



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0753
Unit 2 , Redkiln Close, Horsham, West Sussex, RH13 5QL

DESCRIPTION:

Retention of existing flue

RELEVANT PLANNING HISTORY:

DC/20/0252	Installation of a temporary single storey portacabin building to be used office accommodation	Application Permitted on 07.04.2020
HU/92/03	Removal of condition 13 of hu/78/86 restricting use & allowing use with class b1 & b2 Site: Safeguard Chemicals Ltd Redkiln Close Horsham	Application Permitted on 10.06.2003
HU/206/02	Change of use from light industrial to storage and distribution Site: Unit 2 Redkiln Close Horsham	Application Permitted on 04.10.2002

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 9 - Employment Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
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

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old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).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 1 year. 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.

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 11: Environmental Protection

Strategic Policy 12: Air Quality

Strategic Policy 13: The Natural Environment and Landscape Character

Strategic Policy 17: Green Infrastructure and Biodiversity

Strategic Policy 19: Development Quality

Strategic Policy 20: Development Principles

Strategic Policy 30: Enhancing Existing Employment

Horsham Blueprint Business Neighbourhood Plan (HBBNP) 2019 - 2036:

Policy HB3 - Character of Development

Policy HB4 - Design of Development

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 Environmental Health:

More Information (02/06/2026)

Insufficient information has been provided to assess the acceptability of the flue

No Objection (30/06/2026)

As flue is not serving a furnace or a boiler, section 14 of the Clean Air Act does not apply. No further comments.

PUBLIC CONSULTATIONS:

Representations:

2 letters of Objection have been received from 2 addresses, objecting to the application on the following grounds:

- Noise and disturbance from business operation
- Overdevelopment of the site

Parish Comments:

None received

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 Retention of existing flue at Unit 2, Redkiln Close, Horsham.. Redkiln Close together with Blatchford Road to the east forms a wider industrial estate. The wider site is made up of industrial units of varying sizes and designs and houses a number of different businesses. Unit 2, Redkiln Close is currently occupied by Safeguard, a manufacturer of specialist damp-proofing and waterproofing products

Though the site is located within an industrial estate, to the north and west, the site is positioned close to residential uses including private dwellings and retirement home of Manton Close.

Principle of Development:

Policy 5 of the HDPF seeks to enhance Horsham's role as the district's principal economic and cultural centre by supporting development within the town's built-up area that preserves its historic character and high-quality environment. Development should strengthen the town's range of services, arts, heritage and leisure facilities, contribute to a diverse and resilient local economy, including a vibrant high street, employment opportunities, strong evening economy and support connections to the wider Gatwick Diamond and South East economy. The policy also promotes high-quality transport infrastructure that improves accessibility for all modes, delivers a balanced mix of housing suited to modern town-centre living, and protects, expands or enhances Horsham's network of formal and informal green spaces.

Policy 7 of the HDPF advocates for Economic Growth. Sustainable employment development will be achieved in a number of ways including:

- Redevelopment, regeneration, intensification and smart growth of existing employment sites.
- Development of small, start-up and move-on businesses, as well as home working and home based businesses, by encouraging provision of small units through development proposals
- Encouraging appropriate workspace and ICT infrastructure including high speed broadband to support flexible and homeworking
- Retention of key employment sites and identifying additional employment sites

- Promotion of district as an attractive place to stay and visit to encourage tourism and value of tourism economy
- Expansion of higher education facilities; R&D; employment training facilities.

The proposal is for the retention for a flue which allows the continued operation of the business on site. It is considered this proposal would be supported by policies to support businesses to continue function and contribute toward economic growth within Horsham. The proposal accords with the policies above.

Design and Appearance:

Policy 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the sky-line 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.

The proposal seeks to retain a flue positioned on the front (south) elevation of the unit. This is positioned to the right hand side of the existing fascia sign and around 5.6m to the right from the middle of the building. The flue itself is fairly large, measuring 1.75m in height with a maximum width / diameter of 0.4m. The flue is positioned 6.75m off the ground (measured floor level to base of flue) and projects 0.5m off the plane of the roof and 0.4m from the side of the building. However, due the pitched nature of the roof, the proposal is approximately 0.1m below the apex of the pitch. Overall, it is considered that though the flue is sizable, it has been appropriately positioned to minimise its effect on neighbouring amenity in terms of design. It is therefore considered the proposal abides by the policies listed above.

Residential Amenity:

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

As per the Environmental Health comments, the flue is not servicing a furnace or a boiler and thus Section 14 of the Clean Air Act does not apply. The Environmental Health Officer therefore had no comments / objection to the scheme given this. Additional information provided by the applicant details the flue is for the on-site lab and extracts solvent vapours. The applicant confirms that the flue has also been fitted with a particulate filter and is HSE compliant under HSG 258, the technical guidance for LEVs (local exhaust ventilation). In addition, the applicant confirms that the flue is also not in constant use and is used sporadically.

It is recognised that a number of objections have been received which have raised concerns regarding noise and disturbance emanating from the business. This includes reference to movements and general activity, as well as the size of the operation. The flue has been installed to support the operational needs of the established business, with the information received not considered to indicate that it is in itself, a source of noise. There is also no evidence to suggest that the flue has increased the operation of level and intensity of activity at the site.

It is therefore considered that the siting, layout, and operation of the flue and the resulting relationship with adjoining properties would not result in any unacceptable harm to neighbouring amenity.

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

Other Matters:

It is noted that condition 2 of planning permission HU/206/02 limits the operation of the building to the following hours:

- 2 *No vehicles, plant or machinery shall be operated on the premises except between the hours of:*

*0800 hours and 1800 hours on Mondays to Fridays inclusive
0800 hours and 1300 hours on Saturdays,
And no working shall take place on Sundays or Public Holidays*

Reason: In the interest of amenity

As such, the operation of the flue would be required to fall within these specified hours.

Conclusion:

It is considered that the development as carried out would be acceptable in policy terms.

Recommendation: Application Permitted

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/26/0753

(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	Elevation Drawing	001 REV P1	11.05.2026
Location plan		NONE	11.05.2026

DELEGATED

Case Officer sign/initial

JBurrowes

Date: 01/07/2026

Authorising Officer sign/initial

TDale

Date: 06/-7/2026