Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0813
Truffles , High Street, Henfield, West Sussex, BN5 9DA

DESCRIPTION:
Conversion of the rear cafe (Class E) to form 1no. residential dwelling (Class C3).

RELEVANT PLANNING HISTORY:

DC/23/0660	Conversion of the rear cafe (Class E) to form 1no residential dwelling (Class C3).	Application Refused on 20.11.2023

DESCRIPTION OF THE SITE
The application site comprises a ground floor commercial unit, currently in use as a retail bakery and café, on the western side of the High Street within the designated Henfield Village Centre. The site lies within the Henfield Conservation and is partly characterised by a mix of uses and building styles. The building contains a first-floor flat accessed from an external stair to the rear of the site.

DESCRIPTION OF THE APPLICATION
The application seeks permission for the conversion of a rear section of the ground floor premises to create a one-bedroom flat. The flat would be accessed from the side of the building, with new side and rear window openings providing light and outlook. The rear openings would provide access to the rear of the site, although it is not clear from the submitted plans whether this would be private amenity space for the dwelling (or shared with the existing first floor flat). The front of the ground floor premises would be retained as a commercial unit within Class E.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 13 - Town Centre Uses
Policy 15 - Strategic Policy: Housing Provision
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 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 40 - Sustainable Transport

Policy 41 – Parking

Henfield Neighbourhood Plan 2017-2031
Policy 1 - A Spatial Plan
Policy 4 - Transport, Access and Car Parking
Policy 12 - Design Standards for New Development

Henfield Parish Design Statement

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 2.9 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.

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:
Economic development: Comment, have concerns about this application due to loss of commercial floorspace. We would request a more detailed explanation as to why the café is not viable.

WSCC Highways: 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 111), and that there are no transport grounds to resist the proposal. No objection subject to conditions.

Conservation officer: No Objection subject to condition related to window details. An application for the conversion of the property was considered at appeal in 2024 where the Inspector concluded that "the character and appearance of the CA would be preserved and there would be no harm to its significance as a heritage asset." No objection would therefore be raised to the current application which reflects the earlier plans. I would suggest a condition relating to the proposed windows, roof lantern and doors to ensure that the proposal reflects the qualities of the conservation area.

Natural England: No objection, subject to appropriate mitigation.

Representations:
None received

Parish Comments:
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

Background:

A preceding application for the same scheme was refused under ref: DC/23/0660 for the following reason: -

> *Notwithstanding information submitted, insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).*

A subsequent appeal against this decision was dismissed, with the Inspector concluding that '*the proposal would have a harmful effect on the integrity of protected European sites, with particular reference to water neutrality. This is contrary to Policy 31 of the Horsham District Planning Framework 2015, which reflects the Habitats Regulations. It is also contrary to the Framework, which states planning permission should be refused if significant harm to biodiversity cannot be avoided or adequately mitigated*'. This current application seeks to address the above reason for refusal.

Principle of Development:

The application site falls within the primary shopping area of the Henfield Centre where Policy 13 of the HDPF states that main town centre uses will be encouraged, and that proposals must be of an appropriate scale and complement the vitality and viability of the centre, while being accessible and improving the character, quality and function of the centre. Policy 12 of the HDPF further states that the hierarchy of retail centres, with Henfield identified as a secondary centre, will be supported and enhanced through, the promotion and encouragement of activities in centres, maintaining a diverse range and choice of suitable uses, a convenient, cohesive and concentrated primary area which contains a high proportion of retail uses where this has reasonable prospects for remaining viable.

Policy P3.3.1 of the Henfield NP states that the Henfield Village Retail Centre will be retained for A1, A2, A3, A4, A5, B1, C1, C3 (flats above retail premises), D1, D2 and Sui Generis uses.

The proposal would not result in the loss of any retail frontage and would retain an active commercial use which has potential to complement the vitality and viability of the centre as a whole. The proposed change of use, and related internal alterations, would retain a commercial unit of approximately 50 sq metres. There are existing commercial units elsewhere on the High Street which are of a comparable size and which continue to be occupied. It is considered that given the wide variation in unit sizes along the High Street and the variety of the related uses therein, there is no evidence to suggest the proposal

would create a commercial unit which would not be viable, in accordance with policies 9, 12, 13 of the HDPF.

The application site is located within a defined built-up area boundary where the principle of residential development is acceptable, in accordance with policies 3 of the HDPF.

Design and Appearance:

Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.

Policy 34 of the HDPF seeks to sustain and enhance the historic environment through the positive management of development affecting heritage assets. Development will be required to preserve and enhance the special character of heritage assets through appropriate siting, scale, form, design, materials and techniques. Development proposals must be designed to preserve a clear appreciation, and the legibility, of distinctive vernaculars, features and fabrics, whilst appropriate assessment should be undertaken to inform an understanding of the significance of the heritage asset.

Policy 12 of the Henfield Neighbourhood Plan states that development proposals will be supported where their design and detailing meet the relevant requirements in the Henfield Parish Design Statement. In addition, the scale, density, massing, height, landscape design, layout, and materials, should be of a high quality and reflect the architectural and historic character and the scale of the surrounding buildings and street scene.

The proposal would involve alterations to the fenestration to the side and rear projection which, due to their siting and the narrow spacing between buildings, would not be particularly visible from the public realm. The proposed external alterations would be appropriate to the host building and would have no adverse impact on the character or appearance of the Conservation Area. It is not considered, given the above, that further details are needed of the proposed windows in order for them to be acceptable.

The visual impact of the proposal is therefore considered to be acceptable and in accordance with the above policy.

Residential Amenity:

Policy 33(2) of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

Policy 12 of the Henfield Neighbourhood Plan states that the design of development should respect the amenities of occupiers/users of nearby property and land.

The development would introduce an additional residential unit within an existing mixed-use location, with residential properties alongside commercial properties. The extent of the external alterations would not create any intrusive overlooking of neighbouring properties, with the submitted plans indicating obscured glazing where loss of privacy may result for adjoining residents or future occupants of the dwelling.

As per the previous application, the Council's Environmental Health Team have recommended that a noise assessment be sought, given the nature of abutting residential and commercial use(s). There are though already instances of residential abutting commercial units in the immediate vicinity which would suggest that there are no harmful impacts on the current occupants of these units, such that the commercial units are operating without unacceptable impacts from noise.

The first floor of the application site forms a self-contained flat which has the same relationship to the truffles café as that currently proposed. There is no evidence this relationship creates noise

disturbance for residential occupants or, equally, prejudices commercial activities. It is not therefore considered necessary to seek a noise assessment in this particular instance.

The amenity impacts (including the proposed standard of accommodation) are therefore considered acceptable and in accordance with the above policy.

Highways Impacts:

Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district.

Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles.

The application property does not benefit from a highway access or vehicular parking facilities, nor does the proposal seek to introduce such facilities. The absence of vehicular parking does not attract positive weight in relation to the provisions of HDPF policy 41, though, it is not considered that the proposed use would give rise to a materially greater demand for vehicular parking compared to the existing use.

The site is located within a sustainable location where services and amenities are available within the immediate vicinity of the site and where a range of transport options do exist. Any degree of harm arising from the unavailability of parking facilities, therefore, is deemed limited in this instance, while, as noted by the Local Highways Authority, appropriate parking restrictions are in place to prevent vehicles being parked in locations detrimental to highway safety.

It is therefore considered that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and there are no transport grounds to resist the proposal.

Ecology:

It is noted that the application site lies within a Red Impact zone for the Great crested Newt; however, given the nature of the application and the context of the site it is not considered that any further details in this regard would be necessary, and no adverse impacts on protected species would result.

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.

A dedicated Water Neutrality statement has been submitted and outlined that the existing baseline is nil. The proposed consumption has been calculated based an average occupancy of 1.32 people given that it would be a one-bedroom residential unit. To mitigate this increase in water use, the development would include efficient fixtures and fittings to decrease the use from 145.2 litres per day to 117.53 litres per day.

To deliver water neutrality, the applicant has elected to agree to a Grampian style condition which would secure offsetting for the increase in water through the council's Sussex North Water Certification scheme (SNWCS). The SNWCS team have confirmed the development would be eligible and would require 118 credits to offset the number of litres used by the development on average per day. Natural England have been consulted on this approach, and have no objection to the proposed form of mitigation.

Subject to this condition, and a further condition to secure evidence of fixtures and fittings installed within the development, the development would achieve water neutrality, with no adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

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). The nature of the proposal would be exempt from Biodiversity net gain requirements.

Conclusions:

The development would accord with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

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

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

3 **Pre-Commencement Condition**: No development shall commence until either:

i) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary certificate to demonstrate water neutrality has been secured via the Sussex North Water Certification Scheme;
or

ii) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation; and

iii) The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme under part ii) has been fully implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.

Reason: To ensure that the approved development is water neutral, thus avoiding contribution to the possible adverse effect upon the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar designations addressed by the Natural England Position Statement of September 2021 and to satisfy the Authority's duties pursuant to the Protection of Habitats and Species Regulations 2017 (as amended) at Regulation 63.

4 **Pre-Occupation Condition**: The development hereby permitted shall not be occupied until specifications of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent has been submitted to and been approved in

writing by the Local Planning Authority. The installed fittings and appliances shall be retained as such thereafter.

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 (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

5 **Pre-Occupation Condition**: The development hereby permitted shall not be occupied until facilities for the storage of refuse and recycling have been provided in accordance with the approved plans. The facilities shall thereafter be retained for use at all times.

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

6 **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until the cycle parking facilities serving it have been constructed and made available for use in accordance with the approved plans. The cycle parking facilities shall thereafter be retained as such for their designated 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).

7 **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until the obscured glazing has been installed in accordance with the approved plans. The obscured glazing shall be retained as such thereafter.

Reason: To protect the privacy of future and adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9 **Regulatory Condition**: No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

Reason: To safeguard the amenities of adjacent occupiers 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/25/0813
(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		23-100-Loc	14.05.2025
Site plan	Proposed	23-100	14.05.2025
Site plan	Existing	23-100	14.05.2025
Supporting Docs	Application Form	NONE	14.05.2025
Elevation & Floor plan	Existing	23-100 01	14.05.2025
Elevation & Floor plan	Proposed	23-100 02	14.05.2025
Supporting Statement	Heritage	NONE	04.06.2025

DELEGATED

Authorising Officer sign/initial Guy Everest Date: 17.09.2025