Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0333
Horsham Car Boot Sale, Tower Road, Faygate, West Sussex, RH12 4SD

DESCRIPTION:
Permanent siting of two shipping containers for the purposes of storage ancillary to Horsham Car Boot Sale

RELEVANT PLANNING HISTORY:

DC/04/0525	Formation of crossover and erection of metal gates	Application 26.07.2004	Permitted	on
DC/07/0466	Erection of 2 free-standing signs	Application 23.04.2007	Permitted	on
DC/23/0700	Application to confirm the continuous use of land for car boot sales on Saturdays between the months of April to October (inclusive), and the siting of 2no. storage containers and 8no. portaloo toilets, for a period in excess of ten years prior to the date of this application (Lawful Development Certificate - Existing)	Application 29.09.2023	Permitted	on

SITE AND SURROUNDS
This site is located adjacent to Faygate, on the south-western corner of the roundabout where Crawley Road meets Faygate Lane. The site has been granted Certificate of Lawfulness – Existing for the continuous use of land as a car boot sale on Saturdays between the months of April to October (inclusive), and the siting of 2 storage containers and 8 portaloo toilets, for a period in excess of ten years. It is acknowledged that the location has good access to the strategic roads network. The nearest neighbouring residents are some 100 metres away with commercial business located directly opposite to the site with an approved operational business.

DETAILED DESCRIPTION
Planning permission is sought for the permanent siting of two shipping containers for the purposes of storage ancillary to Horsham Car Boot Sale, located at the south-western corner of the site, measuring at approximately 6m in length, 2.5m in width and 2.29m in height.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 10 - Rural Economic Development
Policy 26 - 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 40 - Sustainable Transport

Neighbourhood Plan:
Colgate has not been designated as a Neighbourhood Plan area.

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: Standing Advice:-

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Nature Space: No Objection - the proposed development is not considered to be relevant to the District Licensing Scheme in this case and consider there would be no likely impact on great crested newts or their habitats.

Parish Comments:
No Objection

Representations:
None received

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 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 rural economy and/or promote recreation in, and the enjoyment of, the countryside; and 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; or result in substantial environmental improvement and reduce the impact on the countryside particularly if there are exceptional cases where new or replacement buildings are involved.

In addition, Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals of the disposal of waste; provide for quiet informal 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.

The site benefits from a lawful for the use of the land as a car boot sale on Saturdays between the months of April to October (inclusive) and the siting of 2 storage containers and 8 portaloo toilets, ref: DC/23/0700. The current proposal entails the siting of a further 2 storage containers for use in association with the wider site as an established car boot sale. The nature of the proposal would not lead to a significant increase in the level of activity in the countryside and would support the existing use of the site. It is considered that the nature and extent of the proposal would be acceptable in principle, supporting the existing lawful use of the site and raises no conflict with the above policies.

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.

In terms of the physical attributes of the development, the proposal seeks to permanently site two shipping containers for the purposes of storage, ancillary to Horsham Car Boot Sale. The hardstanding already established lies to the south-west of an existing field, the proposed containers would form a group of four, including the two containers lawfully sited in the above-mentioned certificate. Given its siting to the wider developed area of the site, the proposed area for the storage containers does not appear isolated, or overly out of context.

The shipping containers would be of a utilitarian form and appearance and would generally be considered out of keeping as a permanent addition to a rural location. The wider visual impact would though be softened by the presence of boundary planting with the proposed siting alongside existing lawful structures on the site. The proposal would therefore create a cluster of similar structures, which given the extent of the lawful use / development already present on the site would not create a level of harm which would warrant a refusal of planning permission. Overall, it is therefore considered that the proposals would not have a detrimental effect on the character of the site or the wider area, in accordance with policies 25, 32 and 33 of the HDPF.

Impact on High Weald Area of Outstanding Natural Beauty

The application site lies within the High Weald Area of Outstanding Natural Beauty (AONB). Section 84(4) of the Countryside and Rights of Way Act 2000 states that "A local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty has power, subject to subsections (5) and (6), to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much of it as is included in their area". Section 85(1) continues that "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

The primary purpose of AONB designation is to conserve and enhance natural beauty, and account should be taken of the needs of agriculture, forestry, and other rural industries, and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.

Policy 30 of the HDPF states that the natural beauty and public enjoyment of the High Weald AONB will be conserved and enhanced and opportunities for the understanding and enjoyment of their special qualities will be promoted. Development proposals will be supported in or close to protected landscapes where it can be demonstrated that there will be no adverse impacts to the natural beauty and public enjoyment of these landscapes as well as any relevant cross boundary linkages. Proposals should have regard to any management plans for these areas and must demonstrate how the key landscape features or components of natural beauty will be conserved and enhanced. This includes maintaining local distinctiveness, sense of place and setting of the protected landscapes, and if necessary, providing mitigation or compensation measures; how the public enjoyment of these landscapes will be retained; and how the proposal supports the economy of the protected landscape and will contribute to the social wellbeing of the population who live and work in these areas.

Paragraph 182 of the NPPF states that great weight should be given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

As considered above, the storage containers would be read in the context of other similar paraphernalia within the site and the development is not therefore considered to result in harm to the rural character and setting of the countryside located and AONB. The development would not therefore detract from the special qualities of the AONB, in accordance with the above polices.

Amenity Impacts:

Policy 33 of the HDPF states that 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.

It is considered that the scale and nature of the proposal, which would supplement the existing use of the wider site, would not be expected to lead to unacceptable harm to neighbouring amenity, in accordance with the above policy.

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.

From the submitted details there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive use of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion:

The development is considered to accord 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 **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 development hereby permitted shall be used solely for storage purposes in association with the use of the site as a car boot sale venue. The development shall not be used for any 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 due to the location and constraints of the site, in accordance with Policies 10, 26, 30 and 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/24/0333
(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 & Block plan	Elevations, Floor, and Roof, as proposed	0490.1	28.02.2024
Supporting Statement	Planning and Water Neutrality	NONE	28.02.2024

DELEGATED

Case Officer sign/initial Shazia Penne Date: 23.04.2024

Authorising Officer sign/initial Guy Everest Date: 24.04.2024