Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/1244
56B West Street, Horsham, West Sussex, RH12 1PL

DESCRIPTION:

Change of Use and conversion of ancillary first floor retail space to a self-contained two bedroom flat.

RELEVANT PLANNING HISTORY:

DC/25/0230	Retention of front shutter, facia signboard and projecting side signboard (Retrospective)	Application Refused on 28.04.2025
DC/25/0231	Facia signboard and projecting side signboard	Application Refused on 20.05.2025

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 9 - Employment Development
Policy 13 - Town Centre Uses
Policy 14 - Shop Fronts and Advertisements
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 40 - Sustainable Transport
Policy 41 - Parking

[Forest, Denne, Trafalgar] Horsham Blueprint Business Neighbourhood Plan (HBBNP) 2019 - 2036:
Policy HB3 - Character of Development
Policy HB4 - Design of Development
AIM2 - Conserving Heritage Assets

***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 4: Horsham Town
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 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 16: protected Landscapes
Strategic Policy 17: Green Infrastructure and Biodiversity
Policy 18: Local Green Space
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Policy 22: Shop Fronts and Advertisements
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 26: Gatwick Airport Safeguarding
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
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
Policy 33: Equestrian Development
Strategic Policy 34: Tourism Facilities and Visitor Accommodation
Strategic Policy 35: Town Centre Hierarchy and Sequential Approach
Strategic Policy 36: Town Centre Uses
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District
Policy 41: Rural Exception Homes
Policy 42: Retirement Housing and Specialist Care
Strategic Policy 43: Gypsies and Travellers
Policy 44: Rural Workers Accommodation
Policy 45: Replacement Dwellings and House Extensions in the Countryside
Policy 46: Ancillary Accommodation

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Parish Design Statement:

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: *No Objection*

The proposed conversion and change of use would not result in harm to the appreciation of the historic and architectural character of the conservation area. No objection would therefore be raised.

HDC Environmental Health: *Comment / Further Information*

There are numerous commercial premises close to the application site, including restaurants, bars and cafes. To ensure the application can be properly determined an environmental noise survey should be provided which demonstrates that the site is suitable for residential use and whether open windows can be relied on to prevent overheating.

OUTSIDE AGENCIES

WSCC Highways: *No Objection*

The site is situated in a sustainable town centre location within walking/cycle distance of local services, amenities and public transport connections, so residents need not necessarily rely on the private car for travel. Cycling is a viable option in the area, and the LHA would request that secure and covered cycle parking provision be provided if there is space within the site to do so.

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:

None received

Parish Comments:

Town Council: Support

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

This application is for Change of Use and conversion of ancillary first floor retail space to a self-contained two bedroom flat at 56B West Street, Horsham. The development is located to the rear of West Street, the main high street frontage within Horsham.

Principle of Development:

Policy S4 of the NPPF (2026) establishes a presumption in favour of development within settlements, whereby proposals should be approved unless their benefits are substantially outweighed by adverse effects when assessed against the national decision-making policies of the Framework. Circumstances where adverse effects may outweigh the benefits include proposals that would significantly conflict with:

- Allocation or safeguarding of land or buildings for particular uses in the development plan (unless there is no reasonable prospect of this development coming forward or there is evidence safeguarding is no longer appropriate)
- Adversely affect protected areas or assets such as:
    - Recreational land (HC7);
    - Local Green Spaces (HC8),
    - Areas of biodiversity or geodiversity importance;
    - Protected Landscapes (N4)
    - Development within residential curtilages
- Result in the loss of undeveloped land used for cemeteries, burial grounds
- Water storage
- Flood risk management without suitable compensatory provision
- Or fail to comply with national decision-making policies that require refusal in specific circumstances

Policy 1 of the Horsham District Planning Framework (HDPF) states that the council will take positive approach to development proposals, aligning with the National Planning Policy Framework's emphasis on sustainable development. It collaborates proactively with applicants to find solutions that enable project approval and enhance economic, social, and environmental conditions. Planning applications that comply with the Local Plan and relevant neighbourhood plans will be approved promptly unless material considerations suggest otherwise. If policies are absent or outdated, the Council will grant permission unless significant adverse impacts outweigh the benefits, or specific policies in the Framework restrict development.

Policy 2 of the HDPF sets out the main growth strategy, focusing development in the main settlements. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; where new development is focused in the larger settlements of Horsham, Southwater and Billingshurst; and limited new development is directed elsewhere, and only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

Policy 13 of the HDPF promotes a ‘Town Centres First’ approach by directing retail, leisure and other main town centre uses to defined town and village centres where they are of an appropriate scale, enhance the vitality and viability of the centre, are well connected to primary shopping areas and retail frontages, and contribute positively to the character and function of the centre. Within designated Primary and Secondary Retail Frontages, changes of use from retail to other town centre uses may be supported where they do not result in an excessive concentration of non-retail uses and maintain the vitality and viability of the centre. Proposals for main town centre uses outside defined centres must satisfy the sequential test, while small-scale retail development outside centre boundaries may be permitted where it would not adversely affect the vitality and viability of nearby centres. The policy also seeks to retain viable retail premises, generally favouring alternative commercial uses over residential conversion unless it can be demonstrated that the unit is no longer viable.

The development would see the conversion of ancillary retail space on the first floor changed to a self contained two bedroom flat. The development would occur to the first-floor space and would not affect the primary retail frontage. The upper floor is currently accessed internally through the ground floor premises along with an additional external stair providing direct access from the rear to first floor level. This arrangement is changed whereby the internal staircase to the first floor is removed, however the external access via staircase and flat roof remains unchanged.

While the proposal would result in the loss of commercial floor space, it is recognised that the first floor operates as ancillary to the ground floor retail unit. The proposed subdivision and conversion would retain a retail unit on the ground floor, where this would maintain an active frontage and reflect the diversity of the town centre. The change of use at first floor level would not therefore adversely impact on the vitality and viability of the town centre as a whole. It is therefore considered that the loss of ancillary floorspace at first and second floor levels of the building would not create any significant conflict with the above polices.

The site is located within the built-up area of Horsham. Horsham is defined as a settlement with a large range of employment services and facilities and leisure opportunities, including those providing a district function. There are strong social networks with good rail and bus accessibility and meets the majority of its own needs and many of the nearby smaller settlements. Given the location of the site within the built-up area boundary of Horsham, the principle of development is considered acceptable.

Design and Appearance:

Paragraph DP3 of the NPPF (2026) states “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 assets. This should not preclude innovation or change where appropriate”.

Policy 25 of the HDPF seeks that the natural environment and the local character of Horsham District including the landscape, the landforms and development pattern will be protected from inappropriate development. The policy aims to:

- Protects, conserves and enhances the landscape and townscape character, considering areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.
- Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.
- Maintains and enhances the existing network of geological sites and biodiversity, including safeguarding existing designated sites and species, and ensures no net loss of wider biodiversity and provides net gains in biodiversity where possible.
- Conserve and where possible enhance the setting of the South Downs National Park.

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.

Policy HB3 and HB4 of the HBBNP cover the design and character of development within Horsham which is supported by the neighbourhood councils of Forest, Denne and Trafalgar. It advocates for high quality design and construction that integrates with its surroundings whilst minimising impact on natural environments. It should reflect the character and architectural forms of the area in order to protect against inappropriate design.

AIM2 of the HBBNP is to protect and conserve the historical interest and character of Horsham. Horsham has many buildings of historic interest and conservation areas which purpose is to protect buildings from being harmed by development that is not in character to the area.

The proposed development would not see any modifications to the external appearance of the property. As such there is considered to be no harm arising from development and thus accords with policy.

Heritage and Archaeology:

HE9 of the NPPF (2026) requires development proposals within, or affecting the setting and significance of, a Conservation Area to preserve and enhance its special architectural and historic character. Proposals should retain buildings and features that make a positive contribution to the character or appearance of the Conservation Area and respond sensitively to its identified heritage significance through high-quality design. Where development would result in the loss of a building or feature that contributes positively to the Conservation Area, the significance of that element and its contribution to the area as a whole must be carefully assessed. The policy supports development that conserves important heritage assets and features, or which better reveals and enhances the significance of the Conservation Area.

Policy 34 of the HDPF seeks to conserve, sustain and protect the cultural and heritage assets that are within the district. It ensures that development within conservation areas is consistent with the special character of buildings and areas of which they are located within. Areas and buildings that fall under conservation, Listed Building designations or are approximate to them will be protected from inappropriate development which will harm the character and setting of the area / building.

AIM2 of the HBBNP is to protect and conserve the historical interest and character of Horsham. Horsham has many buildings of historic interest and conservation areas which purpose is to protect buildings from being harmed by development that is not in character to the area.

Given the development does not alter the external appearance of the building, there is not considered to be an effect on the Conservation Area.

Residential Amenity:

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.

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. Policy 33(2) 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 scale and siting of the proposed extensions and alterations and the resulting relationship with adjoining properties and land would not be expected to result in unacceptable harm to neighbouring amenity.

The continued use of the retained ground floor premises for commercial purposes would not be expected to result in significant potential for harmful levels of noise or disturbance, with the use in keeping with the town centre location and conditions recommended in respect of opening hours.

The proposed residential units would meet the minimum requirements under Nationally described space standards and would have a sufficient number of windows to provide natural light and outlook. The first-floor dwelling would be sited above the ground floor commercial premises. This arrangement is present throughout the town centre with no evidence to suggest the relationship, as a matter of course, would provide a poor standard of amenity for the residential occupants or adversely impacts on the ground floor commercial use. It is therefore considered that the proposal would provide an acceptable standard of accommodation for future occupants of the residential dwellings.

Highways Impacts:

Policy 40 of HDPF promote development that provides safe and adequate access, suitable for all users. Policy 40 focuses on supporting development of a sustainable and integrated transport system

that supports sustainable transport travel to access jobs, homes, and services. It encourages development that aligns with existing transport infrastructure, reduces carbon emissions, and looks to reduce travel distances and conflicts. Development will be supported where public transport access is improved, routes for cyclists and pedestrians are well implemented and ensures safe highways use for all transport modes.

Policy 41 seeks to find the right balance between ensuring that adequate parking is provided and that it is suitably located and does not conflict with other uses. It should be of good urban design and be appropriate to ensure highway safety. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere the need for the development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.
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The development would not benefit from on-site parking, and none can realistically be provided. The absence of parking is not though considered harmful in this instance. The site is located within a sustainable location where services and amenities are available within the immediate vicinity of the site and where a range of public transport options exist. There are public parking options available within the town centre where necessary, and other parking controls surrounding the site where these would prevent parking taking place in locations which are either oversubscribed, or which would be harmful to highway safety.

The Local Highway Authority has advised that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. There are no reasons to take a different view and the highway impacts on the proposal would similarly not be expected to result in unacceptable harm to amenity.

Other Matters:

Horsham District Council recognises representations and consultation responses received. Whilst it is acknowledged that the location is within the town centre where there may be an amount of noise associated with the day to day function of the town centre along the primary retail frontage, it is considered that the requirement of a noise assessment is not necessary given there are several residential dwellings within the vicinity of the site.

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 development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusions:

The development is considered to meet the policies above and is recommended for approval.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	74.78	74.78	0
		Total Gain	
		Total Demolition	

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

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-Occupation Condition**: No part of the development hereby permitted shall be occupied until details for the provision for the storage of refuse and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to occupation (or use) of the development hereby permitted and thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

5 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling (or use) hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: No new plumbing, pipes, soil stacks, flues, vents, ductwork or the like, shall be fixed to the front external face (as marked on plan ADC/1730/04) of the building without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interests of visual amenity and in accordance with Policies 33 and 34 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition**: No new grilles, security alarms, lighting, cameras or other like items shall be fixed to the front external face (as marked on plan ADC 1730/04) of the building without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interests of visual amenity and in accordance with Policies 33 and 34 of the Horsham District Planning Framework (2015).

8 **Regulatory Condition**: The residential development hereby permitted shall limit the water usage of each person per day to 110 litres in the residential part of the development. The water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 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/26/1244
(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
Elevation plan	Front and Rear Elevations Existing & Proposed	ADC 1730/04	30.09.2026
Floor plan	Floor Plans as Existing	ADC 1730 / 01	03.08.2026
Floor plan	Floor Plans as Proposed	ADC 1730 / 02	03.08.2026
Section plan	Section as Existing & Proposed	ADC 1730 / 03	03.08.2026
Location & Block plan	Site Plans	ADC 1730 / LP	03.08.2026

DELEGATED

Case Officer sign/initial J Burrowes Date: 30/09/2026

Authorising Officer sign/initial TDale Date: 13.10.2026