Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1608
Aglands Farm, Picts Lane, Cowfold, West Sussex, RH13 8AN

DESCRIPTION:
Change of use of part of an agricultural building to Use Class B8 (storage) and erection of a toilet block (retrospective).

RELEVANT PLANNING HISTORY:

DC/19/1791	Erection of a rural workers dwelling	Application Permitted on 29.10.2019
DC/23/2187	Prior Notification application for a proposed change of use of part of an agricultural building to a flexible commercial use within the provisions of Class R	Withdrawn Application on 25.11.2024

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 24 - Strategic Policy: Environmental Protection
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
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

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old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).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 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 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 16: Protected Landscapes
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
Policy 26: Gatwick Airport Safeguarding
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
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

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:

HDC Environmental Health:
Due to location and nature of area this Department have no objections to this application, but we are mindful to the neighbouring dwelling to the site but understand that it is owned by the applicant.

However, in order mitigate any adverse environmental impacts, the applicant will need to exercise suitable controls in the following areas, and I make recommendations for consideration by the Planning Department

1. The unit should be used for renting as a storage facility with no light industrial operations.
2. This department recommends that use be restricted to storage & distribution.

3. Before permission is granted, the applicant must submit a plan detailing any proposed external plant (i.e., air conditioning units) and/or external lighting, etc.

Should you wish to discuss this matter further please do not hesitate to contact me

Ecology Consultant:
Recommend grant permission subject to conditions
Subject to Natural England's formal comments on the conclusion of the Water Neutrality Appropriate Assessment

WSCC Highways:
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.

Natural England:
We concur with the conclusion of your authority's HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites can be ruled out, as such:

We have no objections subject to the: delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

PUBLIC CONSULTATIONS:

Representations:
None received

Parish Comments:
Cowfold Parish Council: made comments neither objecting to or supporting the Planning Application
Cowfold Parish Council reiterates the comment made on 12/12/2023 in respect of an earlier submission of this planning application (DC/23/2187).
"CPC makes a neutral return in respect of this planning application whilst acknowledging the potential for the establishment of additional employment opportunities within the parish."

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 the Development:

The site is located outside of a defined built-up area boundary and is therefore considered to be located within a countryside location in planning policy terms. HDPF Policy 26 (Countryside Protection) states that development outside of built-up area boundaries must be essential to its countryside location, and must either: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet recreational use, or; enable the sustainable development of rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.

As it is understood that the new storage element of the proposal would be used in part for commercial purpose and in part of the existing agricultural use. Policy 10 Rural Economic Development of the HDPF is of some relevance. This states that sustainable rural economic development and enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities. In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and must: contribute to the diverse and sustainable farming enterprises within the District, or in the case of other countryside-based enterprises and activities, contribute to the wider economy and/or promote recreation in, and the enjoyment of, the countryside. The development must either be contained wherever possible within suitably located buildings which are appropriate for conversion, or in the case of an established rural industrial estate, within the existing boundaries of the estate; or result in substantial environmental improvement and reduce the impact on the countryside.

The development would facilitate a commercial business, where this has the potential to contribute to the wider economy and result in economic benefits in this regard. The proposed development would also be retained within an existing building and boundaries of Aglands Farm. While the change of use results in a loss of an agricultural building this would only be a part loss. The use would also diversify the existing agricultural business, providing additional income.

Design and Appearance

Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.

Externally the only change that is likely to be perceived is the addition of two toilet blocks. These are green and metal in appearance. While differing in appearance, from other agricultural buildings on the site, the toilet block would not detract from the character and appearance of the area.

Amenity

Policy 33 states 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.

There is considered to be limited impact on neighbouring residential properties, as the location of the storage area sits within an established agricultural building. The proposed change of use is therefore not expected to result in significant potential for harmful levels of noise or disturbance. To ensure the partial change of use remains within acceptable levels for neighbouring amenity the hours of use and delivery for the B8 storage element of the building have been secured by condition.

Following the Environmental Health Officer's comments the use of the site will also be restricted to storage and distribution with no light industrial operations. This is considered necessary to ensure the

site has not unacceptable impacts on neighbouring amenity. The agent has confirmed no external lighting or plant have been added to the building through the proposal.

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 proposed change of use would not be anticipated to give rise to a material intensification of use of the existing access point. In addition, the site exhibits suitable space for the parking and turning of vehicles associated with the proposed use.

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.

An Officer visit to the site demonstrated that the existing toilet from a neighbouring building within the agricultural site, outside of the red line, has been removed. This has been replaced with two additional toilets. A positive Appropriate Assessment has been issued to Natural England. The Water Neutrality Assessment demonstrates the existing baseline is 0 l/d. The existing baseline for the offsetting building would be the use of the single toilet for six people resulting a use of 186 l/d of mains water. The proposed toilets and basin have been calculated to use 15.61 l/p/d for a total of 11.8 people this results in a water usage of 184.1 l/d. Subject to conditions the proposal is therefore considered water neutral.

Ecology, Trees and Landscaping:

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

The Ecology consultee has confirmed the proposal is supportable subject to conditions requiring details on a Biodiversity enhancement plan is provided. This has been secured through a timed condition. A condition has also been secured to ensure no external lighting is installed without submission to and permission from the LPA.

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 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. In addition, the application is retrospective made under Section 73(A) of the Town and Country Planning Act.

Conclusions:

The proposed development is located in a countryside area, requiring it to align with Horsham District Planning Framework (HDPF) policies that support essential rural development while preserving the character of the landscape. The project includes a partial conversion of an agricultural building for storage, with commercial elements contributing to local economic sustainability. Design changes are minimal, limited to the addition of two toilet blocks, which do not significantly alter the site's appearance. The development is conditioned to mitigate potential noise or traffic impacts, with operational restrictions in place. Environmental considerations, including water neutrality and biodiversity, have been addressed, ensuring compliance with regulatory requirements. The project is exempt from Biodiversity Net Gain obligations due to its classification as ‘de minimis’ under recent regulations. The application is therefore recommended for approval subject to the below conditions.

Recommendation: Application Permitted

Conditions:

2 **Regulatory Condition**: Within two months from the date of this permission full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (Technical Note 1: Water Neutrality Statement received 29th of January 2025) shall have been submitted to the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

3 **Regulatory Condition**: Within two months from the date of this permission evidence shall be submitted to the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

4 **Regulatory Condition**: Within two months from the date of this permission a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures

contained within the Bat Assessment Report (AEWC, June 2024) shall be submitted to the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (as amended).

5 **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), or the Town and Country Planning (Use Classes) Order 1987 (as amended), the 'area for proposed storage' (as shown on Aglands Floor Plan, received on 15.10.2024) hereby permitted shall be used for B8 storage purposes and for no other purposes whatsoever 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 case and in accordance Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: The use hereby permitted in relation to the B8 storage area of the building shall not be open for trade or business except between the hours of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition**: No new external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8 **Regulatory Condition**: Deliveries to the site in relation to the B8 storage area of the building shall not occur unless between the hours of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Assessment Report (AEWC, June 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority 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 s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

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/24/1608

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		none	15.10.2024
Site plan	Existing	none	15.10.2024
Roof plan	Existing and Proposed	none	12.11.2024
Elevation plan	Proposed East and West	none	28.10.2024
Elevation plan	Proposed North and South	none	28.10.2024
Floor plan	Proposed	none	15.10.2024
Supporting Docs	Water Neutrality	none	29.01.2025

DELEGATED

Case Officer sign/initial Alice Johnson Date: 05/03/2025

Authorising Officer sign/initial RHERMITAGE Date: 05.03.2025