Horsham District Council

Mr Simon Brett
Brett Incorporated Limited
18 Seal Road
Selsey
Chichester
PO20 0HW

Application Number: DC/24/0465

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr and Mrs Keith Henley HHC Developments Ltd

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby REFUSE to permit the works specified hereunder, that is to say:

Demolition of existing buildings, cessation of commercial vehicle repair business use, provision of new access and erection of two buildings containing overall 3 x 2-bed dwellings and 2 x 2-bed apartments along with ancillary parking and a utility building for each unit.

Paiges Yard Nep Town Road Henfield BN5 9DZ

as shown on Plan and Application Number DC/24/0465 submitted to the Council on 25/03/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not result in the loss of viable commercial floor space, contrary to Policy 7 of the Horsham District Planning Framework (2015).

2 The proposed development, due to its layout and arrangement, would result in large parking area to the frontage that would be readily apparent from the wider surroundings and would detract from the overall setting and character of the Conservation Area. The proposal would therefore fail to enhance and make a positive contribution to the character and distinctiveness of the Henfield Conservation Area, contrary to Policy 34 of the Horsham District Planning Framework and Policy 12 of the Henfield Parish Neighbourhood Plan.

3 It has not been demonstrated to the satisfaction of the Local Planning Authority that future occupiers of the proposed development would not be adversely impacted by noise and disturbance arising from the neighbouring commercial uses, contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015) and paragraphs 191 and 193 of the National Planning Policy Framework.

4 The proposed development would be of a scale and siting that would result in a poor relationship with the neighbouring residential properties to the east, with the development having an overbearing impact on the amenities of these residential properties and resulting in an unacceptable loss of light to the rear amenity spaces. The proposed development would therefore be contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015) and Policy 12 of the Henfield Parish Neighbourhood Plan.

5 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Block Plan	1655.2/01	25.03.2024
Block plan	Existing Block Plan	1655.2/02	25.03.2024
Block plan	Proposed Block Plan	1655.2/03	25.03.2024
Elevation & Floor plan	Proposed Floor Plans & Elevations Units 1 & 2	1655.2/04	25.03.2024
Floor plan	Proposed Floor Plans Units 3, 4 & 5	1655.2/05	25.03.2024
Elevation plan	Proposed Elevations Units 3, 4 & 5	1655.2/06	25.03.2024
Elevation & Floor plan	Proposed Floor Plans and Elevations of Secure Stores	1655.2/07	25.03.2024
Layout plan	Proposed Street Scene	1655.2/08	25.03.2024
Elevation plan	Existing Elevation & Section	1.05	25.03.2024
Floor plan	Existing First Flr Plan	1.04	25.03.2024
Floor plan	Existing Ground Flr Plan	1.03	25.03.2024
Tree plan	Topographical Survey	1.02	25.03.2024
Tree plan	Topographical Survey	1.01	25.03.2024
Elevation plan	Existing Elevation & Section	1.05	25.03.2024
Elevation plan	Existing Elevation & Section	1.05	25.03.2024

Note to Applicant – Community Infrastructure Levy (CIL):
Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development**.

If you have not received a Liability Notice from the Council within 1 month of the decision date please contact the CIL Team at cil@horsham.gov.uk

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

Note To Applicant:
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.

Emma Parkes
Head of Development and Building Control

Date: 20/05/2024

ADDITIONAL INFORMATION

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.