



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/1189
Smithers Farm, Guildford Road, Rudgwick, Horsham, West Sussex, RH12 3BX

DESCRIPTION:

Variation of Conditions 1 and 9 of previously approved application DC/19/1787 (Erection of two detached buildings for office and workshop use) relating to plans and materials.

RELEVANT PLANNING HISTORY:

DC/19/1787	Erection of two detached buildings for office and workshop use	Application Permitted on 29.10.2019
DC/21/2230	Erection of a single storey rear extension (Certificate of Lawful Development - Proposed).	Application Refused on 16.12.2021
DC/22/0068	Erection of a two-storey rural workers dwelling and change of use of existing dwelling to estate office.	Application Refused on 19.06.2024
DISC/26/0099	Approval of details reserved by conditions 3, 4 and 5 to approved application DC/19/1787.	Split Decision on 18.05.2026

DESCRIPTION OF THE SITE

The application site is located to the north of Guildford Road, outside of any designated built-up area. The site is therefore located in the countryside in policy terms. The site comprises a number of former agricultural buildings that are now in commercial use, with a number of residential dwellings located to the southern section of the site. The uses primarily comprise and mix of B1 and B8, with residential dwellings outside of the site located to the far south of the site. The wider surroundings are characterised by open countryside, with sporadic residential development fronting the highway.

DESCRIPTION OF THE APPLICATION

The application seeks to vary conditions 1 and 9 of planning approval reference DC/19/1787. The purpose of the variation is to vary the plans condition to allow alterations to the design, form, and appearance of the buildings (as partially constructed) and to alter the approved materials (as partially constructed).

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 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
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 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

Rudgwick Neighbourhood Plan:

RNP1 – Spatial Strategy
RNP6 – Materials
RNP7 – Architectural Style
RNP8 – Development Height

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

Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
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 15: Settlement Coalescence
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
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
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 40: Improving Housing Standards in the District

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: No Comment

NatureSpace: Comment

The proposed amendments are 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.

WSCC Highways: Comment

From inspection of the plans, the two approved buildings originally comprising four workshop/office units each now appear to provide one individual unit per building. Slight amendments to the approved vehicle parking layout are also proposed for this application. No highway safety or capacity concerns would be raised to these changes.

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

PUBLIC CONSULTATIONS:

Representations:

No responses received

Parish Comments:

Rudgwick Parish Council: Strong Objection

Development does not reflect what was approved under the previous application and is not intended for the approved purpose. The permission has expired and the development constructed is unlawful.

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:

The application has been submitted under s73A of the Town and Country Planning Act 1990 to vary planning permission reference DC/19/1787 which related to the erection of two detached buildings for office and workshop use. The application has been submitted following a compliance investigation which found that the building as constructed has been built in non-compliance with the approved plans.

Having reviewed the building as constructive, and when compared with the approved drawings under reference DC/19/1787, it is noted that the overall footprint, design, form, and appearance differs from that permitted. Specifically, the constructed building has an increased height (of approximately 2m) to both the eaves and the ridge, a change in the roof form, and an alteration to the materials. The fenestration detailing has altered, with the number of units to be provided internally reduced, and the introduction of larger openings. While the footprint of the buildings have been reduced, when coupled with the aforementioned changes, the building as constructed and proposed reflects a more modern utilitarian structure, rather than a modest, traditional built form as previously permitted.

The development does not possess any physical characteristics that reflect the development as originally approved, and when considered cumulatively, represents a materially different building to that approved. It is therefore the view of the Council that the development as approved has not been carried out, and rather a building, without the benefit of planning permission, has been constructed.

When considered cumulatively these changes do not represent minor-material amendments to the approved scheme, but rather are considered to result in a development that is materially different in design, form, appearance, layout, and function to that previously approved.

S73A of the Town and Country Planning Act 1990 allows for the variation of planning permissions where the development as carried out has not been undertaken in accordance with the planning conditions imposed. This does however rely upon the planning permission having been commenced. The development as built does not reflect planning permission reference DC/19/1787, with the constructed building materially different to that approved. As such, the building operations undertaken do not represent commencement of the approved development under planning reference DC/19/1787, and the planning permission has not therefore been implemented. The planning permission was approved on 29.10.2019, and was subject of a three year commencement condition; whereby the planning permission expired on 29.10.2022. The planning permission is no longer extant, and it is not therefore possible to vary the conditions of this approval.

For the above reasons, it is not considered that the development as carried out reflects the development subject of planning permission, where the permission has expired. The development as carried out is considered to be materially different and is considered to represent development without the benefit of planning permission. It is not therefore possible to amend the development through s73A of the Town and Country Planning Act 1990.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposal 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 RNP6 of Rudgwick Neighbourhood Plan states that development should utilise materials that reflect the common building styles across the Parish. Policy RNP7 continues that new development proposals should be designed with reference to the surrounding architecture, paying particular attention to features of the local vernacular and locally characteristic details.

Policy DP3 of the NPPF states that development proposals should respond to their context (the history, character and features of their site and its setting) so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage sites. To create well-designed places, development proposals should also reflect relevant aspects of a number of principles, including using the pattern of buildings to define the arrangement of streets, squares, and other spaces, promote compact forms of development to optimise the site's potential, distinguish between public and private areas, create focal points, and where appropriate, enhance views into and out of the scheme; and create visually attractive, distinctive and characterful development to establish or maintain a strong

sense of place and pride, including through the use of a coherent palette of materials, design features, and planting.

Policy N2 of the NPPF states that development proposals should conserve and enhance existing natural features of visual, historic or nature conservation value where possible, and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings.

The building as constructed and proposed would comprise a modern utilitarian building consisting of a pitched roof with profiled steel walls finished in green. The buildings would measure to an eaves height of 6m and an overall height of 8m, with roller shutter doors to the front and side elevations and 2no. pedestrian doors to the rear elevation.

Notwithstanding the concerns raised above with regard to the application type and status of the expired permission, the development subject of this application would reflect a modern, utilitarian character expected within a rural agricultural/industrial context. The development would sit appropriately within the context of the site and would not result in harm to the visual amenities and landscape character of the site and surroundings. For these reasons, the development is considered to accord with the above policies.

Residential Amenity:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes a sense of place both in the buildings and spaces themselves. Policy 33 continues 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.

Policy P3 of the NPPF states that development proposals should provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollutions which could have an unacceptable adverse effect on health and the quality of life. Development should not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree.

The site is located to the north of the established industrial site, and is surrounded by a mix of uses primarily comprising B1c (Light Industrial) and B8 (Storage and Distribution), with recently approved B1a (Offices) located centrally within the site.

Given this existing context, it is considered that the proposed use would be commensurate to the immediate surrounding uses. It is not therefore considered that the proposal would result in harm to the neighbouring properties or users of land through noise, level activity, or loss of privacy. The proposal is therefore considered to accord with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

Policy TR4 of the NPPF states that development should ensure that the arrangement of streets and other routes help to create places that are safe, inclusive and attractive for all users, and should seek to minimise the scope of conflict between pedestrians, cyclists, and vehicles. Development should allow for the efficient delivery of goods, and ease of access by service and emergency vehicles, in ways which do not compromise key place-making principles.

The proposal includes changes to the parking layout, where additional parking spaces are proposed in an alternative arrangement to that permitted under planning reference DC/19/1787.

Following consultation with WSCC Highways, there is no evidence to suggest that the existing access is operating unsafely, or that the proposal would exacerbate an existing safety concern. Given that the existing access already serves a number of commercial, agricultural, and residential units, it is not anticipated that the proposal would result in an adverse impact on the nearby highway network. The proposal is considered to provide sufficient parking space for the anticipated number of vehicles, with sufficient space also available to provide cycle parking. It is not therefore considered that the proposal would have an unacceptable impact on highway safety, or result in severe cumulative impacts on the

operation of the highway network, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Water Neutrality:

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and Policy N6 of the NPPF.

Climate Change:

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.

Should the proposed development be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:

- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity
- Cycle parking facilities
- Electric vehicle charging points

Subject to these conditions, the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

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

- The original planning permission to which this section 73 planning application relates was made or granted before 12th February 2024 (in respect of major development), or before 2nd April 2024 (in respect of non-major development) under Regulation 3 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusions:

The development as built does not reflect planning permission reference DC/19/1787, with the constructed building materially different to that approved. As such, the building operations undertaken do not represent commencement of the approved development under planning reference DC/19/1787, and the planning permission has not therefore been implemented. The planning permission was approved on 29.10.2019, and was subject of a three year commencement condition; whereby the planning permission expired on 29.10.2022. The planning permission is no longer extant, and it is not therefore possible to vary the conditions of this approval.

Recommendation: Application Refused

Reason for Refusal:

- 1 The development as built does not reflect planning permission reference DC/19/1787, with the constructed building materially different to that approved. As such, the building operations undertaken do not represent commencement of the approved development under planning reference DC/19/1787, and the planning permission has not therefore been implemented. The planning permission was approved on 29.10.2019, and was subject of a three year commencement condition; whereby the planning permission expired on 29.10.2022. The planning permission is no longer extant, and it is not therefore possible to vary the conditions of this approval.

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/26/1189

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

Plan Type	Description	Drawing Number	Received Date
Plans	Proposed Development Plan	26/68/1	27.07.2026
Elevation plan	Proposed Development Elevations	26/68/2	27.07.2026
Block plan	Proposed Development Site Plan/Block Plan	26/68/3	27.07.2026
Location plan	Location Plan	19/77/3	27.07.2026

DELEGATED

Case Officer sign/initial	<u>Tamara Dale</u>	Date: <u>11.09.2026</u>
Authorising Officer sign/initial	<u>RHERMITAGE</u>	Date: <u>21.09.2026</u>