Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0319
Warehouse B, 3 Foundry Lane, Horsham, West Sussex, RH13 5PX

DESCRIPTION:
Variation of Condition 4 of previously approved application DC/20/1346 (Change of use from D2 (assembly and leisure) to A1 (shops) & B1(c) (industrial processes). Installation of a roller shutter door to rear elevation), Relating to operating hours.

RELEVANT PLANNING HISTORY:

DC/14/0678 Change of use from Class B8 to Class D2 Application Permitted on 03.07.2014

DC/19/1327 Variation of Condition 2 to previously approved DC/14/0678 (Change of use from Class B8 to Class D2) to allow for changes to the opening hours of the premises to 06.00 - 21.00 Monday to Sunday including Bank Holidays. Permitted on 04.10.2019

DC/20/1346 Change of use from D2 (assembly and leisure) to A1 (shops) & B1(c) (industrial processes). Installation of a roller shutter door to rear elevation) Permitted on 16.09.2020

DESCRIPTION OF THE SITE

The application site is an existing commercial premises located on the western side of Foundry Lane adjacent to the junction with Foundry Close. The site is located adjacent to the Horsham Trading estate within the built up area of Horsham. The application site forms the northern end unit as part of a larger industrial building which appears to be set over two storeys. The surrounding area is made up of predominantly industrial and commercial units. Opposite the site is the Kingdon Faith Church. It is noted that, Abbey House, located to the north of the application site has recently been converted from an office building into 11no flats under permitted development rights, under planning reference DC/19/0702.

DESCRIPTION OF THE APPLICATION
A variation is sought to condition 4 of DC/20/1346 to allow for extended opening hours of the premises to change from:

Regulatory Condition: The use hereby permitted shall not be open for trade or business, including deliveries and dispatch, except between the hours of 07:30 and 18:00 on Monday to Friday; 09:00 and 13:00 hours on Saturdays and Sundays.

To

Regulatory Condition: The use hereby permitted shall not be open for trade or business, including deliveries and dispatch, except between the hours of 07:30 and 21:00 on Monday to Sunday Including Bank Holidays.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Horsham Town Blueprint Neighbourhood Plan:
Policy HB9: Protecting existing and encouraging new commercial premises and land

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
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

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

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
INTERNAL CONSULTATIONS

HDC Environmental Health: No Objection

This department have no objections to this application in principle. The site is located on an industrial estate close to the railway line, however, there are some residential properties in Parsonage Road. To mitigate any adverse environmental impacts, the applicant will need to exercise suitable controls.

1. The generation of amplified sound (music, Tannoy's, etc) shall be inaudible at the boundary of the application site.

2. No externally located plant shall be installed or operated without the prior written approval of the local planning authority. The hours of operation shall be restricted to the permitted operational hours granted.

HDC Economic Development: No Objection

We support the business seeking to extend trading hours allowing them to take advantage of the weekend and bank holiday trade to ensure the business flourishes.

Our local businesses need support (Economic Prospectus Guiding Principle – Nurturing Business Development) to become more productive and resilient to facilitate long-term economic growth. Supporting change that allows an increase in opening time will increase customer numbers and support this and other local businesses thereby bringing benefits to the local economy

OUTSIDE AGENCIES

WSCC Highways: Advice

This application seeks the variation of condition 4 of previously approved application DC/20/1346, to allow for a change to operating hours. The site is located off Foundry Lane, a C-classified road subject to a speed restriction of 30 mph.

I note that this application seeks only a change to the operating times of the venue – the proposed use as a family soft play centre does not appear to be a consideration as part of this application. I will echo WSCC's comments provided previously for preceding applications at this site, whereby limited parking is available within the site's vicinity. So, whilst this may not need to be considered by the LPA for this application, they may wish to bare in mind the potential impacts on on-street parking from an amenity point of view. There are comprehensive parking restrictions in place on the nearby roads prohibiting vehicles from parking on-street in places that would be detrimental to highway safety. Also, the site is situated close to Horsham Town Centre that is well accessible on foot, by cycle or by public transport.

Notwithstanding the above, the applicant proposes to extend their current operating hours (07:30 – 21:00 Mon-Sat) to encompass Sundays and Bank Holidays too. The extended opening times will be outside of network peak times so the LHA would not raise any capacity concerns in this regard.

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.

Natural England (standing advice): No Objection

PUBLIC CONSULTATIONS:
Representations:

One letter received in relation to the correct address for the application. This should be Enterprise House.

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

Principle of Development:

Policy 9 of the Horsham District Planning Framework seeks to balance the need to ensure protection of valued employment and commercial sites to ensure there are sufficient local employment opportunities to meet the needs of the District, whilst enabling sites which are no longer economically viable to be considered for other appropriate uses. This policy also seeks to ensure that there is flexibility in accommodating business needs in terms of commercial floorspace and allows for the development of small businesses which are playing an increasingly important part in creating a sustainable local economy

Policy HB9 of the Horsham Blueprint Neighbourhood Plan seeks to protect existing employment land while also encouraging new businesses. In particular part c) states 'Proposals that support or enhance existing businesses delivering a net gain in employment in sustainable locations and enabling businesses to grow will be supported.'

The site is situated within Foundry Lane Industrial Estate, a designated Key Employment Area as set out in Policy 9 of the HDPF. Its former use appears to be conservatory sales in accordance with the 2020 planning permission DC/20/1346 (mixed use A1 (now E(a)) and B1 (now E(g))). Prior to this, the unit was in Use Class D2 use, operating as a martial arts gym under planning permission DC/14/0678.

Accordingly, the principle of both a mixed use A1 (now E(a)) and B1 (now E(g)) use and a D2 (now E(d)) use have recently been considered acceptable this key employment area. Increasing the opening hours is acceptable in employment policy terms in this location, subject to all other material considerations considered below.

Design and Appearance:

Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings

This application does not propose any external alterations to the building.

Amenity Impact:

Policy 33 of the HDPF states that development should, amongst other things, respect amenities of neighbouring properties and the locality.

The application site is located within the main Foundry Lane industrial area, which is characterised by commercial premises. The site lies within a Key Employment Area where commercial and employment uses are encouraged.

This unit historically operated as a B8 storage/warehouse unit prior to being granted planning permission in 2014 (DC/14/0678) to convert to a martial arts gymnasium. A subsequent application (DC/19/1327) varied this permission to allow the gymnasium to operate from 6am to 9pm daily. This application considered the impact of the extended hours on the future occupiers of the adjacent Abbey House, which had recently received consent to convert to 11 flats under application DC/19/0702.

Subsequent to these consents, the application site converted to a mixed use A1/B1 use under application DC/20/1346 to allow for occupation by a home extensions business. This permission was implemented and was subject to a condition (4) that restricted the opening hours to between 07.30 and 18.00 on Mondays to Fridays and 09.00 and 13.00 hours on Saturdays and Sundays.

This application proposes to increase the opening hours of the unit to between 07:30 and 21:00 Monday to Sunday including Bank Holidays to allow for the soft play proposed to operate within the building. These hours (and use) would be consistent with the permission granted under application DC/19/1327. Given the proposed use and hours of operation were deemed acceptable in 2019 under application DC/19/1327 and there have been no material changes to the site and surrounds that would warrant a different outcome, it is considered that the proposed hours of use remain acceptable.

In reaching this conclusion, it is noted that the adjacent building (Abbey House) has a residential use under permitted development DC/19/0702, and the impact of the increased opening hours on Abbey House and other residential uses (around 85 metres away) were considered at the time of the previous application DC/19/1327, where it was concluded that '*Given the location within this predominantly industrial/commercial area and taking into account the fact that the existing D2 use has operated without any apparent issues or complaints, it is considered that the increase in operational hours of this premises, as well as use on Bank Holidays, is considered to be acceptable and would not have a detrimental impact in terms of residential amenity*.' It is still considered unlikely that the increase in operational hours to 9pm would have a detrimental amenity impact on these residents as the use is contained within the building, and there are other uses (such as Kingdom of Faith Church) that have later operating hours to 22.30 that appear to operate acceptably.

Conditions are recommended in relation to amplified sound and plant in line with Environmental Health recommendations and the previous permission, to continue to protect the new residential units adjacent to the site. Condition 5, which restricted the use to that permitted, is updated to reflect the former lawful use of the site given the similar nature of the proposed occupier and associated hours of use. No parties are deemed prejudiced by this given the application form and supporting documentation consulted on is abundantly clear on the intended occupiers and the nature of their business proposal, to which no objections have been received. Overall, therefore, it is not considered that the extended hours of use would result in harm to the amenities or sensitivities of neighbouring properties or users of land, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts:

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

Limited parking is located within the vicinity of the site, and users are likely to require on-street parking within the estate. As the use proposed is not under consideration and does not need planning permission, this is not for consideration here- and would be for the applicants to consider in terms of practicality and business model. There are comprehensive parking restrictions in place on the nearby roads prohibiting vehicles from parking on-street in places that would be detrimental to highway safety. Also, the site is situated close to Horsham Town Centre that is well accessible on foot, by cycle or by public transport. The additional operating hours would be outside of peak times on the industrial estate and parking is likely to be available at these times. The increased hours are therefore considered acceptable in highways/ parking terms.

Water Neutrality:

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

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

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

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

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

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

Conclusions:

Overall, the proposed amendments to the opening hours and days of this premises are considered to be acceptable and would not raise any concerns beyond that of the original approval. The application is therefore recommended for approval.

Recommendation: Application Permitted

1 Plans list

2 N/A

3 **Regulatory Condition:** Within three months of first occupation following the date of this approval, secure cycle parking providing at least 5 spaces shall be provided on site. The cycle parking shall thereafter be retained for customer and staff use.

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).

4 **Regulatory Condition**: The use hereby approved shall only be open for trade or business between the hours of 07:30-21:00 hours on Monday to Sunday including Bank Holidays.

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

5 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order and the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) (or any order amending or revoking and/or re-enacting these Orders), the premises shall be used solely either for mixed use purposes within Use Class E(a) and E(g) or for purposes within Use Class E(d) (as defined in the Town and Country Planning (Use Classes) Order 1987, (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to protect the Key Employment Area and to protect neighbouring amenity and in accordance with Policies 9 and 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition:** The generation of any sound/amplified sound shall be restricted so as to be inaudible at the boundary of the application site.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 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/25/0319

(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 & Block plan		GC-23-01	20.07.2020
Site plan	Layout	GC-23-02	20.07.2020
Elevation plan	Existing and proposed East	GC-23-04	20.07.2020
Elevation plan	Existing and proposed North	GC-23-05	20.07.2020
Elevation plan	Existing and proposed East West	GC-23-06	20.07.2020
Floor plan		GC-23-03	20.07.2020

DELEGATED

Case Officer sign/initial	Kate Turner	Date:	26.11.25
Authorising Officer sign/initial	Adrian Smith/Guy Everest	Date:	26/11/2025