Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0974
Whitebreads Farm, Stane Street, Slinfold, West Sussex, RH13 0RE

DESCRIPTION:

Variation of Condition 4 of previously approved application DC/22/1841 (Extension to hardstanding area and change of use of land for storage of scaffolding (Retrospective)) to allow rack storage to not exceed a total height of 5.5m.

RELEVANT PLANNING HISTORY:

DC/20/1720	Enlargement and formalisation of existing vehicular access and proposed track.	Application Permitted on 08.01.2021
DC/22/1841	Extension to hardstanding area and change of use of land for storage of scaffolding (Retrospective).	Application Permitted on 28.01.2025

DESCRIPTION OF THE SITE

The application site lies to the east of Stane Street within a countryside location, and previously formed part of the agricultural use and comprised of an area of trees, bushes and grass to the east of the wider application site. The wider site comprises Whitebreads Farm which has a mix of permitted uses including agricultural, light industrial and storage of scaffolding to the southwest of the application site. The site is not within a Conservation Area and there are no Article 4 Directions covering the site. A Public Right of way runs east- west immediately to the south of the site and the area falls within The Mens Bat Sustenance Zone (HDPF Policy 31).

DESCRIPTION OF THE APPLICATION

Retrospective planning permission was granted in January 2025 under reference DC/22/1841, permitting an extension to the area of hardstanding and the change of use of land for the storage of scaffolding. As part of this approval, Condition 4 (detailed below) was imposed. This application seeks to vary that condition to allow the racks and stacked scaffolding to exceed the previously conditioned height of 3 metres, up to a total height of 5.5 metres.

Condition 4 of DC/22/1841, reads as follows:

Regulatory Condition*: The use of the site shall be limited to scaffolding storage only. Any racks stored or stacked in this area shall not exceed a total height of 3m.*

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

This condition is sought to be varied, with the wording proposed as follows:

"The use of the site shall be limited to scaffolding storage only. Any racks stored or stacked in this area shall not exceed a total height of 5.5m."

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 7 - Strategic Policy: Economic Growth
Policy 10 - Rural Economic Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles

The Slinfold Neighbourhood Plan (2018):
Policy 3: Green Infrastructure
Policy 4: Conserve and Enhance Biodiversity
Policy 5: Development Principles
Policy 12: Economy and Enterprise

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 6: Climate Change
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 31: Rural Economic Development

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

Slinfold 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 Planning Compliance: No comments to make

HDC Environmental Health: No response received

HDC Landscape Architect: No response received

OUTSIDE AGENCIES

Ecology Consultant: No Objection

The proposed variation is to alter the wording, so that the total height is 5.5m. Do not consider that the variation of the allowed total height of the racks or stacked materials will have any further impacts on ecology. No further comments on this variation of condition application. Remaining conditions relating to ecology for this consented development should be retained.

WSCC Highways: No Objection

Having reviewed the submitted information on the Horsham District Council Planning web pages, there does not appear to be any material impact on or to the adjoining public highway. As such, the Highway Authority raises “No Objection” to the proposal.

WSCC Rights of Way: No Objection

The proposal does not appear to impact the safe usable access for lawful users of the public footpath (pedestrians only). The applicant is reminded that no scaffolding can be erected or placed on the line of the footpath without prior consent of WSCC’s Public Rights of Way Team as it would be considered an obstruction.

PUBLIC CONSULTATIONS:

Representations:

None received.

Parish Comments:

Shipley Parish Council: No Objection

Slinfold 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:

The application site lies outside recognised settlements identified for development under HDPF Policies 2 and 3 and is therefore considered to be within the countryside. It is not allocated as a Key Employment Area in either the HDPF or as an area focussed on business/commercial in a designated neighbourhood plan.

HDPF Policy 26 seeks to protect the rural character and undeveloped nature of the countryside. Development must be essential to its location, proportionate in scale, and must not result in a significant increase in activity. It should also conserve key landscape features.

HDPF Policy 10 supports sustainable rural economic development that benefits local communities. Development is supported where it contributes to the rural economy, is appropriately located, and does not harm the countryside.

The Slinfold Neighbourhood Plan (Policy 12.4) supports small-scale business development in suitable rural locations, provided it aligns with the character and vitality of the area.

The Planning Statement submitted with the previous application (DC/22/1841) notes that the enterprise employs 10no. individuals and contributes to rural diversification. The site is located within the context and boundaries of an established industrial estate. Both the site and the enterprise are considered modest in scale, and the nature of the activities is consistent with others on the estate. In principle, the proposal is considered to contribute positively to the wider rural economy and deliver economic benefits. The variation of condition is not expected to result in a significant increase in activity within its countryside setting. Therefore, the siting and nature of the rural commercial enterprise are considered to be in accordance with the overarching provisions of Policies 10 and 26 of the Horsham District Planning Framework (2015).

Landscape Character and Visual Impact

HDPF Policy 25 seeks to protect the District's natural environment, including landscape character, landform, and development patterns. Development must conserve and enhance landscape and townscape features, maintain settlement separation, and support the Green Infrastructure Network and biodiversity.

HDPF Policy 31 requires proposals to maintain and enhance Green Infrastructure, with compensatory measures where loss occurs. HDPF Policy 33 supports the retention of important natural features such as trees, hedgerows, and watercourses. Development should relate sympathetically to the landscape and mitigate any losses.

Slinfold Neighbourhood Plan Policies 3 and 4 support development that protects and enhances Public Rights of Way, hedgerows, woodland, and biodiversity. Proposals must conserve designated sites and species, preserve ecological networks, and follow best practice in sustainable drainage. Where harm to biodiversity is unavoidable, robust justification and mitigation are required.

The submitted Cover Letter confirms that the site has been occupied by a local scaffolding company since 2021, with the storage structure in place since that time. The structure measures approximately 5.5 metres from ground level to roof height, which is necessary to allow safe access for lorries to load and unload materials. This operational requirement justifies the proposed height.

The application site is located within a formal industrial yard in the countryside, surrounded by existing buildings and storage areas. While the storage of scaffolding has altered the site's appearance, given the immediate built form and activities, the visual impact is limited. Views from Public Right of Way 1457 are framed by the surrounding industrial context, with stockpiles seen alongside other buildings and land uses.

The difference between a structure of 3 metres and one of 5.5 metres is considered negligible in terms of visual impact. The proposed height is proportionate to the site's established use and surroundings, and does not result in harm to the wider landscape character. A revised condition will secure the height limit at 5.5 metres, ensuring consistency and control.

The officer's report for the previous application (DC/22/1841) concluded that the development did not give rise to unacceptable visual impacts. This remains the case, with the height unchanged and confirmed through photographic comparison. On balance, the proposal is considered acceptable in landscape and visual terms and is supported by the existing industrial context.

Amenity Impacts:

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.

It is considered that the siting and layout of the proposed due to separation distances and screening would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Highways Impacts:

The proposal does not seek consent for an intensification of the use of the site, nor an increase in the footprint of the site, therefore, no impact on the operation of the highway network is considered. WSCC Local Highway Authority (LHA) have raised no objection to the proposal, stating the proposal would not appear to have any material impact on or to the adjoining public highway.

Ecology:

The Council's Ecologist Consultant has no objection to the proposal, stating they do not consider that the variation of the allowed total height of the racks or stacked materials will have any further impacts on ecology. The consultant has requested the remaining conditions attached to DC/22/1841 that relate to ecology, be retained. Given the nature of 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.

Given the nature of the proposals, with no water connections proposed, the application has been screened out as there is no clear evidence that the proposed development will result in a likely significant effect on the Arun Valley SAC/SPA/Ramsar sites. 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.

Other Matters:

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.

The proposal would involve no change to the nature of activity at the site and the proposal would not therefore contribute to an additional impact on climate change.

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 Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- This application for planning permission was made 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 proposed development is considered acceptable, with the structure's height being justified by the functional needs of the business and reflecting the established industrial context of the site. Views from public vantage points are limited and set against a backdrop of existing buildings and storage areas. With the height remaining unchanged and a revised condition securing its limit, the proposal is not deemed to result in harm to the wider landscape character or visual amenity. On balance, the development is supported.

Recommendation: Application Permitted

Conditions:

2 **Regulatory Condition**: The approved landscaping scheme shall be fully implemented in accordance with the approved details in the next planting season. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local

Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment and Enhancement Plan (AEWC Ltd., May 2023)), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during the creation of the mitigation measures. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

4 **Regulatory Condition**: The use of the site shall be limited to scaffolding storage only. Any racks stored or stacked in this area shall not exceed a total height of 5.5 metres.

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

5 **Regulatory Condition**: Hours of operation, including loading and unloading to be limited to 07:00-17:00 hours Mondays to Fridays and 07:00-13:00 Saturdays. No operations are permitted on Sundays or Bank Holidays.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

The Applicant is advised:

A. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.

B. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.

C. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

D. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

E. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

F. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

G. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

H. Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

I. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.

J. Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

K. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

L. Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.

M. Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.

N. Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.

O. If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

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)).

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/25/0974
(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	Site Location Plan	NONE	12.06.2025

Supporting Statement		NONE	12.06.2025
Supporting Statement	Cover letter	NONE	12.06.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 06/08/2025

Authorising Officer sign/initial Tamara Dale Date: 07/08/2025