



## **DELEGATED APPLICATIONS - ASSESSMENT SHEET**

### **APPLICATION NO./ADDRESS:**

DC/25/1594  
Unit 1, 7 Littlehaven Lane, Horsham, West Sussex, RH12 4JF

### **DESCRIPTION:**

Erection of a first-floor extension for residential use above the existing commercial premises.

### **RELEVANT PLANNING HISTORY:**

DC/20/2207	Demolition of existing office, storage and distribution premises and erection of an apartment building comprising of 4No. 2 bedroom dwellings with associated parking.	Application Refused on 19.01.2021
DC/21/1024	Prior notification for the change of use from offices (B1a) to residential (C3) to form 3No. dwellinghouses.	Prior Approval Required and PERMITTED on 16.06.2021
DC/22/0404	Change of use and conversion of existing commercial premises to form four residential dwellings and erection of a single storey extension.	Application Refused on 05.08.2022
HRA/22/0015	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 in respect of Prior Approval consent DC/21/1024.	Application Refused on 04.08.2022

### **DESCRIPTION OF THE SITE**

The site is situated within the Built-Up area of Horsham and is currently in use as a business with associated workshop, storage, and office facilities. The site is approximately 0.8 ha and consists of one single storey building with open storage space and parking to the front. The site is accessed off of Littlehaven lane and is a backland site to the rear of properties on Littlehaven Lane and is surrounded on all sides by dwellings on Innes Road, Perth Way and Crawley Road.

### **DESCRIPTION OF THE APPLICATION**

The application proposes to construct a new first-floor for residential use, as a self-contained dwelling, above the existing commercial premises. The first floor would be solely for residential use and accommodate 3 bedrooms, 2 lounges, kitchen, and bathrooms. The ground floor would be retained for commercial use with workshops and offices, whilst a small garden area would be created to the south west of the site, serving the proposed residential extension. There have been a number of previous applications refused at the site for similar proposals. These were refused for a number of reasons; mainly amenity concerns, water neutrality and loss of commercial space.

### **RELEVANT PLANNING POLICIES**

#### **The National Planning Policy Framework (NPPF)**

#### **Horsham District Planning Framework (2015):**

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 4 - Strategic Policy: Settlement Expansion  
Policy 7 - Strategic Policy: Economic Growth  
Policy 9 - Employment Development  
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres  
Policy 13 - Town Centre Uses  
Policy 15 - Strategic Policy: Housing Provision  
Policy 16 - Strategic Policy: Meeting Local Housing Needs  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 40 - Sustainable Transport  
Policy 41 - Parking  
Policy 42 - Strategic Policy: Inclusive Communities  
Policy 43 - Community Facilities, Leisure and Recreation

**Horsham Blueprint Business Neighbourhood Plan (2019-2031):**

Policy HB1: Location of Development  
Policy HB3: Character of Development  
Policy HB4: Design of Development

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 1 year. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

**Horsham District Local Plan (2023-40) (Regulation 19):**

Strategic Policy 1: Sustainable Development  
Strategic Policy 2: Development Hierarchy  
Strategic Policy 4: Horsham Town  
Strategic Policy 6: Climate Change  
Strategic Policy 7: Appropriate Energy Use  
Strategic Policy 8: Sustainable Design and Construction  
Strategic Policy 9: Water Neutrality  
Strategic Policy 12: Air Quality  
Strategic Policy 17: Green Infrastructure and Biodiversity  
Strategic Policy 19: Development Quality  
Strategic Policy 20: Development Principles  
Strategic Policy 23: Infrastructure Provision  
Strategic Policy 24: Sustainable Transport  
Policy 25: Parking  
Strategic Policy 30: Enhancing Existing Employment  
Policy 33: Equestrian Development  
Strategic Policy 36: Town Centre Uses  
Strategic Policy 37: Housing Provision  
Strategic Policy 38: Meeting Local Housing Needs  
Policy 40: Improving Housing Standards in the District

## **Supplementary Planning Guidance:**

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

## **Planning Advice Notes:**

Shaping Development in Horsham District

Biodiversity and Green Infrastructure

## REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

### Consultations:

#### INTERNAL CONSULTATIONS

##### **HDC Environmental Health:** Holding Objection

Environmental Health notes that, given the commercial nature of the site and the likely presence of made ground, there is potential for land contamination. As the proposed residential use is sensitive to such risks, the application should be supported by a Preliminary Contamination Risk Assessment undertaken by a suitably qualified consultant.

The proposal would introduce a dwelling immediately adjacent to buildings and a yard that remain in commercial use. Activity associated with these operations may give rise to noise and disturbance, and further information is required to demonstrate that the amenity of future occupiers would not be adversely affected.

With regard to water neutrality, the submitted statement refers to rainwater harvesting and indicates that a water neutrality statement is submitted. Owing to potential health risks associated with rainwater harvesting systems, it is requested that this report is provided for review.

During site clearance and construction, there is potential for noise, dust and construction traffic to impact nearby residents. These impacts should be minimised and controlled through a Construction Environmental Management Plan, which would be recommended as a condition once the above matters have been satisfactorily addressed.

#### OUTSIDE AGENCIES

##### **WSCC Highways:** Comment

The applicant proposes to utilise the existing vehicular access on Littlehaven Lane, with no alterations. From inspection of WSCC mapping, there are no apparent visibility concerns at the access point, and the LHA does not anticipate that the development would result in a material intensification of its use.

Parking would be accommodated on existing hardstanding and within a proposed double-stacked garage. The LHA is satisfied that sufficient parking and on-site turning can be achieved in accordance with WSCC Parking Standards. It is noted that the garage falls short of Manual for Streets dimensions (3m x 6m), and the applicant is advised to enlarge it if it is to count towards formal parking provision; however, the hardstanding provides adequate capacity regardless.

The site is in a sustainable location with access to local services and public transport. No cycle parking details have been provided, and the LHA requests secure storage for at least two bicycles in accordance with WSCC standards.

Overall, the LHA does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the highway network, and therefore the development is not considered contrary to paragraph 116 of the National Planning Policy Framework.

### PUBLIC CONSULTATIONS:

#### Representations:

10 letters of Objection have been received from 10 addresses, objecting to the application on the following grounds:

- Loss of privacy
- Block light to the garden and house
- Overdevelopment
- Obtrusive and overbearing appearance
- Increased height of building
- Proximity to boundary
- Impact on water supply
- Highways impact
- Increase in light and noise disruption

One letter of support has been received from one address, outside the Horsham District, supporting the application on the following grounds:

- Previous objections resolved
- The proposals will be an asset to the area

#### Parish Comments:

##### **North Horsham Parish Council – Objection**

Comments: Objection due to the inappropriate location, concerns of its suitability for residential purposes, overdevelopment and overbearing impact.

#### Member Comments:

None received

### HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

### PLANNING ASSESSMENT

#### **Principle of Development:**

Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted within towns and villages which have defined built-up areas. Any infilling will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy.

The application site is located within the built-up area of Horsham, which is categorised as the "Main Town" within the settlement hierarchy. There is a presumption in favour of sustainable development within the built-up area, and it is therefore considered that the development of the site is acceptable in principle, subject to all other material considerations.

### **Employment Floorspace**

The site is currently in an employment use and therefore consideration must be given to Policy 9 of the HDPF (2015) which states that *redevelopment of employment site sand premises outside of Key Employment Areas, must demonstrate that the site/premises is no longer needed and/or viable for employment use.*

The previous reasons for refusal were due to the loss of commercial space as the site has viable employment use and valuable employment floorspace.

It is acknowledged that the ground floor employment space would be retained, and the commercial nature of the site maintained, so the previous refusal reason has been addressed. To ensure the retention of the commercial unit does not adversely impact the living conditions of the proposed dwelling, the applicant proposes dedicated and separate access to the dwelling with a newly formed garden area accessed directly from the dwelling. Separate parking provision for the commercial and residential is also proposed. The applicant also indicates that legal separation will ensure that the commercial unit and new dwelling can be separately owned and operated. Matters of amenity will be addressed the subsequent Amenity Impacts section.

### **Design and Appearance:**

Policies 32, and 33 of the HDPF promote development that protects, conserves, and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

*Policy HB3 HBBNP – Development is expected to preserve and enhance the Character Area in which it is located. The design of new development should take account of the local context and reflect the character and vernacular of the area, using architectural variety in form and materials, in order to avoid building design that is inappropriate to the Plan area. Innovation in design will be supported, however, where this demonstrably enhances the quality of the built form in a character area.*

It is noted that the area is of mixed character with many semi-detached and terraced older style properties, newer houses, and apartment buildings. This gives rise to an eclectic mix of styles and scales of development. The surrounding area is mixed in area, formed predominantly of late Victorian and early 20<sup>th</sup> century terraces of dwellings, with flat roofs on the opposite side of the street and retail development further east. Officers further note that there are very few examples of 'backland' development, which this proposal would represent.

The mansard-style roof would be more visible than the existing flat roof, with an increased height of approximately 2.5 metres. While the proportions would not reflect a traditional mansard roof, the overall form would ensure a more domestic appearance to the building. The introduction of this large flat roof will provide opportunities for biodiversity on the site, with a sedum roof and solar panels proposed, to enhance sustainability and biodiversity.

The building is also set back from the highway, which limits its prominence within the wider street scene. Therefore, on balance, the proposal is not considered harmful in design terms, resulting in no harm to the visual amenity or the character of the wider area and therefore complies with policies 32 and 33 of the HDPF.

## **Amenity Impacts:**

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

It is noted that previous applications on the site have been refused due to harmful amenity impacts.

It is acknowledged that steps have been taken to reduce the impact on the neighbouring dwellings to the rear. These amendments include the removal of the dormer windows on the rear elevation, which addresses the previous refusal reason relating to overlooking and loss of privacy, given that the distance between the rear of the building and 1-3 Perth Way is minimal.

The objections to the proposal are acknowledged. The building height would be increased by almost 2.5m. Properties to the rear on Perth Way and Innes Road have small gardens and with the proposed building being just 1 metre from the boundary at the closest point, the building will be 13 metres from the rear of these properties along Perth Way and 7 metres from 1 Innes Road. It is acknowledged that the reduced roof overhang increases the gap between the boundary and the mansard elevation, however this difference will be minimal.

While the 'Right to Light' assessment confirms that the proposed ridge height complies with the 25-degree rule, measured from neighbouring windows, the total height of the building would be 6.6metres. This would be a significant height increase that would result in overbearing impacts on the neighbours to the rear. The resultant building would have an unacceptable impact on the enjoyment of the amenity space to the rear of 1-3 Perth Way and 1 Innes Road, as the height increase would enhance encroachment on rear gardens that are already limited in space.

On the balance of considerations, the proposed development would result in unacceptable impact on the neighbouring properties of Perth Way and Innes Road. The obtrusive nature and overbearing impact on these neighbouring properties are considered to be of such harm that the proposal is contrary to Policy 33 of the HDPF.

## **Highways Impacts:**

Policy 40 of the HDPF deals with sustainable transport and seeks new developments to provide safe and suitable access for all vehicles, pedestrians, cyclists, horses riders, public transport and the delivery of goods. Policy 41 which relates to parking requires adequate parking and facilities to be provided within developments to meet the needs of anticipated users.

The applicant proposes to utilise the existing vehicular access on Littlehaven Lane, with no alterations to this access proposed. The LHA does not anticipate that the proposal would give rise to a material intensification of movements to or from the site. There is also no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

The applicant proposes a number of parking spaces within the site, there are 3x spaces for commercial/visitors parking and 5x residential parking bays. These are considered sufficient to support the level of parking provision needed for the site. As such, the proposed development is considered to provide adequate parking. WSCC were satisfied that the proposal demonstrated sufficient parking provision, but the garage would fall short of the minimum internal space requirement for a single-bay garage of 3m x 6m. Cycling is a viable option in the area and the inclusion of secure and covered cycle parking provision would help promote the use of sustainable transport methods. In accordance with the LHA request, a condition could be placed on an approval to ensure secure storage for at least two bicycles.

It is therefore considered that this proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not

contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

### **Water Neutrality:**

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF. Therefore, whilst a Water Neutrality Statement has not been provided, given the above, water neutrality does not form a reason for refusal.

### **Other Matters:**

Environmental Health commented on the proposal noting the contamination risks due to the commercial activity on site, as well as the potential impact of the retained commercial operations on the residential amenity of the proposed dwelling, with any intensification in activity potentially generating noise and disturbance. It is outlined that further information would be necessary to address these concerns.

The applicant has stated that the new first-floor structure would be constructed to meet Building Standards relating to noise and vibration, and that restrictions on noise and operational activities could be secured within the deeds of the commercial unit to ensure the residential unit is not adversely affected. Whilst this is noted, the proximity of the opposing uses has the potential to adversely impact the amenities of future occupiers through noise and disturbance arising from the retained commercial unit. No information has been provided to quantify and demonstrate the degree of noise nor any suggested mitigation measures that could overcome these impacts. Therefore, it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would

not be adversely impacted by noise and disturbance arising from the retained commercial floor space, contrary to Policy 32 of the HDPF.

### **Biodiversity Net Gain (BNG):**

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG) (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains (on unregistered sites) and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

### **Conclusions:**

The site is located within the built-up area of Horsham. Therefore, the principle of establishing residential development in this location is supported. The retention of the employment space at ground floor level is accepted and it is acknowledged that measures have been taken to address the previous reasons for refusal. While this is acknowledged, this does not outweigh the harm as set out in this report. The proposal would increase the height of the building to 6.6m but retain the building in the same position as the existing, and therefore the proposal would have an overbearing impact on the neighbours at 1-3 Perth Way and 1 Innes Road. In addition, it has not been demonstrated that the proposed dwelling would not be adversely impacted by noise and disturbance arising from the retained commercial floor space.

It is recognised that the Council cannot currently demonstrate a 5-year housing land supply, where the proposal would contribute, albeit modestly, to the identified housing need. Whilst this is a material consideration of significant weight, as outlined above, the proposed development would result in adverse harm to nearby residential properties and future occupiers, where this would not be significantly or demonstrably outweighed by the benefits of the proposal.

### **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	192.3		192.3
		<b>Total Gain</b>	
		<b>Total Demolition</b>	

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

**Recommendation: Application Refused**

**Reason(s) for Refusal:**

1. The proposed first floor extension would be of a scale and height that would have an overbearing impact on neighbours at 1-3 Perth Way and 1 Innes Road, over and above the existing arrangement, contrary to Policy 33 of the Horsham District Planning Framework (2015).
2. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not be adversely impacted by noise and disturbance arising from the retained commercial floor space, contrary to Policy 32 of the HDPF.

**POSITIVE AND PROACTIVE STATEMENT**

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. 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, in order to be able to, where possible, grant permission.

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**Plans list for: DC/25/1594**

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved:**

<b>Plan Type</b>	<b>Description</b>	<b>Drawing Number</b>	<b>Received Date</b>
Location & Site plan	Proposed Location and Site Plans	223174 102 REV B	06.10.2025
Section plan	Proposed Sections	223174 103 REV B	06.10.2025
Plans	Proposed Right to Light Plan	223174 101 REV B	06.10.2025
Plans	Proposed 3D Sketch	223174 100 REV B	06.10.2025
Elevation & Floor plan	Existing Plans and Elevations	223174 04 REV A	06.10.2025
Elevation & Floor plan	Proposed New First Floor Development	223174 10 REV B	06.10.2025
Design & Access Statement		NONE	06.10.2025

**DELEGATED**

Case Officer sign/initial Sam Nye Date: 01/12/2025

Authorising Officer sign/initial Tamara Dale

Date: 01/12/2025