



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0825
10 Nightingale Road, Horsham, West Sussex, RH12 2NW

DESCRIPTION:

Replacement of car port with an enclosed garage and store.

RELEVANT PLANNING HISTORY:

DC/22/1108	Change of use of part of property to incorporate use for Taxi / private hire business /Telephone booking office and control centre	Application Permitted on 11.11.2022
------------	--	-------------------------------------

DESCRIPTION OF THE SITE

The application site is located on the western side of Nightingale Road, within the built-up area of Horsham. The site comprises of an existing flat roof, open sided carport and forms part of the established commercial premises occupied by Askari Aeroparts Ltd. The existing carport is situated immediately adjacent to the company's office building and is currently used for vehicle parking and business-related storage.

The application site does not fall within a conservation area nor within the setting of a listed building.

DESCRIPTION OF THE APPLICATION

The proposal seeks planning permission for the demolition of the existing open carport and replacing with an enclosed garage and store.

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 9 - Employment Development
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 41 - Parking

Horsham Town Neighbourhood Plan is currently in the process of being renewed.

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

Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy

Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 25: Parking
Policy 26: Gatwick Airport Safeguarding
Strategic Policy 30: Enhancing Existing Employment

Parish Design Statement:

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:

Southern Water: No objections to this proposal

PUBLIC CONSULTATIONS:

Representations:

None received

Parish Comments:

Horsham Parish Council: No Objection

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 7 of the Horsham District Planning Framework (HDPF) 2015 aims to maintain the retention of Key Employment Areas for employment uses. Moreover, Policy 9 of the HDPF 2015 seeks to ensure that the expansion of existing employment sites and premises within the built-up area boundary will be supported where the business requirements cannot be met within the existing site/premises, through acceptable on-site expansion or intensification; and that relocation to existing stock is not preferable.

The submitted planning statement explains that the existing carport has deteriorated and is no longer fit for purpose. The existing open-sided structure fails to protect the company vehicles, equipment and

materials. The proposed enclosed garage would provide secure parking for company vehicles and business-related storage of equipment, materials and business records.

The proposal is considered an acceptable improvement to an established employment site and would continue to support the economic viability of the existing business operation. Therefore, the principle of the development is considered acceptable, subject to all other material considerations.

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.

The replacement enclosed garage would be positioned within the same footprint as the existing carport and would be of a comparable scale. Although the proposed garage would be marginally higher at the front than the existing structure, however the roof slants to a reduced height at the rear. Overall, the bulk, mass and scale of the proposal would be relatively similar as the existing structure.

Therefore, on that basis it is considered that the proposal would not be unduly prominent or intrusive, with a form and design which would complement the existing commercial buildings. The development would be viewed in the context of the commercial characteristics of the wider surroundings. It is therefore considered that the visual impact of the proposal is acceptable and would accord with the above policies.

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.

The proposal would replace an existing structure within the footprint and would be of a comparable size as the existing structure. Therefore, due to the nature of the proposal, it is considered that the siting and layout of the proposal and the resulting relationship with adjacent properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Water Neutrality:

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation 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 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

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 (on unregistered sites) 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. The proposal relates to replacement structure over an existing area of hardstanding with no loss of any vegetation, habitat, or areas of ecological significance.

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 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

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).

- 4 **Regulatory Condition:** The development hereby permitted shall be used solely for vehicle parking and business-related storage purposes ancillary to the operation of 10 Nightingale Road (as shown outlined in blue on the location plan) and for no other purpose whatsoever without express planning consent from the Local Planning Authority first being obtained.

Reason: The establishment of a non-ancillary use would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between the site and neighbouring properties, contrary to Policy 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

Under Regulations 4, 5, 7 & 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

- 1. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric);

2. is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;
3. is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development (In determining whether a development is undertaken solely or mainly for this purpose, no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee);
4. consists of no more than 9 dwellings, is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding ("Self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended)).

In addition, the Biodiversity Gain Plan Condition does not apply to applications for major development made before 12 February 2024, or non-major development made before 2 April 2024.

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

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/26/0825

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Site plan	Existing Location & Site Plan	2032 -DPA - 01	20.05.2026
Site plan	Proposed Site Plan	2032 -DPA - 02	20.05.2026
Elevation & Floor plan	Existing & Proposed Floor Plans & Elevations	2032 -DPA - 03	20.05.2026
Supporting Docs	Application Form	NONE	20.05.2026

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 29.07.2026

Authorising Officer sign/initial Tamara Dale Date: 10.08.2026