Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1698
Oakwood Farm , Storrington Road, Thakeham, West Sussex, RH20 3QT

DESCRIPTION:

Erection of kiosk for use to sell produce from Oakwood Farm (Retrospective)

RELEVANT PLANNING HISTORY:

No relevant planning history

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 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

**Thakeham Parish Neighbourhood Plan (TPNP) to 2031:**
Thakeham1 - A Spatial Plan for the Parish
Thakeham6 - Design
Thakeham7 - Heritage Assets

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old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).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 2.9 years. 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 3: Settlement Expansion
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 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
Strategic Policy 29: New Employment
Strategic Policy 30: Enhancing Existing Employment
Policy 31: Rural Economic Development
Policy 32: Conversion of Agricultural and Rural Buildings to Commercial, Community and Residential Uses
Strategic Policy 34: Tourism Facilities and Visitor Accommodation

**Supplementary Planning Guidance**:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

**Planning Advice Notes**:
Facilitating Appropriate Development
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

Consultations:

INTERNAL CONSULTATIONS

**Horsham District Council - Environmental Health:** No Objection
The unit is used for occasional retail of small quantities of frozen pre-packed raw meat only. Due to the proposed use, location and nature of the area this department have no adverse comments to make regarding this application.

OUTSIDE AGENCIES

**West Sussex County Council Local Highways Authority**: Comment
In summary, the LHA does not consider that this proposal would 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 116), and that there are no transport grounds to resist the proposal.

PUBLIC CONSULTATIONS:

Representations:

None received.

Parish Comments:

Thakeham Parish Council (TPC) objected to the proposal:

TPC would like to go on the record to support efforts made to provide sustainable food and grocery sales, however having had the benefit of seeing the site in hindsight (this is a retrospective application and thus – the finished structure is already in place). TPC have seen the issues with regards to roadside safety first hand and cannot support the application site in its current format.

TPC feels it is important to note and requests that the LPA ensure that WSCC Highways revisit the report they submitted. The Highways report says that the officer made no visit to the area and only based their decision on the drawing provided. The drawing is not to scale and does not demonstrate the full issues that TPC have with the site. The location is on a busy stretch of main highway. The applicant has not provided enough area for one car to safely enter and then turn the vehicle around. Let alone multiple vehicles. This has led to cars pulling up on the main road and not entering the site.
TPC commissioned a traffic survey last year that demonstrated that the road is the busiest section in Thakeham and also the fastest with over 50% of the vehicles using the road – regularly driving in excess of the speed limit. A copy of the report is submitted along with this one and is readily available on the Parish Council website.

Given that the parking needs to be enlarged to move the cars from the road and into the site – TPC cannot support until this requirement has been met.

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

This application is for the erection of kiosk for use to sell produce from Oakwood Farm (Retrospective) at Oakwood Farm, Storrington Road, Thakeham, West Sussex. The application site is located to the east of Storrington Road at the top of the drive entrance to Oakwood Farm. The kiosk is erected by the front entrance with a small amount of hardstanding erected to the north of this.

**Principle of Development**:

Policy 10 of the HDPF seeks to support sustainable rural economic development, and the productive use of land that maintains the relative tranquillity of the countryside in order to generate local employment opportunities and socio-economic benefits for local communities. Policy 10 stipulates that development should be appropriate to its countryside location and must contribute to diverse and sustainable farming enterprises, or the wider recreational offer or rural economy, and, in addition, be contained within suitably located buildings which are appropriate for conversion, or result in substantial environmental improvement.

In conjunction, paragraph 88 of the National Planning Policy Framework (NPPF) states that planning decisions should enable sustainable growth and expansion of all types of business in rural areas, both through conversions of existing buildings and well-designed new buildings, as well as enabling the development and diversification of agricultural and other land-based rural businesses.

The principle of development is for the erection of kiosk for use to sell produce from Oakwood Farm (Retrospective) at Oakwood Farm, Storrington Road, Thakeham. As outlined within the Planning Statement, the kiosk is to sell produce from the farm and is located at the entrance to the site. A small amount of hardstanding is erected to allow a vehicle to park and subsequently turn around in to allow egress from the farm. The principle of the kiosk to allow the sale of farm produce is thought to satisfy Policy 10 of the HDPF and paragraph 88 of the NPPF by contributing the upkeep of the farm itself, as well as contribute to the wider rural economy.

**Design and Appearance**:

Policy 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

Thakeham6 ensures that the scale, massing, appearance and materials for development proposals and alterations to existing buildings be reflective of architectural and historical styles of the parish.

The proposed kiosk is a small development located at the entrance of the farm. The kiosk is of timber construction with double doors that open to the driveway. The roof is mono-pitched which slopes to the rear and is of dimensions 2.9m in depth, 2.6m in width and a max roof height of 2.6m. The development is diminutive in size and is not thought to negatively affect the surrounding landscape or character of the area.

A small amount of hardstanding has been laid to north of the kiosk to allow for parking and turning of vehicles to exit the site. This hardstanding is an area of 4.6m x 4m This is also diminutive in size and thought not to negatively impact the surrounding landscape or character of the area.

The proposal is of a design, form and scale which is appropriate to the character and appearance of the existing site, and which would not harm the character or appearance of the wider area. It is therefore considered that the visual impact of the proposal is acceptable and would accord with the above policies.

**Amenity Impacts:**

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

It is considered that the siting and layout of the proposed and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

**Highways Impacts**:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

Policy 41 seeks to find the right balance between ensuring that adequate parking is provided and that it is suitably located and does not conflict with other uses. It should be of good urban design and be appropriate to ensure highway safety. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere the need for the development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.

Horsham District Council recognises representations received from the Parish Council. Though the location is next to a main carriageway, it is considered the kiosk is to be accessed on foot via parking on the provided hardstanding next to the kiosk. Once a vehicle turns into the driveway, the driver may park by driving into the hardstanding space directly or driving slightly further down the driveway and reversing into the bay. The driver may then egress the site by reversing out down the farm driveway and leaving in forward gear or by simply driving off (if reversed parked). It is considered that a vehicle would have sufficient space to park and (subsequently) turn to exit the farm site in forward gear which is how the site should be exited. The sporadic nature of a kiosk business is not envisioned to create a demand which would lead to a cumulative impact that would impact highway safety in a way which would warrant refusal. Though the hardstanding is slightly smaller than a recognised parking space size, the temporary nature of parking at a kiosk would negate a standard space size being required.

The LHA assessed the proposal and considered that the 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 116), and that there are no transport grounds to resist the proposal.

The proposal is therefore considered to satisfy the policies listed above.

**Water Neutrality**:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

Given the nature of the application, which supports the existing farm and would result in no water using fixtures and fittings, the development has been screened out.

**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 and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

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

**Conclusions**:

It is considered that the proposal abides by the policies laid out above and it is therefore recommended that the application is permitted.

**Recommendation: Application Permitted**

Conditions:

2 **Regulatory Condition**: The building development hereby permitted shall be used for agricultural purposes only, as defined in Section 336(1) of the Town and Country Planning Act 1990.

Reason: The site lies in a countryside location where only development types specified in Policy 26 of the Horsham District Planning Framework (2015) would normally be permitted.

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/24/1698**
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

| Plan Type | Description | Drawing Number | Received Date |
|---|---|---|---|
| Elevation & Floor plan | Kiosk Plans | 2 | 31.10.2024 |
| Site plan | Site Plan | 1 | 31.10.2024 |
| Location plan | Location Plan | 1 REV A | 06.01.2025 |

**DELEGATED**

Case Officer sign/initial JBurrowes Date: 16/04/2025

Authorising Officer sign/initial TDale Date: 17/04/2025