Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0086
The Grain Store, Stonepit Lane, Henfield, West Sussex, BN5 9QT

DESCRIPTION:

Change of use of part of the building and land for industrial purposes.

RELEVANT PLANNING HISTORY:

DC/19/0133	Prior approval for a proposed change of use of agricultural building to flexible use (storage)	Prior approval not required 21.03.2019
DC/06/0184	Prior notification to erect a 15 m high timber telecommunications monopole, 6 antennas and microwave dishes, equipment cabinet and associated works	Prior approval not required 22.02.2006
DC/19/0983	Change of use of agricultural building to storage, to include storage in shipping containers within the building and surfacing/re-surfacing outside the building	Permission on 23.08.2019

DETAILED DESCRIPTION AND SITE AND SURROUNDS

The building subject to this application consists of an existing building in vertical metal cladding. The site is primarily of a rugged character, with a notable rural character given the proximity of open farmland to the north and east.

The site is isolated from nearby development, surrounded by open farmland to the north, south and west, with Stonepit Lane (public right of way 2530) bounding the site to the east. The site falls outside of a defined built-up area and would, therefore, be regarded as a countryside location for the purposes of planning policy.

The application seeks permission to change part of the building and land for industrial purposes. It is noted however that within the Design and Access Statement that the application is retrospective in nature. Currently the application site is partly used for the storage and processing of flint, with large deposits of flint outside of the building subject to this application.

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 10 - Rural Economic Development

Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding
Policy 41 - Parking

Henfield Neighbourhood Plan 2017-2031
Policy 3.2 Development of new and existing employment uses.

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:

Natural England: Objection

Note that despite this proposal's potential to impact the Arun Valley designated sites via increased abstraction no water neutrality statement and/or budget have been provided. Without these documents there is insufficient information to determine whether adverse effects on the sites can be ruled out.
Once provided these should be considered, along with any necessary mitigation measures, by the competent authority at the appropriate assessment stage of HRA.

HDC Environmental Health: No objection subject to conditions.

The site is relatively remote but in a quiet rural location. The continuation of the existing activity is considered acceptable subject to safeguards preventing the intensification of the industrial use.

WSCC Highways: Comment

Given the scale of the application site, the proposals would not be anticipated to give rise to a significant material intensification of movements to or from the site, over that of the pre-existing use.

The plans demonstrate car and cycle parking provision which is considered suitable for the proposed use.

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 115), and that there are no transport grounds to resist the proposal.

Parish Comments: Objection

This committee deems that this application is contrary to the following HDPF policies 23 as the site cannot be served by safe and convenient vehicular and pedestrian access; or would have an unacceptable impact on the landscape. Policy 25 as does not protect, conserve or enhance the landscape or townscape character of the District; Policy 26 as the site lies outside built-up area boundaries and does not support the needs of agriculture or forestry; does not enable the extraction of minerals or disposal of waste; or provide for quiet informal recreational use or enable the sustainable development of a rural area. Policy 27 as the site will generate urbanising effects within the settlement gap, including artificial lighting, and traffic movements. Policy 30 as there will be an adverse impact to

the natural beauty and public enjoyment of the landscapes of the High Weald AONB especially Footpath number 2530. Policy 33.2 as there is loss of amenity to the neighbouring property; or the design is not sensitive to surrounding buildings. Policy 35 as the industrial use of concrete will be contrary to meeting the district's carbon reduction targets as set out in the Council's Acting Together on Climate Change Strategy, 2009 and will not mitigate the effects of climate change

This committee feels that this application should be viewed with other applications for the same site and would draw the Planning Committee's attention to the submission from the Campaign for the Protect Rural Henfield (CPRH) for Planning Application number DC/23/2180.

Representations:

One letter of objection received:

Live nearby and are acquainted with the applicant. Supportive of making reasonable use of redundant agricultural buildings, however, this should be seen in the context of new farm buildings that have been built on the same land holding to the north. If new agricultural buildings are needed could this use not have been accommodated in the existing 'Grain Barn' This application will, if approved, set a precedent for commercial use in a previously agricultural building that could lead to further, more intensive, usage. Should the LPA refuse the application we would not see any reason to constrain the present (non approved) activity, it is simply a matter of limiting increased activity in the future.

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 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.

Policy 26 of the HDPF seeks to protect the countryside from inappropriate development. Outside of a built-up area boundary any proposal must be essential to its countryside location, and in addition support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use or enable the sustainable development of rural areas.

There is relevant planning history within the application site noting various uses within the same building, each with separate red line boundaries. A prior approval was granted for B1 light industrial usage under DC/19/0133 for the northern most element of the building. DC/19/0983 changed the use from agricultural building to storage of shipping containers and re-surfacing outside the building. This

concerned the northermost part of the building. The current application is concerned with the southernmost part of the building, although it is noted that the location plan erroneously includes the northernmost lean to structure within the red line boundary. It is further noted that there is a discrepancy between the description of the application, and planning statement with the red line boundary, which excludes the land surrounding the building.

The proposal is considered to differ from the previous applications in terms of being an industrial use. The Design and Access statement indicates that flint is collected from the surrounding farms and broken up for distribution after setting in concrete blocks. This manufacturing process would go above and beyond the level activity previously permitted on site. Of most relevance to this application is DC/19/0983 given the assessment of the impact of the development on the countryside location. It was deemed necessary and appropriate to recommend a condition restricting the subsequent implementation of rights bestowed under the General Permitted Development Order 2015, in order to enable control over a potential subsequent intensification of use that may arise from an alternative business use of the site (B1 or B2). Condition 7 of the above permission was:

Regulatory Condition: *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the application site shall be used solely for storage and distribution purposes (as defined within The Town and Country Planning (Use Classes) Order 1987) and for no other purposes whatsoever, (including those falling within Class B1 or B2 as defined in the Town and Country Planning (Use Classes) Order 1987), without express planning consent from the Local Planning Authority first being obtained.*

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this instance in order to enable the Local Planning Authority to control a potential intensification of uses, not essential to this countryside location, in accordance with Policy 26 of the Horsham District Planning Framework (2015).

The planning permission was granted subject to the inclusion of this condition which sought to prevent an intensification of use. The inclusion of this condition indicates that it was considered that the proposal would have been otherwise unacceptable in its countryside location.

The current proposal for a change of use would be limited to the footprint of the existing building and would facilitate an industrial process relevant to the context in which it sits given that the flint is collected from the locality. As such, whilst not strictly in accordance with policy 26, the surrounding context would be essential to the process proposed to be undertaken within the site which is in accordance to some of the objectives of policy 10 of the HDPF.

Furthermore, it is acknowledged that the change of use would create employment within the local rural economy and would therefore satisfy some criteria of Policy 10 of the HDPF given it would represent a form of agricultural diversification.

Paragraphs 88 and 89 of the NPPF, furthermore, provide that planning decisions should create sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and the development and diversification of agricultural and other land-based rural businesses. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads. The proposal would support sustainable growth and would not result in severe impacts on the operation or safety of the public highway network.

It is accepted that the proposal would unlikely be deemed essential to this countryside location, however, a balance is necessary across the policies of the Development Plan as a whole and with regard to any material considerations. In this instance it is considered that the proposal is acceptable under Policy 10 of the HDPF, the principle of the development in this instance would be accepted.

Design and Appearance:

Policies 25 and 26 of the HDPF seek to protect the natural environment and landscape character of the District, including the landform, development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.

Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.

The proposal does would use the existing footprint of the building, representing a change of use of the land and building rather than a significant change of appearance such that the scale of the proposal would not be an unacceptable increase. It is noted there are some minor unmarked alterations to the east and west elevation, but it is not indicated if these works are intended to be lighting or not. Notwithstanding this, if these were confirmed to be lighting, the proposal would not be considered to have an unacceptable impact on landscape or the natural environment in the event of a planning permission being granted given that the impact of the lighting could be mitigated through both a lighting plan and an ecological mitigation plan. Overall, the impact of the proposal on the surrounding landscape would not be such that it would warrant refusal, primarily operating within the existing built form on site.

Amenity Impacts:

Policy 33 of the HDPF states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

The applicant has not provided a noise impact assessment to substantiate the intensity of anticipated noise activity and likely impacts on nearby property. However, given the existing configuration of the site, that no additional built form would result from the proposal and that the change of use would be remote from nearby development, situated approximately 320m north-west of the closest independent property of ‘Chates’, found across an open field, it is not considered that there would be unacceptable impact of the proposal on the neighbouring properties, in accordance with Policy 33 of the HDPF (2015).

Highways Impacts:

Policies 40 and 41 of the HDPF state that development should provide safe and adequate access and parking, suitable for all users. The proposed dwellings would be served by the existing access point.

Having consulted WSCC Highways with regards to the proposals and have commented that the site is located on an unadopted road, nevertheless, would not be considered to raise concerns from a highways safety perspective.

As no objections are raised by WSCC Highways, it is considered that the proposals would be in accordance with policies 40 and 41 of the Horsham District Planning Framework (2015).

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 it 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.

There is no dedicated Water Neutrality statement, instead, a section regarding water neutrality is included within the Design and Access Statement. This section does not outline a baseline figure or proposed usage, indicating that the access to mains water is currently unmetered. The nature of the proposal is retrospective in nature, with the previous use being agricultural. The applicant has included within the statement that the proposed usage commenced in 2018 to indicate that through the passage of time, the operation is legal to result in the conclusion that there would be no discrepancy between the existing and proposed usage. Given that there is no certificate of lawfulness to validate this assumption, the baseline usage is considered nil. Furthermore, no figures are proposed for the inclusion of water within the processing of the flint. As such it is not possible to determine with any degree of certainty how much water would be used as part of the development. The section notes that it would be possible to harvest water onsite but does not offer a methodology for how much water this would make.

In the absence of a strategy to demonstrate water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions capable of achieving water neutrality, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. In such circumstances the grant of permission would be contrary to policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions:

As the proposal would satisfy some of the policies of the Development Plan in respect of rural economic development and would be a use that would not be considered to conflict with the surrounding context, the proposal would on balance acceptable in principle.

Nevertheless, there is a lack of formation within the Water Neutrality Statement, such that it is not possible to determine what the likely water demand would be from the proposed development. It would be unlikely that the site has demonstrated appropriate levels of mitigation and/or offsetting measures to address the demand and meet water neutrality. Insufficient information has been provided to undertake the Assessment and it is not therefore possible for Horsham District Council to concludes that, with mitigation, the project will not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site.

Recommendation: Application Refused

Reason(s) for Refusal:

1. 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 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

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.

Plans list for: DC/24/0086

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

Plan Type	Description	Drawing Number	Received Date
Elevation plan	Proposed & Existing West Elevations	503A	16.01.2024
Elevation & Floor plan	Proposed & Existing North & South Elevations	504A	16.01.2024
Location & Block plan	Location & Block Plans	500B	16.01.2024
Floor plan	Proposed Site Plan & Floor Plan Existing Floor Plan	501B	16.01.2024
Elevation plan	Proposed & Elevations East Elevations	502A	16.01.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 15/04/2024

Authorising Officer sign/initial Tamara Dale Date: 29/04/2024