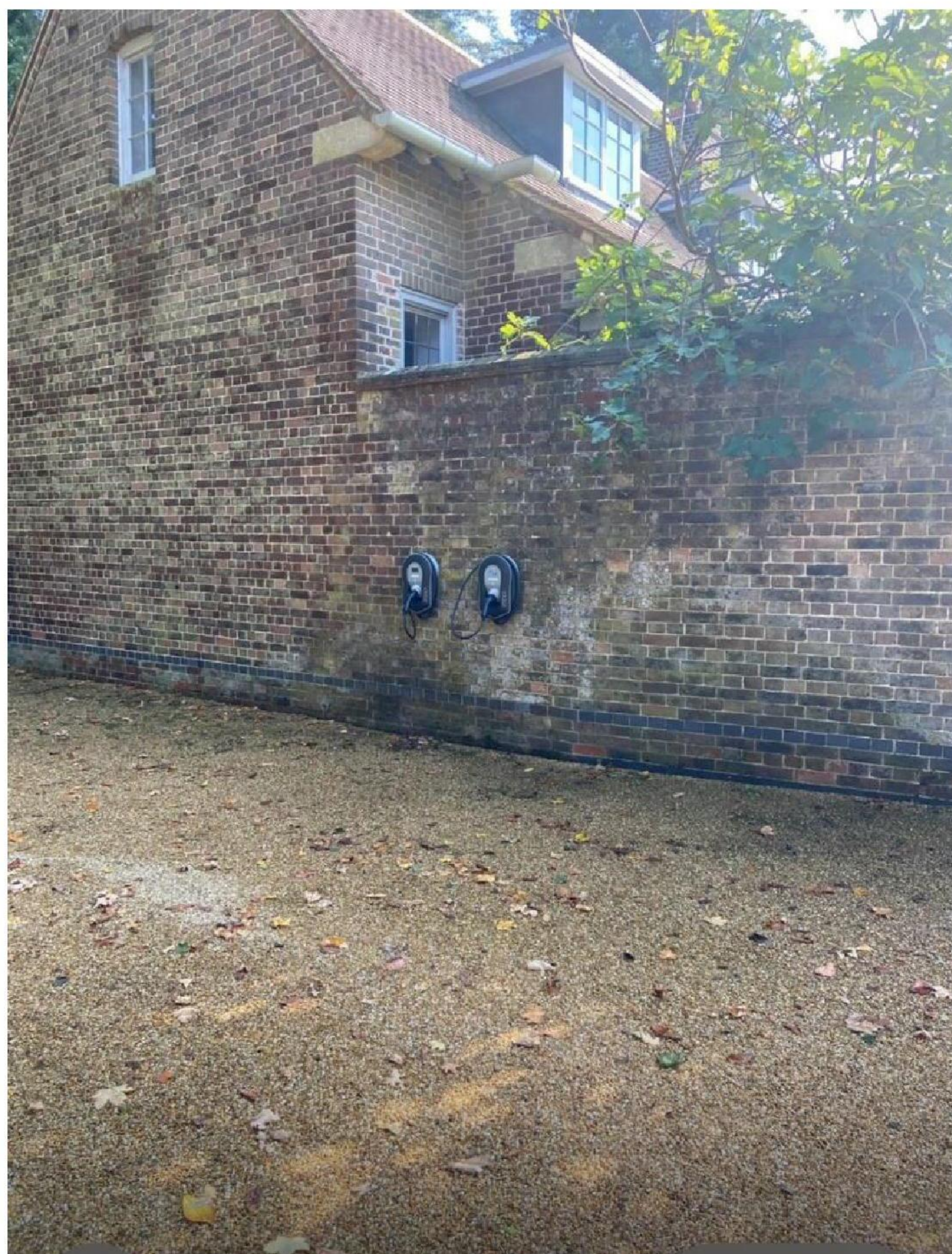
“No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.”

The reason given was in order “to provide car-parking space for the use.”

As noted above, the LPA attached a somewhat different condition, namely requiring the car parking spaces within the garages to be provided in accordance with the approved plans – this was carried out – and thereafter to be permanently retained for their designated purpose.

Given that the LHA was satisfied that there was adequate space within the immediate area to accommodate the required parking, as shown on drawing 001 submitted with this application, we consider that Condition 2 does not meet the tests set out in the NPPF, being unnecessary since there is adequate space on-site to meet the requisite parking and was not necessary in order for the development to be permitted.

Consequently, we consider that the planning condition should be removed, and, given the on-site space around the building, including that shown on drawing 001 adjacent to the two recently approved electric vehicle charging points (MSDC ref: DM/24/1157), which have been provided (see photograph below), we do not consider that it is necessary to impose a further condition.



Photograph: EV charging points adjacent to Hitchins Cottage (location for parking spaces)

Accordingly, we would be grateful if you could remove the condition.

Alternatively, if the LPA considers that some form of condition is still required, the applicant would be prepared to accept the variation of Condition 2, so that it states:

“The parking spaces shown hatched on drawing 001 (dated 27 November 2024) shall be retained at all times for their designated purpose.”

We trust that you will find this application in order and will be able to confirm that the application has been duly validated.

Yours sincerely,

