DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1014
Clarence House, High Street, Henfield, West Sussex, BN5 9DA

DESCRIPTION:

Construction of a timber framed wood fired kitchen located in the garden of an existing cafe.

RELEVANT PLANNING HISTORY:

None Relevant.

DESCRIPTION OF THE SITE

The application site is located within Henfield Conservation Area and is within the curtilage of a Grade II listed building. The site sits off Henfield High Street, and within the built-up area boundary. The application would sit within the garden of The Post House Café who currently lease the ground (Class E) Café/Coffee Shop unit and associated rear garden for the sale and consumption of hot/cold food and drink. The rear garden is currently used as an external seating area for the café and is bounded by a large existing brick wall with various shrubs and one large beech tree on the Northern edge of the garden.

DESCRIPTION OF THE APPLICATION

The application seeks to construct a timber framed wood fired kitchen located in the garden of the existing café. The kitchen would be located at the rear, abutting the existing brick wall with the car park. The proposed development is a small-scale timber framed structure, constructed of traditional style materials in keeping with the surrounding buildings. The building will be located along the southern boundary with the library car park. No trees will be impacted, and no illuminated signs will be installed. Access to the garden will remain as existing.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
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

Henfield Neighbourhood Plan (2017-2031):
Policy 12 – Design Standards for New Development

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

Strategic Policy 1: Sustainable Development
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment

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

HDC Conservation: Objection (received 05.11.2024)

The principle of a detached building in the garden of the café is acceptable. The size of the building is reflective of an ancillary structure in this context. However, the mono-pitched roof form is to utilitarian and reminiscent of suburban garden buildings. Any new building in the curtilage of the listed building should reinforce its historic significance. Please ask the applicant to redesign the building with a traditional pitched roof of clay tile, slate, or timber shingle. The pitch of the roof should reflect those found on similar historic buildings in the conservation area.

HDC Conservation: No Objection (received 09.01.2025)

Satisfied the redesign is acceptable and the building will not harm the setting of the listed building or conservation area. Satisfied no detailed conditions are required but please require that the building is removed once it is no longer acting as a kitchen to support the current business.

HDC Environmental Health: Comment

The Application seeks the installation of a garden kitchen served by a wood-fired oven to complement the existing food business and therefore will require effective odour control to treat exhausted air.

All consideration made in relation to appropriate kitchen extract-ventilation in terms of odour and noise is made with reference to NETCEN/EMAQ+ guidance document titled ‘Control of Odour and Noise from Commercial Kitchen Exhaust Systems’ (2018), which will be referred to as ‘the Guidance’.

The premises is located in the primarily commercial heart of Henfield on its High Street, although domestic properties are sited surrounding the location of the proposed kitchen, being as close as 20 metres at upper floor levels on the High Street premises themselves; 40 metres to the south at Hawthorn House; and 50 metres to the west on Craggits Lane.

Application of the Appendix 3 risk assessment for odour in the Guidance indicates that a ‘High level’ of odour control will be appropriate, suggesting an effective system would include fine filtration or ESP following by activated carbon filtration rated with at least 0.2 to 0.4 second residence- or ‘dwell time’, or a system offering equivalent control. It is noted that the proposed design does not meet this standard, lacking any active odour abatement techniques.

To this end, this Service objects to the Application due to the potential of solid-fuel and cooking odours causing a loss of amenity to neighbouring domestic properties and the design should be modified to incorporate effective odour control.

However, this Service see no fundamental reason why appropriate control cannot be incorporated in the design and therefore recommends that the external kitchen should only be open for trade during the hours of 08:00am to 18:00pm Saturday to Friday inclusive, and 08:00am to 17:00pm on Sundays and Bank Holidays. These should be secured by Condition, should the Application be Permitted.

In addition, given that there are domestic properties located close to the site, this Service makes the following recommendations for Conditions to minimise disturbance during the undertaking of works at the premises, should the Application be Permitted.

HDC Environmental Health: Objection (received 24.02.2025)

The Guidance does not present any scope for commercial hot food establishments to operate without active odour control and the amount needed is balanced against the effectiveness of the natural dispersion/dilution offered by the stack.

There appears to be little opportunity for increasing the stack height of efflux velocity and therefore improving the natural dispersion of the installation in current application.

To this end, the Guidance's odour risk assessment has been applied to determine the appropriate levels of active odour abatement required based on the system's physical properties, and this Service will continue to maintain its Objection to the application until sufficient provision for airflow filtration or treatment is made.

HDC Economic Development: No Objection

Our Economic Strategy (Priority 2) indicates that we need to support our local businesses to become more productive and resilient to facilitate long-term economic growth.

Supporting this additional source of income will allow diversification to increase customer numbers and appeal to a different audience. This fits with Priority 2, it will help support this business and other local businesses, thereby bringing benefits to the local economy.

PUBLIC CONSULTATIONS:

Representations:

No representations received

Parish Comments:

Henfield Parish Council: No Objection

Subject to the Conservation Officer's comments. This Committee has no objection to the outside kitchen but completely endorses the Conservation Officer's comments about the design.

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

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 12 of the Henfield Neighbourhood Plan advocates for new development be of sound design and reflective of the character of the area. It aims to protect against inappropriate development by ensuring the design, scale, layout, and massing of development is appropriate to the immediate area. Development should be respectful to the conservation area and listed buildings if applicable.

The proposal seeks to erect a timber framed wood fired kitchen located in the garden of an existing café. The building would be a food prep area housing a DEFRA approved wood fired oven to cook pizzas and flat breads, which would not be an open flamed grill or restaurant style hob. The proposed outbuilding would be small scale and considered ancillary to the main café building. The outbuilding would be 6.10m x 3.10m and 3.45m at its highest, with an eaves height of 2.11m. Softwood weatherboard cladding is proposed to the elevations which will be painted green to blend with the branding of The Post House Café, which is heritage green, the historic colour of the shop front. The roof would have a traditional corrugated profile and a class 1 flue pipe is proposed for the wood fired oven. The kitchen would be located to the rear of the café, abutting the existing brick wall with the car park. The outbuilding would not be visible from a number of vantage points, as the ground level drops slightly from the car park and walkways next to the site. Therefore, the visual impact is considered acceptable and in accordance with the above policies.

Heritage:

Policy 34 of the HDPF states that development should reinforce the special character of the historic environment through appropriate siting, scale, form, and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric, and materials.

Clarence House is a Grade II listed building and within Henfield Conservation Area, therefore any development should reinforce the historic significance of the building. The HDC Conservation Officer was content the size of the building is reflective of an ancillary structure in the context of the café. They requested that the roof pitch be changed to a traditional pitched roof to reflect roofs found on similar historic buildings in the conservation area. This was amended and the metal roof has a corrugated profile. The Heritage Statement provided states that the detached wood framed building does not attach to the listed structure in any way and is sited approximately 3m away from the rear of the Post Office Café building. Quality materials have been chosen to blend with the branding of the Post House Café and the building is visually protected by a large beech tree to the Northwest. The statement concludes that the proposed building presents no/limited impacts to its surroundings and will sit out of sight from neighbouring properties. Following amendments to the design, it is therefore considered that the proposal would accord with the above policy.

Residential Amenity:

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.

Due to the location of the outbuilding, at the rear of the listed building and surrounded by car parking, there are no immediate neighbours. Furthermore, the ground level drops down from the car park, so the outbuilding would be screened by the existing brick wall and would not be particularly visible from the street. It is noted that there have been no representation letters. It is therefore considered that the scale and siting of the outbuilding would be sufficient to ensure no unacceptable harm to neighbouring amenity through overlooking or loss of privacy

As the premises is located in the primarily commercial heart of Henfield, on the High Street, it is located close to domestic properties and other premises. Environmental Health were consulted on the application and noted that application of the Appendix 3 risk assessment for odour indicates that a 'High level' of odour control will be appropriate, suggesting an effective system would include fine filtration or ESP following by activated carbon filtration rated with at least 0.2 to 0.4 second residence. The current proposed design does not meet this standard, lacking any active odour abatement techniques. Environmental Health objected due to the potential of solid-fuel and cooking odours causing a loss of amenity to neighbouring domestic properties. In response to this query, the applicant confirmed that a smoke and odour-neutralising system cannot be applied to a wood-burning pizza oven in a garden kitchen for technical reasons. It was also confirmed that the building is a food prep area rather than a commercial kitchen and would house a DEFRA approved wood fired oven to cook pizzas and flat breads.

Whilst the comments of the Applicant are noted, it is considered that sufficient odour abatement would be required. It is however considered that the details of this could be secured by condition.

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.

Due to the nature of the proposal, as ancillary to the existing café use, it is not anticipated that the proposal would result in a significant or demonstrable increase in visitors or employees. To this effect, it is considered reasonable that the proposal would result in no greater increase in water consumption over the existing situation. The development has therefore 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:

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level shall commence until the means of ventilation for the extraction and disposal of cooking odours has been provided in accordance with details first submitted to and approved by the Local Planning Authority in writing. These details shall include times of operation of the ventilation system and the proposed maintenance programme. Thereafter, the ventilation system shall be installed, operated and maintained in accordance with the approved details.

Reason: As this matter is fundamental in the interests of the amenity of nearby residential properties and users of land, and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on approved plan reference PHCGDN/101/B.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition**: The outbuilding hereby permitted shall be used only for purposes incidental to the use of the site as a café and for no other purposes.

Reason: To ensure the building remains in connection to the existing business and safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: The outbuilding hereby approved shall not be open for trade or business except between the hours of:

- 08:00 to 18:00 Saturday to Friday inclusive, and
- 08:00 to 17:00 on Sundays and Bank Holidays.

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

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/24/1014
(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
Location plan		NONE	04.07.2024
Location & Block plan	Existing Site Plan Block Plan & Site Location Plan	NONE	17.10.2024
Elevation & Floor plan		PHCGDN/101/B	20.12.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 14.04.2025

Authorising Officer sign/initial Tamara Dale Date: 16.04.2025