

**Recommendation Report for Application under Section 73 for the Removal or Variation of Conditions
Under a Previously Approved Permission**

REF NO: AL/9/26/S73

LOCATION: The Square House
Hook Lane
Aldingbourne
PO20 3TS

PROPOSAL: Variation of condition 2 imposed under AL/55/25/HH relating to plans condition.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the variation of condition 2 which was imposed under AL/55/25/HH. Condition 2 related to the approved plans.
SITE CHARACTERISTICS	The Listed Building is a late 18th century detached property over 2 storeys with a pitched tiled roof. The property is finished with flints with red brick dressings and quoins. The older part of the property has timber multipaned sliding sash windows with glazing bars. There is a large, modern extension to the rear of the house. The Granary adjoins the Square House to the north-west. It is identified as dating to the 18th century and is a small, square, 2 storey building on staddle-stones, faced with tarred weatherboarding. It has a half-hipped tiled roof and timber casement windows. Both buildings are considered to derive their significance from their architectural and historical interest.
CHARACTER OF LOCALITY	The property is located in within the Hook Lane/Park Lane Area of Character with a rural setting, and forms part of a small cluster of historic, vernacular properties which are focused around two country roads, and surrounded by countryside. The site has a clear agricultural context.

RELEVANT SITE HISTORY

AL/55/25/HH	Proposed construction of an orangery to the rear of the dwelling, single storey side extension, 2 No. dormers and internal alterations to the existing house and outbuilding (granary). Listed Building Consent has already been granted for these proposals ref: AL/10/25/L.	ApproveConditionally 18-08-25
AL/10/25/L	Listed building consent for proposed rear orangery, single storey side extension, 2 No. dormers and internal alterations to the existing house and outbuilding	ApproveConditionally 22-04-25

(granary).

Planning history noted.

REPRESENTATIONS

Aldingbourne Parish Council - No objection.

No representations were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER

The proposal seeks to amend the window details to the proposed boot room. The windows will change from casements to sash windows, and the number has also been reduced by one. I note that we have already agreed a design for a new sash window as part of the current application, and assume that this design would be used in the new windows proposed here as well.

I believe that the revision to the windows is acceptable. The application is considered to not cause harm to the significance of the heritage assets or their setting.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Grade II Listed Building.
Area of Character.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
HERDM1	HER DM1 Listed Buildings
HERDM4	HER DM4 Areas of Character

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

Application reference AL/55/25/HH was approved on the 18 August 2025 and granted permission for the construction of an orangery to the rear of the dwelling, single storey side extension, 2 No. dormers and internal alterations to the existing house and outbuilding (granary). This application seeks to amend the approved plan numbers condition (Condition 2), attached to the original permission, in order to make minor alterations to the window details.

DESIGN AND VISUAL AMENITY

The proposal seeks to amend the window details to the proposed boot room. The windows are amended from casements to sash windows, and to the north east elevation, the number has been reduced by one. The windows are in keeping with the character of the host dwelling and are acceptable.

The proposed alterations would be small in scale and would not result in harm to the character or appearance of the host dwelling, street scene or wider area. The proposed development is therefore in accordance with policies D DM1 and D DM4 of the Arun Local Plan (ALP) and the Arun Design Guide.

RESIDENTIAL AMENITY

Given the nature of the works, there would be no additional overlooking, overbearing or overshadowing impacts on neighbouring occupiers as a result of the proposed works.

The proposal is in accordance with policies D DM1 and D DM4 of the ALP in that it would not result in adverse overshadowing, overlooking or overbearing effects on neighbouring properties.

HERITAGE

The site is located within the Hook Lane/ Park lane Area of Character and is a Grade II Listed Building.

The proposed amendments are not significantly different to those originally approved, the Conservation Officer has confirmed that the revisions to the windows are acceptable. Therefore the proposed amended plans and elevations would not result in harm to setting of the Listed Building or the Area of Character

The proposal would not result in harm to the Area of Character or the Grade II Listed Building and is in accordance with policies HER DM1 and HER DM4 of the ALP.

SUMMARY

The proposed development is in accordance with relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

OTHER MATTERS

As this is a Section 73 application any new permission sits alongside the original permission, which remains intact and unamended. Government guidance states that for the purpose of clarity to reinstate the conditions imposed on earlier permissions that continue to have effect.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership,

pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun on or before 18 August 2028, this being 3 years from the date of the original planning permission granted under application reference AL/55/25/HH.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan.
- Existing Plans and Elevations 002.
- Proposed Plans and Elevations 003 Rev E.
- Granary Plans and Elevations 004.
- Window and Door Details 010 Rev B.
- Door and Cornice Details 011.
- Design, Access and Heritage Statement.
- Updated Bat Emergence Survey Report.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4.

- 3 Prior to the commencement of works above ground level to the proposed orangery or single storey side extension, a 1 square metre sample panel of flintwork and brick work shall be constructed on the site. This sample will be inspected by the Local Planning Authority's Conservation Officer and photographic evidence of the sample panel along with details of the mortar mix will be submitted to and approved in writing by the Local Planning Authority (via the relevant application). Once approved, the work can proceed and the details so approved will be used within the construction of both the orangery and side extension.

Reason: To preserve the appearance and special character of the building for the future in accordance with Arun Local Plan policies HER SP1 and HER DM1 and the NPPF.

- 4 Other than the flintwork which is addressed at Condition 3 of this consent, all other materials and finishes of the external walls and roof of the extensions hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with Arun Local Plan policies HER DM1 and D DM1.

- 5 Prior to first use of the development hereby approved, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Updated Bat Emergence Survey Report, Imprint Ecology, 8 June 2025, shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first use of any part of the development and all features shall be retained in that

manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 6 No external lighting shall be installed on the alterations hereby approved until full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) has been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) and GN08 2023. "Bats and Artificial Lighting at Night" but also:

1. Identify those areas/features on site that are particularly sensitive for bats or that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

2. Show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white (The recommended Kelvin level is 2700) with a clear view, no UV a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime, road safety and to minimise unnecessary light spillage outside the development site in accordance with Arun Local Plan policies QE SP1, QE DM2, T SP1 and ENV DM5.

- 7 Any works which will impact the breeding / resting place of bats, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

1. A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
2. A method statement relating to a registered site supplied by an individual registered to use a Bat Mitigation Class Licence for Bats; or
3. A statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended),

the Wildlife & Countryside Act 1981 (as amended), and Arun Local Plan policy ENV DM5. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

- 8 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 9 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the NPPF.