Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0185
Orchard Farm, Emms Lane, Brooks Green, West Sussex, RH13 0TR

DESCRIPTION:
Change of use of building nos. 14-17 and a former packing building from agriculture to a mixed commercial storage (Class B8) and light industrial use (Class E(g)(iii)) together with associated alterations and parking

RELEVANT PLANNING HISTORY:

DC/23/1512	Change of use of buildings R1, R2 and nos. 18-19 from agriculture to a mixed commercial storage (Class B8) and industrial (Class E(g)[iii]) together with associated alterations and parking.	Application Permitted on 19.12.2023
DC/23/0044	Use of Building approved under application reference SP/21/96 for general industrial purposes (Use Class B2) (Lawful Development Certificate - Proposed Use).	Pending Consideration
DC/16/1053	Chick rearing building with associated hard standing and land drainage	Application Permitted on 16.06.2016
DC/15/1741	To demolish existing storage buildings and rebuild for use as offices and workshop with associated parking	Application Permitted on 22.09.2015
DC/14/1811	Chick rearing building with associated hard standing	Application Permitted on 15.10.2014
DC/11/2163	Relocate two silos and amend height of roof of poultry building granted consent under ref DC/09/1637	Application Permitted on 22.12.2011
DC/09/1826	Refurbishment of poultry buildings 10, 11, 12, 13, 14 and 15 including ventilation	Application Permitted on 15.06.2010
DC/11/2144	Erection of solar panels on south elevation of existing packhouse building	Application Permitted on 01.12.2011
DC/09/1637	Erection of one poultry building, poultry litter building and feed silo extension	Application Permitted on 15.06.2010
DC/09/1405	Poultry litter building	Application Permitted on 25.09.2009

SITE AND SURROUNDS
The application site comprises part of the Orchard Farm site, which has a long established history for producing, packing and dispatching eggs from its site since the 1970's (Kinswood Eggs). The wider site includes a number of sheds / buildings to the western side which comprise the rearing, laying, former packing operations, and equipment repair / storage, as well as a number of feed silos situated between buildings, and a manure store in the south-western corner of the site. The wider site also includes farm lands which have more recently been established as a vineyard, although no processing takes place on site of the end product, with the harvest being moved off for processing.

From another application pending consideration at the site, it is understood that the egg sorting and packing operations, undertaken in a separate building, took place Mon – Fri 08:30 – 17:00 and 08:00 – 13:00 Sundays on account of the continuing cycle of egg laying, with some work on Saturdays and Bank Holidays necessary to clear backlogs on occasion, necessitating vehicular movements as part of the dispatch process throughout the week, with the farm owning a fleet of delivery vehicles, but with incidental vehicular movements associated with some eggs brought into the site for packing and dispatch. Submitted details calculate average daily vehicular movements at the site when fully operational were around 198 across a 5-day week, or 149 across a 7-day week.

Kinswood Eggs has been known locally as a good employer and producer of eggs, and was operating until an outbreak of Avian influenza in 2022 caused a near immediate shut-down of the facilities, followed by the culling of all stock on site. Although the site is currently undergoing deep cleaning and other remedial works in line with DEFRA recommendations, it is stated that they cannot re-stock for 12-months following the outbreak, with no guarantee that there won't be another instance of bird flu.

The applicant is therefore seeking options to diversify use of the site to generate income once more. More recently, permission has been granted to convert buildings R1, R2, and 18/19 into mixed use commercial storage of industrial use (DC/23/1512), whilst building M2 was converted to light industrial uses under Prior Notification Class R (DC/23/0145). There remains a pending CLOPUD application seeking confirmation that the former egg-packing building could be used for general B2 purposes (DC/23/0044).

The site lies in a rural area and is not a designated employment zone. There are no designated heritage assets at or near the site, and only a very southerly portion of the wider site lies within the flood zone. Residential properties Orchard Cottage (360m) and Orchard Farmhouse (510m), both occupied by the applicant's family, and within the wider landholding of Orchard Farm, lie along the shared access track. Field House and Chivers both lie some 520m and 580m to the east of the application building and are occupied independently to the farm. Bouges Farm and Bouges Barn lie some 540m to the north-east, and further properties on Emmets Farm lie some 210m to the south of the application buildings.

There is a single vehicular access and track serving the entire farm which comes off Emms Lane, which is an adopted D-class road. Two residential farm properties, associated with the landholding, are located off this lane (Orchard Cottage and Orchard Farmhouse).

The overall site comprises an area of some 3.41ha, but the three buildings concerning this application have a floor area of around 4,280sq.m (unit 14/15 = 1,342sq.m, unit 16/17 = 2,688sq.m, and small packing shed = 250sq.m). the overall site area comprising the 11 original buildings of the egg farm, employed some 55 FT staff.

DETAILED DESCRIPTION

The proposal seeks a change of use of buildings marked 14/15 (refurbished under DC/09/1826) and buildings 16/17 (permitted under PS/4/99) from the existing agricultural use as part of an intensive poultry / egg farm, to a mixed commercial storage (Class B8) and light industrial (Class E(g)(iii)).

There would be limited external and internal alterations to the buildings to facilitate the conversion from an agricultural chicken rearing barn, and the creation of a row of parking between the two buildings the buildings, with the proposed layout showing some 26 parking spaces, and further spaces available alongside the northern buildings within the site. Alterations to the buildings would involve the stripping out of existing equipment relating to the rearing and keeping of hens and egg-laying production, and the installation of new roller shutters doors, personnel doors and fire escape doors to the buildings.

It is estimated that the proposed change of use would generate some 55-90 FT employees. The Statement calculates that the proposed use and staffing would generate some 84 vehicular movements per day.

The planning statement considers that the remaining buildings on the site would be re-stocked with hens and brought back into active agricultural use. The financial risk involved in re-stocking with hens

following the previous avian flu outbreak and subsequent deep clean remains high considering the potential for future outbreaks at the site. The farm would therefore look to enable the diversification of the three application buildings (two blocks) which would provide some financial security for the farm going forward, supplementing the agricultural income with a more reliable (commercial) source of income.

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 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
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
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

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. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 3 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Shipley Neighbourhood Plan (June 2019)

Policy Ship TT1: Active travel
Policy Ship CO2: Employment
Policy Ship CO3: Broadband and Mobile Reception

Shipley Parish Village Design Guidance (Dec 2018)

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 Environmental Health: Objection

- Application is currently insufficiently detailed to be determined
- Potential for adverse noise impact on residential properties, particularly on those properties in close proximity to the access road, given the low background noise levels in this part of the district and the proposed change of use to mixed commercial storage (B8) and light industrial (Class E) – the application should be accompanied by a noise impact assessment, which quantifies and assesses the impact of noise on residential amenity and crucially, provides the LPA with confidence that the noise levels are capable of being mitigated through conditions
- Although an Air Quality Assessment has been submitted, the guidance should be applied to this development and an assessment on the air quality impacts and any proposed mitigation submitted in support of the application, including a damage cost calculation as the development is classified as 'Major'
- Given the historic agricultural use of the site, which Environmental Health considers potentially contaminating, the application should be supported by a Phase 1 Preliminary Risk Assessment
- During site clearance, preparation and construction there is a potential for residents to experience adverse impacts from noise, dust and construction traffic movements, These should be minimised and controlled by a developers and a construction environmental management plan recommended as a condition

OUTSIDE AGENCIES

WSCC Highways: No Objection

- Existing use of site noted and previous approval of DC/23/1512 in respect of buildings R1, R2, 18-19 noted, with no objections raised by LHA
- Site is accessed from Emms Lane, a T-class Road just north of Brooks Green Village, with the road serving a number of industrial and commercial outlets – no modifications proposed
- Access off Emms Lane considered to be of sufficient geometry to accommodate anticipated level of vehicular activity with acceptable and demonstrated sightlines
- No identified recorded accidents within last 3 years and no evidence to suggest that the access and local highway networks are operating unsafely
- Submitted TS considered permitted and proposed uses and flow generation based on TRICS – using data the proposal would lead to +68 vehicular movements over and above previous historic use
- Increase acknowledged but no expectation that this proposal would give rise to any increase or material change over what has been previously permitted
- 48 additional parking spaces proposed which is considered acceptable – LHA not aware that previous uses resulted in excess parking spilling onto Emms Lane and so no anticipated on-street parking expected
- The Local Highway Authority (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 para 115 of NPPF. Therefore, there are no transport grounds to resist this proposal.
- Conditions advised (cycle and car parking)

West Sussex Fire and Rescue: Comment

The nearest fire hydrant for the supply of water for firefighting is 780 metres away, 690 metres further than the 90-metre distance required for a commercial premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document–B (AD-B) Volume 2: B5 section 16 and agreed with West Sussex Fire & Rescue Service. Although this is a change of use planning application, it is a change of use and the B5 requirements for this site should be considered

Southern Water: No Objections

Natural England: No Objections

(Shipley) Parish Comments: Support

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

Background:

In this instance, the background to the current proposal is important to note, as it follows the outbreak of avian flu within the former egg production farm, and seeks to minimise the financial risk involved in re-stocking for ongoing agricultural use (egg farm). The recent avian flu outbreak required a complete cull of all livestock at the site had to be carried out with a subsequent deep clean and a restriction on keeping chickens again at the site for a 12-month duration, all of which is government mandated in response to the avian flu outbreak.

As a result, the owners of the site have suffered a financial set back and are looking to explore viable alternatives for some of the existing buildings on their land holding. The conversion of buildings M2, R1, R2, 18/19 has now taken place, benefitting from consent for commercial uses falling within B8 (storage and distribution) and E(g)(iii) (industrial) uses, amounting to a cumulative floor area of around 4,800sq.m.

As part of the current application, officers are aware that the egg production farm is operational from a number of buildings to the north of the application site, maintaining an agricultural use of the site, but on a much smaller scale than the previous egg production facility.

The farm previously employed some 55 staff across all 12 buildings with staff maintaining an animal welfare presence on the site across a 24-hour period. It is understood that lorries were dispatched as early as 5am to ship the packed eggs to their destinations (including London). The reduced egg production is estimated to be some 1/3 of its previous scale.

Principle of Development:

Policy 10 of the Horsham District Planning Framework (HDPF) 2015 seeks to support the rural economy where this meets rural community needs and enables rural towns and villages to remain self sufficient and economically vibrant. The policy further accepts that diversification can enable positive re-use of existing buildings within rural areas, thus potentially limiting adverse impacts on the landscape character.

Therefore, the principle of finding alternative uses of the existing and long-established buildings within this rural agricultural cluster would provide a sustainable re-use of existing infrastructure, buildings and resources. The re-use of buildings which are suitable for conversion, such as those within the application site, would be in accordance with HDPF policy 10.

Furthermore, Policy CO2 of the made Shipley Neighbourhood Plan also supports the re-use of / conversion of existing farm buildings to provide employment opportunities.

Officers consider that the proposed re-use of the application building to alternative employment uses would provide the land-owner with a flexible use of the buildings, which could continue to support a smaller ongoing agricultural activity at the site. It is therefore considered that the proposed conversion of the applicant buildings would accord with policy directive seeking to find suitable, appropriate and alternative uses of serviceable agricultural buildings.

Design and Appearance:
From the officer's site visits to the premises it is clear that the established farm results in a utilitarian appearance that is suited to its functional purpose. The shed dimensions and external materials are appropriate to typical farming enterprises which require robust fit-for-purpose structures. The area around the buildings is a mixture of crushed aggregate, soil / grass and concrete hard-standings.

The proposed change of use would not deviate from this overall established appearance, with the only external changes to the buildings limited to the replacement of access doors with modern roller shutters in the east and west sides, and the formation of new emergency fire doors in the north and south sides.

Therefore, officers consider that the proposal would continue to adhere to Policies 25, 32, and 33 of the HDPF, which promotes development that protects, conserves and enhances the landscape character, and paras 135 and 139 of the NPPF (2023).

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

The proposal would utilise an existing farm track to access the public highway network and Emms Lane, which serves a number of residential and agricultural land holdings, two nearby mobile / park home sites and the village of Barns Green. Emms Lane links to the wider rural road network in the locality. The submitted plans provide a layout of where the pockets of parking would be secured within the site. Given the potential spaces around the application buildings and other areas of existing hard-standing within the site, it is not envisioned that any overspill parking would occur on the public highway network, some 800m away from the application buildings. The ability of the site to accommodate the necessary car parking requirements of an alternative (non-agricultural) use is one of the requirements of HDPF policy 10.

Following consultation with the Local Highways Authority, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern. The submitted transport data reveals that the proposed development could increase traffic movements along the lane over and above those associated with the former / lawful use by some 68 movements across an average weekday (noting that the egg farm dispatched products over the weekend). Furthermore, the traffic movements associated with the former / lawful use are noted to have generated movements by much larger vehicles / HGVs than would be likely from the proposed uses, which would be smaller vans in the main along with cars. The starting baseline against which the proposed traffic movements are assessed, is therefore based on the previous egg production operations at the farm, which saw an average of some 198 daily vehicular movements across 5 days.

The submitted Transport Statement in relation to the proposed change of use takes account of the previously consented uses at the site, along with a reduced egg production facility now taking place in buildings OGR, 10-11, 12-13 and M1, which is around 1/3rd of its previous output. It would therefore be assumed that associated vehicular movements would also have reduced in proportion, to some 66 typical daily movements.

The application site comprises around 35% of the overall floor area of the farm, and has therefore been allocated a baseline of some 69 vehicular movements, with the proposed commercial uses potentially generating a calculated average of 137 daily vehicular movements (+68 over and above the allocated baseline).

On this basis, the changes of use already consented in the remainder of the site (buildings M2, R1/R2, and 18-19) would be allocated a baseline of 63 vehicular movements. The consented commercial uses were calculated as part of the consented scheme around 84 and 10 movements, (some +31 over and above the allocated baseline).

The proposed application alone, would generate a calculated +68 vehicular movements over and above the historic baseline, which, across a 9-hour business day, would be an average of some 7 extra movements per hour.

The cumulative impact, when taken with the increased movements arising with the previous permissions (amounting to +99 additional movements), would lead to an average of 11 movements per hour.

This increase, over and above the historic baseline, has been acknowledged and assessed by the Local Highways Authority, and is not judged to give rise to a material increase or adverse level of impact on the local highways network. Officers have no reason to disagree with this conclusion.

Accordingly, it is not considered that the proposed B8 and E(g)(iii) class uses within an established site would lead to a material intensification of the site such to a degree that would warrant the refusal of permission, but would instead remain appropriate to the existing transport infrastructure within the location.

For these reasons, it is considered that the proposal would not result in adverse harm to the function and safety of the public highway, and is capable of meeting the relevant parking needs of the alternative uses, in accordance with Policies 10, 40 and 41 of the Horsham District Planning Framework (2015), and para 115 of the NPPF (2023).

Amenity Impacts:
Policy 33 requires that development avoids unacceptable harm to the amenity of occupiers/users of nearby property and land.

Paragraph 180 of the NPPF states that decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

As part of the earlier planning application DC/23/1512, it was noted that the two properties located alongside the farm track, Orchard Cottage and Orchard Farmhouse are both within the applicant's ownership and are occupied by the applicant and his family, with both Orchard Farmhouse and Orchard Cottage also being subject to agricultural occupancy conditions.

Officers are satisfied that, given the existence of an established agricultural land holding and its previous lawful diversification to include an on-site vineyard and wine-making, the access track has been subject to a reasonably high numbers of vehicular movements throughout a full week, with many of these being by way of truck / HGV. Whilst overall movements would increase on a comparative floor area basis, the type of vehicles would likely be smaller in the main with reduced impacts. Therefore, the pre-existing nature of the site is noted, and the relationship between the site's use and the two nearest residential properties.

The objections raised by the council's Environmental Health department are fully acknowledged, with the requested noise impact assessment considered essential in order to assess whether the proposed commercial and storage uses accord with the rural location and proximity to residential properties.

Officers acknowledge that the specified use of the buildings for B8 use includes both storage and distribution uses, but the submitted plans do not indicate areas of outside storage identified. Similarly in assessing the proposed Class E(g)(iii) (light industrial) use, officers acknowledge that this extends only to those uses *'which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'.* Traditionally, these types of uses were considered compatible with residential areas. More intensive industrial uses fall under B2 use, which is expressly not being sought under this application.

Given the pre-existing nature of the agricultural holding operating form this site, the limited nature of the proposed uses and the conversion of existing buildings rather than any new construction, officers consider that planning conditions could therefore be used to restrict the potential for external storage within the site as well as stell stockholding, thus reducing the potential for isolated noise events to occur, along with restricting trade counters within the site to ensure that associated traffic movements remain comparable to the existing use of the site.

Consideration needs to be had to the potential cumulative impact of the ongoing agricultural use continuing at the site, albeit at a reduced scale, and the implications of all commercial uses being occupied at a high rate. Given the location of the site and the intensive nature of the egg production unit when at its highest capacity, which included a small element of retail sales on site where customers could purchase eggs directly, the proposed diversification of part of the wider agricultural site is not considered to contribute to an adverse level of harm to neighbouring residential amenities.

A number of conditions are advised in respect of outside storage and hours of use, which should control activities and uses in areas and at times such as night time, when sound impact may carry further beyond the site's boundary. Officers consider that with these suggested conditions in place, no undue adverse harm would occur to the amenities of neighbouring properties or users of land, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

Environmental Impacts:
HDPF policy 24 expects proposed development to minimise exposure to and the emissions of pollutants including noise, air, odour and light pollution, and sets further criteria for assessing applications against. Paragraph 191 of the NPPF continues that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions, and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life. Paragraph 194 of the NPPF outlines that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions. Planning decisions should assume that these regimes will operate effectively.

Officers note the objections raised by the Council's EH team in response to potential uncertain impacts of noise, contamination and air quality. It is to be noted that there are no proposed changes to the nature of the buildings' structure or fabric by way of extensions or other structural alterations, with the existing internal floor being a sound concrete floor which will remain in situ. In this instance, given that the ground is not to be disturbed with the development being confined solely to the use within the buildings, it is considered that the preliminary risk assessment and any necessary mitigation can be sought by way of a planning condition in this case, as per the other permission granted on this site under DC/23/1512.

Flooding:
The application buildings are at not situated within an area at risk of surface water flow paths, and although medium and higher risk areas exist around the southern fringes of the site, there is no need to carry out a sequential test as changes of use are exempt under footnote 60 of the NPPF.

It is also noted that the proposed change of use would not change the vulnerability (less vulnerable) rating of the site and its use, which is compatible with locations in low-high risk flood zones. The access route into and out of the site travels north where land levels increase and which is not subject to any flood risk.

The proposal is therefore considered to accord with the advice and requirements set out under HDPF policy 38.

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 proposed development includes the following measures to build resilience to climate change and reduce carbon emissions.

As part of the current change of use application, the only associated climate change benefit arising from the proposal would be the effective re-use of an existing building where limited external changes are needed to implement the conversion.

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.

It is clear that the existing agricultural unit would have been drawing its water demand from a mains-fed source. Submitted water bills show a high water consumption across the wider site, noted to also include the washing and packing building, with the use averaging out at around 77,400 l/d. This has been proportionally divided across the wider site's floorspace as 4.14l/d / per sq.m.

Applying the proportional split to the three application buildings, this arrives an at existing baseline water use of **14,179 l/d** (application site).

The proposed water use is based on an average of 50 l/p/d (per employee), which officers consider to be a proportionate figure for an office/ business use. The average employee numbers likely to arise by way of the conversion are based on OffPAT employment densities (2010):

- B8 (large scale and high bay warehouses) – 80sq.m / employee
  = **2,700 l/d**
- E(g)(iii) light industrial uses – formerly B1(c) – 47sq.m / employee
  = **4,555 l/d**

An average across both use classes would be 58 employees across the site (3 buildings) = **3,650 l/d**

Using the above proportional baseline water use at the existing three buildings, there would therefore be a headroom in the figures of some 14,069l/p/d using the above proposed 'average' staffing numbers / water usage 3,650 l/d.

Following assessment by Natural England, there are no objections to the proposal subject to delivery, maintenance and management of the measures identified in the submitted water neutrality statement, and subject to the understanding that the claimed water usage is representative of the actual use.

Therefore, given the existing high water usage across the site and the proportional allocation of the existing water budget to the application site, there is no clear or compelling evidence to suggest the nature and scale of the proposed change of use of the existing farm buildings, would result in 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 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017

Conclusions:
The development would support, sustain and contribute to the varied and productive economic activity within the rural location. Of material consideration is the nature of the existing intensive agricultural unit which produced a large number of eggs for dispatch on a daily basis throughout the week for many years prior to the current application.

The proposal would result in an increase in the level of associated activity when considering the existing vehicular movements associated with the egg farm, especially given the previous permissions granted for changes of use within the site, and the re-commenced egg production / authorised agricultural use within a reduced area of the site. The level of this increase has been noted, but is not considered to be material over and above the historic use and activity of the site, and therefore, would not result in a significant increase in the overall level of activity in the countryside, nor noise and disturbance to the amenity of neighbouring residential properties and users of land. The calculated increase in the number of associated vehicular movements could be adequately accommodated in highway capacity and safety terms with no concerns raised by the Local Highways Authority in this regard. Furthermore, it is anticipated that the type of vehicles used to service these units would be smaller than typically were used as part of the dispatch lorries used for the egg farm.

The proposed change of use is considered acceptable, in accordance with the relevant local and national planning policies.

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
All Other Development	4,280.00	4,280.00	0.00
		Total Gain	**0.00**
		Total Demolition	**0.00**

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:

1 Plan list

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), or the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises hereby permitted shall be used for B8 storage purposes and uses falling within use class E(g)(iii) industrial only and for no other purposes whatsoever without express planning consent from the Local Planning Authority first being obtained.

Reason: To ensure the development remains water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District

Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species), and to safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: No workshop processes, deliveries and dispatches, or external operations or activities (including the operation of plant and machinery), shall take place except between the hours of 0800 hours and 1800 hours on Mondays to Saturdays inclusive, and 0800 hours and 1300 hours on Sundays and Public Holidays. All external shutters and doors to the buildings R1, R2, 18 and 19, shall be closed except between these hours.

Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015)

5 **Regulatory Condition**: No steel stockholding or heavy plant hire shall take place on site.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: No bulk storage of fuels, oils, chemicals, explosives or pyrotechnic devices shall be permitted without the prior written approval of the local planning authority.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition**: No external storage of any materials or waste shall take place at any time.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

8 **Regulatory Condition**: No new 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).

9 **Regulatory Condition:** No part of the site hereby permitted shall be designated, equipped or used as a vehicle washing area without the prior written consent of the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

10 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order) and the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the premises hereby permitted shall not include trade counters or showroom/retail uses without express planning consent from the Local Planning Authority first being obtained.

Reason: The site is not within an area where permission for shopping purposes or town centre uses would normally be granted and to ensure the development remains in appropriate employment use in accordance with Policies 7 & 9 of the Horsham District Planning Framework

(2015) and to ensure the development remains water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

11 **Regulatory Condition**: 2no. Electric Vehicle Charging points shall be provided and installed within the application site within 3 months of first use of the buildings. The provision of EV chargers for the designated uses shall be provided and retained at all times for their designated purpose.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies and to mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/0185

(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 & Site plan	Details of visibility splay and swept path tracking	24-01-04	31.01.2024
Elevation & Floor plan	Building 14/15, as existing and proposed	24-01-01	31.01.2024
Elevation & Floor plan	Small building, as existing and proposed	24-01-02	31.01.2024
Elevation & Floor plan	Building 16/17, as existing and proposed	24-01-03	31.01.2024
Supporting Statement	Transport	23/7199/TS02	31.01.2024
Supporting Statement	Water Neutrality	NONE	31.01.2024
Supporting Statement	Planning	NONE	31.01.2024

DELEGATED

Case Officer sign/initial Nicola Pettifer Date: 11.04.2024

Authorising Officer sign/initial	Adrian Smith	Date:	12/04/2024