

Our ref: JM/va

Your ref:

Horsham District Council
Duty Planning Officer
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL



22 London Road
Horsham
West Sussex
RH12 1AY

crickmay.co.uk

Also at Brighton & Hove
and Haywards Heath

Dear Sir/Madam

75/75a Crawley Road, Horsham, West Sussex

With reference to the above where we understand our client has submitted 2 planning applications to convert the Ground Floor of the two properties into residential (at No.75, the F/F is already a residential unit, being a one bed flat) I write in support of our client's application. It should be noted that both commercial units are now vacant, where it is understood that one party has failed to succeed and the other has vacated due to retirement. Due to the current poor state of each vacant unit, we believe that neither one is capable of being re-occupied without substantial resources being spent to upgrade them to modern day health and safety and energy efficiency standards. Given the locality of the subject premises relative to other stronger commercial trading positions nearby, along with the fact that the majority of retailers likely to succeed in such a location are already represented, these works are not considered to be practical or viable, relative to the ability of securing replacement commercial tenants in this location.

We trust this is of assistance, however if I can help to provide any additional information, please do not hesitate to contact me.

Yours sincerely

Jonathan Mack

Jonathan Mack BSc (Hons) MRICS





DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0905

24 Carfax, Horsham, West Sussex, RH12 1EB

DESCRIPTION:

Change of Use from Finance and Professional Services (Use Class E) to 2no. Apartments (Use Class C3) at the first, second and third floors with Class E use at ground floor level.

RELEVANT PLANNING HISTORY:

HU/140/97

Change of use from shop to class A2.

Approved on 02/07/1997

DESCRIPTION OF THE SITE

The application site is within the Horsham Town Centre conservation area and Horsham town centre's primary shopping area and is within the Built up area of Horsham. The surroundings comprise a mix of residential and commercial uses. The neighbouring building is a Grade II listed building run by an estate agents and has a pedestrian access between this unit at ground floor level leading to Pirie's Place.

DESCRIPTION OF THE APPLICATION

The application seeks a change of use for the first, second and third floor to class E use at ground floor level. The external alterations required would include two flat roof dormers. The existing ridge height would be raised to match the neighbouring building.

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

Horsham Blueprint business neighbourhood forum area (unparished area)

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 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
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Policy 22: Shop Fronts and Advertisements
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 34: Tourism Facilities and Visitor Accommodation
Strategic Policy 35: Town Centre Hierarchy and Sequential Approach
Strategic Policy 36: Town Centre Uses
Strategic Policy 37: Housing Provision
Policy 40: Improving Housing Standards in the District

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:

HDC Conservation: No Objection. The property is of some significance in the street scene and has been altered over the years. This includes making the ground floor shop larger and more prominent at

street level. The proposal to reduce the perceived height of the shopfront and reintroduce windows at first floor levels will result in a positive change to the principal elevation and will preserve the character of the conservation area. Conditions recommended.

Environmental Health: Comment in regard to building regulations, light required, non-slip stairs, 60 minute fire separation between commercial and domestic premises, need for ventilation. Conditions recommended.

Natural England: Standing Advice issued.

WSCC Highways: No Objection. The site is located in a predominantly pedestrianised area, no car parking spaces are proposed, although the 4 parking spaces to the rear are shown on the plan. Little free parking is available nearby. However public transport or cycling is also a viable option.

Economic development: Concerns about this application due to loss of commercial floorspace. Request a more detailed explanation as to why the commercial use is not viable.

Representations:

One representation has been received, objecting to the application on the following grounds: -

- Future noise disturbance for the residents of the units would interrupt the viability of the nearby venues
- Insufficient information with regards to noise reduction

Neighbourhood Council Comments:

Objection. More info needed for new windows on first floor, insufficient information about the minor changes to floor levels

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:

The site falls within the primary shopping area of the Horsham, 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 9(2) of the HDPF states that the redevelopment of employment sites must demonstrate that the site / premises is no longer needed and / or viable for employment use.

The upper floors are accessed through the ground floor premises with an external stair providing direct access from the rear to first floor level. The building is considered to form a single planning unit and is seemingly rated as such for Business Rate purposes. The proposal would retain an active street

frontage with a ground floor commercial premises of approximately 50 sq metres, which is comparable in size to other occupied units within the town centre. There is no evidence to suggest the ground floor commercial premises would not be suited to continued use within Class E, and the change of use at first and second floor levels would not adversely impact on the vitality and viability of the centre as a whole. It is therefore considered that the loss of ancillary floorspace at first and second floor levels of the building would not create any significant conflict with the above policies.

Policies 2 and 3 of the Horsham District Planning Framework state that the district has a distinctive settlement pattern, which the framework seeks to retain and enhance. Development within the built-up area boundary is accepted in principle, and appropriate development, including infilling, within the built-up areas is prioritised.

The site is located within the built-up area of Horsham. Horsham is defined as a settlement with a large range of employment services and facilities and leisure opportunities, including those providing a district function. There are strong social networks with good rail and bus accessibility and meets the majority of its own needs and many of the nearby smaller settlements. Given the location of the site within the built-up area boundary of Horsham, the principle of re-development is considered acceptable.

Character 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.

The introduction of residential dwellings at upper floor levels of the building would not be out of keeping with the mixed-use character of the locality.

The scheme proposes a raising of the ridge height, the installation of two dormers to the rear elevation along with alterations to fenestration (including the re-introduction of first floor windows) and within the rear courtyard. The proposed roof form would be in keeping with the scale and proportions of surrounding development, with the rear dormers and other associated alterations modest in scope and nature. The building is a prominent feature of the Carfax within the Horsham Conservation Area and conditions are recommended to ensure appropriate detailing to new and replacement features.

The proposal is considered to be of an appropriate design, form and scale in relation to the host building and surrounding area, and there would be no adverse impacts on the significance or historical interest of surrounding heritage assets. The visual impact of the proposal is therefore acceptable and in accordance with the above policies.

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.

The scale and siting of the proposed extensions and alterations and the resulting relationship with adjoining properties and land would not be expected to result in unacceptable harm to neighbouring amenity.

The continued use of the retained ground floor premises for commercial purposes would not be expected to result in significant potential for harmful levels of noise or disturbance, with the use in keeping with the town centre location and conditions recommended in respect of opening hours.

The proposed residential units would meet the minimum requirements under Nationally described space standards and would have a sufficient number of windows to provide natural light and outlook. The first-floor dwelling would be sited above the ground floor commercial premises. This arrangement is present throughout the town centre with no evidence to suggest the relationship, as a matter of course, would provide a poor standard of amenity for the residential occupants or adversely impacts on the ground floor commercial use. Notwithstanding the above, the proposal includes changes to internal floor levels throughout the building, and this provides an opportunity to ensure appropriate soundproofing between the commercial and residential elements. A condition is recommended to secure details of sound testing between these uses and this would ensure no unacceptable impacts / pressures on either planning unit. It is therefore considered that the proposal would provide an acceptable standard of accommodation for future occupants of the residential dwellings.

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 development would not benefit from on-site parking, and none can realistically be provided. The absence of parking is not though considered harmful in this instance. 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 public transport options exist. There are complimentary parking controls surrounding the site and these would prevent parking taking place in locations which are either oversubscribed, or which would be harmful to highway safety.

The Local Highway Authority has advised 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. There are no reasons to take a different view and the highway impacts on the proposal would similarly not be expected to result in unacceptable harm to amenity.

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. There would be no change in floorspace such that the proposal would be exempt from the mandatory BNG requirements.

Conclusions:

The proposal is considered to 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:** The development hereby approved shall not commence until the following construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following measures:

- i. Details of site management contact details and responsibilities including out-of-hours contact details;
- ii. A plan detailing the site logistics arrangements, including:
 - a. location of any site compound,
 - b. location for the loading, unloading and storage of plant and materials,
 - c. site offices (including location, height, size and appearance) – if applicable,
 - d. location of site access points for construction vehicles,
 - e. location of on-site or off-site parking,
- iii. The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc, to include site management contact details for residents;

The construction shall thereafter be carried out in accordance with the details and measures approved.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The works must not be executed other than in complete accordance with these approved details:

Drawings to a scale not smaller than 1:5 fully describing:

- i) new windows. These drawings must show:
 - materials
 - decorative/protective finish
 - cross section of frame, transom, mullions, glazing bars, etc
 - formation of openings including reveals, heads, sills, arches, lintels, etc
 - method of opening
 - method of glazing
- ii) shopfront. These drawings must show:
 - materials
 - decorative/protective finish
 - cross section of architrave, fascia, frieze, corbels, pilasters, frame, transom, mullions, etc
 - formation of opening including structural support
 - shopfront lettering
 - colour scheme
 - hanging/projecting signs
 - illumination
- iii) Roof details including sections through:
 - roof ridge
 - eaves
 - verges
 - dormers

Reason: As this matter is fundamental to ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement Condition:** No development shall commence until a scheme for sound attenuation between the ground floor commercial unit and first floor dwelling has been submitted to and approved by the Local Planning Authority. The first-floor dwelling shall not be occupied until the sound attenuation has been installed in accordance with the agreed details. The attenuation shall be retained as such thereafter.

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

- 6 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made in accordance with the approved plans.

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

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until cycle parking facilities 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).

- 9 **Regulatory Condition:** All new and replacement rainwater goods shall be cast iron or cast aluminium or cast effect plastic.

Reason: In the interests of visual amenity and in accordance with Policies 33 and 34 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** No new plumbing, pipes, soil stacks, flues, vents, ductwork or the like, shall be fixed to the southern (front) external face of the building without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interests of visual amenity and in accordance with Policies 33 and 34 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** No new grilles, security alarms, lighting, cameras or other like items shall be fixed to the southern (front) external face of the building without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interests of visual amenity and in accordance with Policies 33 and 34 of the Horsham District Planning Framework (2015).

- 12 **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).

- 13 **Regulatory Condition:** The residential development hereby permitted shall limit the water usage of each person per day to 110 litres in the residential part of the development. The water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 14 **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), the ground floor premises hereby permitted shall only be used for purposes falling within Class E(a), (b), (c), (e), (f), (g)(i) or (g)(ii) (as defined in 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 ground floor premises shall not be used for any other purpose(s) without express planning consent from the Local Planning Authority first being obtained.

Reason: To safeguard the vitality and viability of the Horsham Town Centre and to protect the amenities of adjacent occupiers, in accordance with Policies 13 and 33 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** The ground floor commercial premises hereby permitted shall not be open for trade or business except between the hours of 07:00 and 18:00 Monday to Saturday and 08:30 and 16:30 on Sundays and Bank Holidays.

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

Biodiversity Net Gain Condition

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. \b0

NOTE TO APPLICANT

Temporary Works Required During Construction.

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Local Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

Temporary Developer Signage.

The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed.

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/25/0905

(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		4059-CON-05	30.05.2025

Elevation plan	Proposed and Sections	4059-CON-04 REV D	30.05.2025
Floor plan	Proposed and Roof	4059-CON-03 REV D	30.05.2025
Elevation plan	Existing and Section	4059-CON-02 REV A	30.05.2025
Floor plan	Existing and Roof	4059-CON-01 REV C	30.05.2025
Supporting Statement	Planning	SL/Let	30.05.2025

DELEGATED

Authorising Officer sign/initial Guy Everest Date: 24.02.2026



Appeal Decision

Site visit made on 10 February 2026

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2026

Appeal Ref: APP/Z3825/W/25/3375491

32 High Street, Steyning, West Sussex, BN44 3YE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Stringer of Stringer and Kitson against the decision of Horsham District Council.
 - The application Ref is DC/24/1723.
 - The development proposed is change of use of existing ground floor Class E(b) commercial, business and service to Class C3 residential use to form an integral part of the existing first and second floor dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of existing ground floor Class E(b) commercial, business and service to Class C3 residential use to form an integral part of the existing first and second floor dwelling at 32 High Street, Steyning, West Sussex, BN44 3YE in accordance with the terms of the application, Ref DC/24/1723 and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary matters

2. In addition to the proposed change of use, the application drawings include external alterations in the form of a new lantern skylight at the rear of the building. The application documents, including the design and access statement, include reference to this. The Council considered the application on this basis and I have also done likewise with this appeal including this alteration in the scope of development sought by the application. I also note that the Council has previously granted listed building consent for proposed works to the building.
3. Although included in its reasons for refusal, the Council has confirmed in its statement of case that it is now satisfied that the proposal would not result in an adverse effect on Arun Valley Special Protection Area (SPA) and Special Area of Conservation (SAC) and that the issue of water neutrality is now not in dispute. As the competent authority it is still necessary for me to carry out an assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations'). Therefore, this matter is included in my list of main issues below.

Main issue

4. The main issues are:
 - (a) The effect on the vitality and viability of Steyning Centre, and

- (b) The effect upon the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites.

Reasons

Vitality and viability of Steyning Centre

5. Policy 13 of the Horsham District Planning Framework 2015 (HDPF) states that consideration will be given to the impact of the proposed non-commercial use in terms of its importance within any given frontage. Evidence of the appropriate marketing of empty properties will be required. It goes on to say in terms of small scale development that the Council will favour change of use of A1 to other A class uses over change of use to residential in the first instance. It states that proposals for other A Class uses and proposals for residential must demonstrate that the retail unit is no longer viable.
6. In terms of potential alternative commercial uses, the marketing materials in appendix 2 of the appellant's statement of case refer to the property as including a 'double-fronted retail space', a 'High Street frontage' and 'open plan retail section'. Notwithstanding the condition attached to the 2005 planning permission for change of use, I am satisfied that any potential buyer would be able to ascertain from this the opportunities for a potential commercial use.
7. The property has now been on the market for approximately three years with significant reductions in asking price made during this period. Whilst the reasons for each of the viewings not being carried forward have not been explained, it is clear that an offer for the property was accepted only for the buyer to subsequently withdraw. Subsequent viewings have also not resulted in any further offers. Although the Council seeks further marketing information and financial assessment, the details provided by the appellant reasonably show that the property has been marketed over a lengthy period and that, despite numerous viewings and one subsequently withdrawn offer, no buyer has been found.
8. I also give some weight to the likely difficulties in making provision for the independent use of the upper residential floors of the listed building due to the internal layout of the building. This would appear to reduce the scope for a full independent subdivision of the building involving separate occupants.
9. I have also considered the aforementioned 2005 planning permission which includes a condition restricting the use to Class E(b). Whilst there has been a previous s73 application seeking to remove this restriction, this was refused and it is not clear as to what the Council's position would be in determining any future application.
10. I also note paragraph 90(f) of the National Planning Policy Framework 2024 ('the Framework'), recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.
11. Although the site is located within the defined Primary Retail Frontage, it is located at the southern edge of the frontage. As noted by the Council in granting listed building consent for the works that would facilitate the proposed change of use, it is located in a transition area where the commercial character of the High Street is becoming less overt and a more residential character is emerging. Indeed, the

properties on either side of the appeal building are residential. This peripheral location is material to the merits in this case. It follows that the proposal would not result in any significant disruption to the continuity of commercial activity, nor would it undermine the role of this frontage in supporting the wider centre.

12. At my site visit, I noted that there were few unoccupied premises with a good range of existing shops and services. However, whilst the appellant's marketing has fallen short of the Council's expectations, I am satisfied that it has provided cogent evidence to indicate that the ground floor unit in this case is not viable for commercial use.
13. I conclude that it has been satisfactorily demonstrated that the proposal would not result in the loss of a viable commercial floor space and that no material harm would result upon the vitality and viability of the Steyning Centre. It would satisfactorily be in accordance with Policies 7 and 13 of the HDPF and the Framework.

Habitats regulations

14. The appeal site is located within the Sussex North Water Supply Zone (SNWSZ), an area of serious water stress. The position at the time of the Council's determination of the application was that, in accordance with Natural England's (NE) 2021 advice, an increase in water demand arising from the proposal would be likely to adversely affect the integrity of the Arun Valley SAC, SPA and Ramsar site.
15. However, on 31 October 2025 NE formally withdrew its previous Position Statement of September 2021, referring to a package of measures being agreed between NE, the Environment Agency and Southern Water to ensure that adverse impacts on the Arun Valley designated sites, either along or in combination with other developments, will no longer occur. Nevertheless, the Council states that it has not had sight of the full details of the mitigation package, including when, how and by whom all the mitigation would be delivered. I agree from the information before me that it is not currently clear that these measures can be relied upon.
16. The appellant has provided evidence that the proposal would not increase water use in relation to the existing use subject to mitigation through the installation of fixtures and fittings to achieve appropriate BREEAM efficiency standards. Notwithstanding this evidence, for the avoidance of doubt, I have carried out an appropriate assessment given the risks of an adverse effect upon the integrity of the designated protected site that may arise from increased water usage.
17. The Arun Valley SAC, SPA and Ramsar site supports rare and diverse invertebrate and bird assemblages as qualifying features. It consists of low lying grazing marsh, largely on alluvial soils, but with an area of peat derived from a relict raised bog. The variation in soils and water supply lead to a wide range of ecological conditions and a rich and diverse flora and fauna. Continued or increased levels of ground water abstraction reduces water quantity in the Arun Valley sites and would adversely affect water levels and flow within the sites.
18. The affected local authorities within the SNWSZ have jointly produced a water offsetting scheme (Sussex North Water Certification Scheme (SNWCS)), utilising demand capacity generated by Southern Water efficiency savings, along with other water saving projects. The intention was for developers to purchase credits

to offset their water demand. The additional capacity would be sufficient to ensure mains water to approximately 7000 new homes (assuming water use of 110 litres per person per day). The SNWCS was paused following the withdrawal of NE's September 2021 position statement.

19. Nevertheless, the additional capacity remains and can be used to enable all development granted from 1 November 2025 to come forward free of water neutrality restriction. The Council confirms that considerable capacity remains for the proposed development to be delivered without resulting in adverse impacts on the integrity of the Arun Valley sites, subject to a condition restricting water usage to meet the Building Regulations optional technical standard of 110 litres per person per day.
20. NE has also confirmed, in its further letter dated 10 November 2025, that it has reviewed and agreed the Southern Water efficiency savings referred to by the Council and that it will not raise an objection on the basis of adverse effects risks on the Arun Valley designated sites. It confirms this letter can be taken at NE's formal response pursuant to Regulation 63(3) of the Habitats Regulations.
21. I conclude that, taking account of Southern Water's capacity savings and subject to a condition on water usage, the proposed development would not result in an adverse effect on the integrity of the Arun Valley SPA, SAC and Ramsar site, either alone or in combination with other plans and projects. It would also accord with the relevant habitats protection aims of Policy 31 of the HDPF.

Other matters

22. As the proposal relates to a listed building within a conservation area, I have had special regard to section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The listed building (comprising Nos 32 and 34 High Street) is Grade II 16th century timber framed building refronted in the 18th century with stucco. It appears to have been originally constructed for residential use. I find its special interest to be primarily associated with the architectural and historic interest of a 16th century high street building, including its traditional materials and construction techniques.
23. An application for listed building consent has previously been granted by the Council for the proposed physical alterations required to convert the ground floor from commercial to residential use and to create an overall single dwellinghouse. These include the return of the ground floor plan closer to its original form with central hallway and rooms on either side. The proposed skylight is to a flat roof which is not part of the original building. The proposal would revert the property back to fully residential use in keeping with the overall scale and form of the property.
24. I am satisfied that the proposed alternations would not be harmful to the special interest of the listed building. Furthermore, taking account of the existing transitional character of this part of the High Street where the commercial character of the conservation area is over and a more residential character is emerging, the proposed would preserve the character and appearance of the Steyning Conservation Area.

Conditions

25. In considering the Council's suggested conditions I have been mindful of paragraph 57 of the Framework stating that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
26. Condition 2 is necessary for the avoidance of doubt as to what has been permitted. Condition 3 is necessary to preserve the special interest of the listed building. Condition 4 is necessary to encourage sustainable modes of transport. Condition 5 is required to provide satisfactory refuse and recycling provision. Condition 6 is necessary to limit water consumption to prevent the risk of adverse effects upon the integrity of the Arun Valley SPA, SAC and Ramsar site.
27. The Council's suggested condition to provide for a meeting with the local authority conservation officer is not necessary given the statutory requirement regarding works to listed buildings and the responsibility this imposes in any case. The suggested asbestos condition is also unnecessary as the Council has not specifically explained why this proposal would result in a such a significant risk in this case to justify the imposition of this condition.
28. I do not consider the suggested condition for a superfast broadband connection to be necessary for this proposal as the wording of the condition provided appears to be more suitable for new build development rather than the change of use proposed in this case. The suggested construction hours and debris/waste conditions are also not necessary given the modest nature of the proposed construction works.
29. Noting that paragraph 55 of the Framework seeks clear justification to restrict permitted development rights, the suggested condition in this instance is not reasonable or necessary bearing in mind the general restrictions in place on permitted development for dwellings in conservation areas (Classes A and B) and for those which are listed buildings (Class E).

Conclusions

30. Having regard to all matters raised, I have found that the proposed development would accord with the development plan when considered as a whole and there are no material considerations that have led me to find that permission should be withheld.
31. For the reasons given above the appeal should be allowed.

David Cliff

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21486-101, 21486-102, 21486-103 and 21486-104.
- 3) The external materials to be used in the development hereby permitted shall accord with those shown on the approved plans.
- 4) The development hereby permitted shall not be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall thereafter be retained for use at all times.
- 5) The development hereby permitted shall not be occupied until details of provision for the storage of refuse and recycling facilities have been submitted to and approved in writing by the local planning authority. The dwelling hereby permitted shall not be occupied until the approved refuse and recycling facilities have been fully implemented and made available for use. The provision shall thereafter be retained for use at all times.
- 6) The dwelling hereby permitted shall not be occupied until the optional requirement of Building Regulations G2 to limit water usage to 110 litres per person per day has been complied with and the details of compliance provided to the local planning authority.



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0796

The Old Dairy and The Granary, Crosby Farm, Lyons Road, Slinfold, Horsham, West Sussex, RH13 0RX

SITE LOCATION & DESCRIPTION:

The application site is positioned to the north of Lyons Road. The Old Dairy and The Granary were last in use as offices, in 2022. The site lies outside and adjacent to the built-up area boundary, and is therefore within the countryside in policy terms. The site is surrounded by open countryside, with the built surroundings of Slinfold positioned to the south and west of the site. A public footpath runs along the northern boundary of the site.

Permission is sought for the conversion of the existing office buildings (Use Class E) into two residential units (Use Class C3).

The proposal would retain the existing fenestration. Two rooflights have been added to the eastern (side) elevation of The Granary and the first floor windows on the south elevation have been obscure glazed. The site provides four car parking spaces (2 for each dwelling) and would be accessed from the existing road to the east. Private amenity space is proposed in the form of a rear garden (The Granary) and a courtyard (The Old Dairy).

RELEVANT PLANNING HISTORY:

DC/19/1330	Conversion of an existing vacant B1 office to single C3 residential dwelling	Application Refused on 27.08.2019
DC/22/2094	Prior Notification for Change of Use of 2no commercial buildings (Use Class E) to residential (Use Class C3) to form 2no. dwellings.	Prior Approval Required and REFUSED on 23.12.2022
DC/23/1421	Change of use of 2 no. existing E(g(i)) Office buildings, to 2 no. C3 dwellinghouses.	Application Returned

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 10 - Rural Economic Development

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
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 37 - Sustainable Construction
Policy 41 - Parking

The Horsham District Local Plan 2023-2040

The Horsham District Local Plan 2023-2040 was submitted for examination on the 26th of July 2024. Paragraph 48 of the NPPF states that *“local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework [NPPF] (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”*

Policies in this Plan do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since the 26th of July 2024, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The relevant policies are:

Strategic Policy 1: Sustainable Development
Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 31 - Rural Economic Development
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

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.

Slinfold Neighbourhood Plan:

Policy 5: Development Principles

Policy 6: Housing Mix

Policy 8: Crosby Farm

Policy 11: Existing Employment Centres

Policy 12: Economy and Enterprise

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:

Natural England: No Objection

We concur with the conclusion of your authority's HRA appropriate assessment, insofar that we have no objections subject to the delivery, management and maintenance of measures identified in the water neutrality statement, and subject to relevant pre-commencement conditions identified in the appropriate assessment being put in place, to achieve water neutrality.

Southern Water: Comments

03/09/2024 – The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

05/08/2024 – Our initial investigations indicate that there are no public Foul/Wastewater sewers in the area to serve this development. Alternative means of draining Wastewater from this development are required.

<https://www.gov.uk/government/publications/drainage-and-waste-disposal-approveddocument-h>

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

WSCC Highways: No Objection

01/08/2024 – WSCC in its role as Local Highway Authority (LHA) has been reconsulted by the Local Planning Authority (LPA) for the above application. The LHA previously provided comment on this application, dated 24/07/2024, raising no highway safety concerns.

I note that no new application documents have been submitted since the LHAs initial consultation response. Therefore, no further comment is currently warranted, and the LPA are advised to refer to the LHAs initial consultation response, dated 24/07/2024, for relevant comments.

If new information is submitted that may warrant further comment from a highway safety point of view, please reconsult.

24/07/2024 – This application seeks the conversion of existing office buildings (Use Class E) to two residential units (Use Class C3). The site is located off Lyons Road, a C-classified road subject to a speed restriction of 30 mph in this location. Following an inspection of the submitted application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns.

The LHA previously provided consultation advice for this site for application DC/22/2094, raising no highway safety concerns. The Local Planning Authority (LPA) refused the application on grounds unrelated to highways.

The site is served by an existing vehicular access point on Lyons Road, with a private access road linking the application site to the maintained highway. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing point of access on to Lyons Road. In addition, the proposed development is not anticipated to give rise to a material intensification of use of this existing access.

The plans demonstrate four car parking spaces for this development, with two bays being provided for each unit. This would be in accordance with WSCC Parking Standards for a development of this size and location. The site exhibits suitable space for on-site turning to be achievable, allowing cars to exit the site in a forward gear.

No details of cycle parking provision have been provided. Cycling is a viable option within Slinfold Village and the LHA would request that secure cycle parking provision be provided for both of the units in accordance with WSCC Parking Standards.

Slinfold Village offers some local services and amenities within walking distance of the site, such as a store, public house and primary school. Regular bus services from Lyons Road provide links to larger urban areas, such as Guildford and Horsham.

WSCC Rights of Way: No Objection

Thank you for the opportunity to comment on the above numbered planning application. This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. In respect to the above planning application I would provide the following comments.

To clarify, Public Footpath 1440_3 runs through the red line boundary, in an east-west alignment, within the proposed development site [Planning, Design and Access Statement, para 10.3 refers].

It is understood that the application does not impact upon, or propose any alteration, to the Public Right of Way. Therefore, the Public Right of Way team offer no objection to the proposal. If the applicant does now, or in future, propose any alteration to the public rights of way then they must first consult directly with West Sussex County Council, Public Rights of Way team (prow@westsussex.gov.uk).

HDC Economic Development: No Objection

Due to the location of this building, it not being in use for some time (2022) and the commercial marketing already undertaken we would not consider the move to residential to pose a threat to the vitality and viability of the local economy.

HDC Environmental Health: Comment

Commercial or agricultural buildings can be subject to significant contamination risks arising from their used, construction and storage of machinery equipment fuel or other chemicals. Potentially hazardous materials may also be incorporated in made ground, yards and hardstanding.

To ensure the application is properly determined a preliminary risk assessment should be provided to ensure the application is properly determined.

Information with respect to water neutrality has been provided which shows no mitigation is required.

Parish Comments:

No Objection

Representations:

Three (3) letters of representation have been received, two (2) appear to be exact copies from the same address. These comments object to the proposal on the following grounds:

- Privacy, light and noise.
- Overlooking into garden spaces

One (1) letter of representation has been received neither supporting nor objecting on the following grounds:

- The amendment requiring the re-consultation was unclear.
- Supportive of the addition of private homes, would not be supportive of more social housing.

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 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The application site is situated outside of any of the defined settlements as categorised under Policy 3 of the HDPF, and therefore is considered to be in a countryside location in policy terms.

Policy 6 of the Slinfold Neighbourhood Plan states that housing developments which provide a suitable mix of one, two, three and four bed dwellings will be supported. While the application site is located outside of a defined built-up area, where new development is not usually permitted, it is acknowledged that the proposal seeks to convert an existing building and bring it back into use. Furthermore, it is recognised that the building is located in close proximity to a cluster of residential buildings.

A previously submitted application at the site (DC/19/1330) was refused on the grounds that insufficient evidence to demonstrate the premises is no longer needed, or unviable for continued employment use had been provided.

Policy 10 states that *"Proposals for the conversion of rural buildings to business and commercial uses will be considered favourably over residential in the first instance."*

Strategic Policy 30 of the emerging local plan states that:

“proposals for other uses will only be supported where it is demonstrated that both the premises and site are no longer needed and are no longer viable for employment use. An assessment of these should be submitted and must demonstrate:

a) Evidence of active marketing over the period of at least a year, supported by

- i. evidence of the condition of the estate and local economic market within the terms of sale and, where applicable, rent; and*
- ii. written confirmation from the commercial agent(s) regarding the redundancy and lack of viability of both the premises and site for employment or a financial appraisal demonstrating any employment use is unviable; and*

b) Where relevant, vacancy, including the reasons for vacancy and the length of time vacant.”

Policy 9 of the HDPF states that the redevelopment of employment sites and premises outside Key Employment Areas must demonstrate that the site/premises is no longer needed and/or viable for employment use.

The applicant has provided evidence showing a viewing and therefore marketing have taken place since the 20/09/2023. Evidence from a commercial agent has also been submitted. It is noted that a full year of information and marketing has not been provided. The policy; however, holds limited weight. In this instance it is considered sufficient evidence has been provided to demonstrate the site is no longer needed or viable from employment use. Furthermore, the Economic Development Officer has confirmed that due to the location of this building, it not being in use for some time (2022) and the commercial marketing already undertaken it is not considered that the move to residential would pose a threat to the vitality and viability of the local economy.

Paragraph 78 of the NPPF states that *“to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”*

The application site is located in close proximity to the village centre of Slinfold, and lies outside but directly adjoins the built-up area boundary. The site also lies to the north of the allocation at Crosby Farm under Policy 8 of the made Slinfold Parish Neighbourhood Development Plan, which allocates residential development at the site.

The Facilitating Appropriate Development (FAD) document was endorsed at Full Council on 19 October 2022. The FAD recognises that the Council is likely to receive applications outside of defined BUABs and on unallocated sites (such as this proposal) as it is unable to demonstrate a five-year housing land supply. Given this position and the principles behind HDPF Policy 4, it will consider positively applications that meet all of the criteria:

- The site adjoins the existing settlement edge as defined by the BUAB;
- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
- The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;
- The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
- The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.

The proposed dwellings would appear commensurate with the residential development of the site to the south, siting in close proximity and relation to this. In addition, the building is considered to sit in close proximity to the village centre of Slinfold, and in close relation to the associated services and facilities. The site is therefore considered to be in a reasonably sustainable location.

The site adjoins a settlement edge, and is directly adjacent to a site allocated for residential development within the made Slinfold Parish Neighbourhood Development Plan. The existing building is considered to be characterful, with the conversion not considered to result in landscape harm. Given the modest nature of the proposal, and its relationship and proximity to the settlement of Slinfold, it is therefore considered that the proposed conversion to residential would enable the sustainable development of the rural area. Accordingly, the proposed conversion of the units to residential use would therefore benefit from the provisions of the FAD as set out above.

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. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.

Strategic Policy 19: Development Quality of the emerging local plan holds limited weight. The policy aims to achieve High-quality and inclusive design for all development in the District will be required based on a clear understanding of the local, physical, social, economic, environmental and policy context.

Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

The proposal largely retains the appearance and character of the existing buildings. The changes are minor and would not have any significant impact on the character and appearance of the area. It is therefore considered that the proposal would have a largely neutral impact, retaining the character and vernacular of the building, in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015). The proposal is also considered to be in accordance with policies 19 of the emerging local plan, although it carries limited weight.

Internal Design and Quality

Policy 40: Improving Housing Standards in the District of the emerging local plan holds limited weight; however, it states that dwellings should meet the nationally described space standards.

Both bedrooms of The Dairy would meet these, with sufficient space being provided for communal activities throughout the rest of the property. The Granary bedrooms would only meet acceptable standards for single rooms. While this is not ideal there is sufficient communal space in the property. Given the limited weight of policy 40 it is not considered suitable to refuse the proposal on these grounds.

Policy 40 of the emerging plan also expects dwellings to meet the M4(2) requirements or provide an equivalent offsite contribution. Given the limited weight of this policy the lack of offsite contribution is not considered a suitable reason to warrant refusal.

Both dwellings have been provided outdoor amenity space. It would be preferable if both of these were green spaces; however, open countryside is easily accessed from the site.

Amenity Impacts:

Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

Strategic Policy 20: Development Principles of the emerging local plan holds limited weight. The policy seeks to conserve and enhance the natural and built environment, and deliver beautiful and sustainable buildings and places. The policy expects development to be designed to avoid unacceptable harm to the amenity of existing and future occupiers or users of nearby property and land, for example due to overlooking, over dominance or overshadowing, light pollution, traffic generation, and general activity, noise, odour and/or vibration, and having regard to the sensitivities/impact of surrounding development;

The proposal site is surrounded to the south by residential properties. The change in use to residential would increase opportunities for overlooking, through the intensification of the rooms.

Old Dairy

The single storey nature of The Old Dairy prevent any unacceptable impacts on neighbouring amenity.

The Granary

The large, glazed area on the east elevation for The Granary would provide additional views to the east. The first-floor layout includes a void space in front of this window. This and the transient space of the landing and stairs prevent the overlooking form being unacceptable. To prevent overlooking further the first-floor south elevation windows are obscure glazed.

Properties in the immediate area already experience mutual overlooking from surrounding properties. The rest of the windows, including the rooflights would add to this mutual overlooking; however, it would not cause such additional harm beyond the existing that the proposal warrants refusal.

It is considered that the siting and layout of the proposed dwellings and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

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.

The proposed development of the Old Dairy would comprise a water demand of 162.54 l/d and The Granary would have a proposed water demand of 146.94 l/d (309.48l/d). Through water efficiencies and rainwater harvesting the proposed dwellings would have a lower water usage than the existing site, under office use (719.72l/d). The proposal is therefore considered water neutral.

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The applicant has confirmed in their application form that the proposal would be exempt from providing BNG on the grounds it is de minimis. The Local Planning Authority agree this to be the case.

Highways Impacts:

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

The proposed development would utilise the existing access to the south of the site, with an area of parking proposed to the west of the building providing space for 2no. vehicles.

Following consultation with WSCC Highways, the proposal would generate a need for 4no. parking spaces. The site exhibits suitable space for on-site turning to be achievable, allowing cars to exit the site in a forward gear. A condition is recommended securing cycle parking.

It is not considered that the proposal would have an unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway network. Therefore, the proposal is considered to accord with Policy 41 of the Horsham District Planning Framework (2015).

Environmental Health

A pre-commencement condition has been recommended to secure a risk assessment for contamination.

Impact on the Public Right of Way:

Policy 40 of the HDPF states that development proposals which promote improved and integrated transport networks will be encourage and supported. Development proposals will be supported if it is appropriate and in scale to the existing transport infrastructure; is integrated with the wider network of routes, including public rights of way and cycle paths; minimises the distance people need to travel and minimises conflict between traffic, cyclists and pedestrians; and provides safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods.

Following consultation with WSCC Public Rights of Way, no objection to the proposed development is raised. Informatives have been added to the application to ensure access to the Right of Way remains.

Climate Change:

Strategic Policy 6: climate change of the emerging plan holds limited weight. The policy supports developments only when they include measures that contribute to achieving net zero carbon emissions cross the District by 2050 at the latest. The policy also only supports proposals if it includes site and building level measures to adapt to the future impacts of climate change and reduce vulnerability, particularly in terms of the comfort, health and wellbeing of current and future occupiers.

Strategic Policy 7: Appropriate Energy Use of the emerging local plan holds limited weight. The policy supports development which contributes to clean, efficient energy in Horsham. It also expects development proposals to demonstrate how they will provide zero and low carbon heating.

Strategic Policy 8: Sustainable Design and Construction of the emerging local plan holds limited weight. The policy supports development where it is demonstrated that sustainable design, including its construction and operation, is integrated into the development from the design stage onwards.

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.

While the proposal doesn't demonstrate that required by the emerging policies these carry limited weight. As such they are outweighed by the measures secured by condition in line with policies 35, 36 and 37 of the HDPF.

The below conditions are attached to secure:

- Water consumption of 162.54 l/d for the Old Dairy and 146.94 l/d for The Granary.

- Requirement to provide full fibre broadband site connectivity.
- Site landscaping.
- Cycle parking.
- Refuse and recycling storage.

Other Matters

Southern Water raised a request that Building Control comment on the adequacy of soakaways to dispose of surface water from the proposed development. Given there are current methods to drain the site additional information on this has not been requested. These matters will be dealt with at Building Control stage.

Conclusions:

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

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
District Wide (Zone 1)	186.89	186.89	0
	Total Gain		0
	Total Demolition		0

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:

- 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.

- Pre-commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors

- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

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

- 4 **Pre-commencement (Slab Level) Condition:** No development above ground floor slab level shall commence until full details of the rainwater/greywater harvesting system, including the rainwater harvesting tank appearance and location, required by the approved water neutrality strategy (Technical Note 1: Water Neutrality Statement received 23/07/2024) have been submitted to and approved in writing by 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 (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:** No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures 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).

- 6 **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
- Details of all existing trees and planting to be retained
 - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
 - Details of all hard surfacing materials and finishes
 - Details of all boundary treatments

- Details of all external lighting

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details for the provision for the storage of refuse and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to occupation (or use) of the development hereby permitted and 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).

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces (including garages where applicable) necessary to serve it have been constructed and made available for use in accordance with approved drawing number [PL010]. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** No part of the development hereby permitted shall occupied until the windows at The Old Granary at first floor on the south elevation on plan PL023 have been fitted with obscured glazing. Once installed the obscured glazing parts of those windows shall be retained permanently thereafter.

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

- 10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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).

- 11 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 12 **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).

- 13 **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).

- 14 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A, AA, B and C of Part 1 or Class AD of Part 20 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and to protect the amenities of the adjoining neighbours in accordance with Policy 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

1. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.
2. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route – advice on the legal width can be provided by the WSCC PROW Team.
3. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works or during the occupancy of the property. These will constitute an offence of obstruction under the Highways Act 1980.
4. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.
5. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.
6. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

7. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.
8. Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.
9. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury – the applicant must consider how access is managed so the public is not endangered or inconvenienced.
10. Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.
11. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.
12. Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.
13. Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.
14. Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.
15. If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

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/24/0796
Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date
Location plan		PL.01	23.05.2024
Site plan	Proposed	PL.010	23.05.2024
Floor plan	The Granary Proposed floors and Section	PL022 A	25.07.2024
Elevation plan	The Granary Proposed	PL023	25.07.2024
Floor plan	The Dairy Proposed Ground	PL026	23.05.2024
Elevation plan	The Dairy Proposed	PL027	23.05.2024
Supporting Statement	Water Neutrality Statement	PL027	23.07.2024

DELEGATED

Case Officer sign/initial Alice Johnson Date: 05/09/2024

Authorising Officer sign/initial RHERMITAGE Date: 10.09.2024



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

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 on 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 Date:

Guy Everest



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/23/0345
75A Crawley Road, Horsham, West Sussex, RH12 4DS

DESCRIPTION:

Change of use of ground floor from commercial (Use Class E(e)) to residential (Use Class C3) and erection of single storey ground floor rear extension and first floor extension to form 1no 2-bedroom dwelling.

RELEVANT PLANNING HISTORY:

DC/23/0344	Change of use from Class E (a) on ground floor and residential flat above, to 1no residential dwelling including alterations to roof	Under Consideration
------------	--	---------------------

SITE AND SURROUNDS

The application relates to an existing single-storey addition sited to the side of an existing two-storey building (no. 75) located to the northern side of Crawley Road. The proposal site comprises a single storey with a flat roof, and a front advertisement fascia. The site is located within the built-up area boundary in an area predominantly formed of residential uses, in addition to a mix of commercial uses.

DETAILED DESCRIPTION

Planning permission is sought for the change of use of the existing unit from a Class E commercial use to residential use and to erect a single storey rear extension in addition to a first-floor extension to form an end of terrace two-bedroom dwelling. The first-floor addition would match the eaves and ridge height of that of the adjoining building (5.3m and 8.7m respectively) and would extend over the existing ground floor unit (3.6m x 9.8m) with a 1.5m pitched roof rear projection. The rear extension would project some 2.6m from the rear elevation, and would host a pitched roof.

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 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 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

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 4.3 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.

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: Comment

As the development borders Crawley Road, a major route into Horsham town and there are also a few commercial premises in the area that may give rise to noise issues the applicant should undertake an environmental noise study (including a noise survey, and a model to predict the propagation of noise across the site) to assess and mitigate the exposure of the future residents to noise sources.

Conditions recommended in respect of contamination, soil importation, asbestos, and rainwater harvesting.

HDC Economic Development: No Objection

As both units are now vacant and the work required to upgrade them not being considered viable, relative to the ability of securing a commercial tenant, would not consider the move to residential to pose a threat to the vitality and viability of the local economy.

OUTSIDE AGENCIES

WSCC Highways: Comment

The Local Highways Authority (LHA) would consider in highways terms, the existing and proposed uses to be like for like with little to no increase in trips generated, as such we do not raise any concerns.

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.

Southern Water: Comment

Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

Natural England: No Objection

Concur with the conclusion of the Appropriate Assessment and have no objections subject to the delivery, management, and maintenance of measures identified in the Water Neutrality Statement.

Parish Comments:

No Objection

Representations:

One letter of representation received *objecting* to the proposal on the following grounds:

- The building may not be able to accommodate a first-floor extension
- Impact through subsidence and damage to neighbouring property
- Loss of privacy
- Adverse amenity impact by way of overlooking
- Adverse overshadowing

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:

Loss of Commercial Space

It is acknowledged that the site is not within a town centre location or a Key Employment Area, and does not form part of a primary / secondary retail frontage, as defined with the Horsham District Planning Framework (HDPF). However, the proposal would result in the loss of a small commercial unit within the built-up area, on a main arterial road into the main town of Horsham, and close to (126m) from an established parade of shops on Fitzalan Road. Policy 9(2) of the HDPF states that the redevelopment of employment site must demonstrate that the site / premises is no longer needed and / or viable for employment use.

The applicant has provided a supporting letter from a reputable agency / surveyor, who have advised that the units (forming the site and the neighbouring no. 75) are currently vacant as one business failed to succeed and the other was closed due to retirement. The statement goes on to state that due to the length of the vacancy, considerable resources would be needed to upgrade the facilities, a cost of which would make the properties unviable for a business to take on such a small unit. It goes on to state that the vacancy of the units is likely due to competition from more viable units nearby.

The Council's Economic Development Team have reviewed the submitted information and are satisfied that the commercial units are no longer viable. Though the proposal would result in the loss of a Class E commercial unit, the applicant has demonstrated that the unit is no longer viable / needed for this use.

Residential Development

Policies 2 and 3 of the Horsham District Planning Framework state that the district has a distinctive settlement pattern, which the framework seeks to retain and enhance. Development within the built-up area boundary is accepted in principle, and appropriate development, including infilling, within the built-up areas is prioritised.

The site is located within the built-up area of Horsham. Horsham is defined as a settlement with a large range of employment services and facilities and leisure opportunities, including those providing a district function. There are strong social networks with good rail and bus accessibility and meets the majority of its own needs and many of the nearby smaller settlements.

Given the location of the site within the built-up area boundary of Horsham, the principle of development is considered acceptable, subject to all other detailed material planning considerations as discussed below.

Design and Appearance:

Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

The proposed first floor extension would continue the ridge and eaves heights of the main roof of the adjoining building, this creating an appearance of a continuous terrace, extending to the existing side elevation of the ground floor unit. The depth of the addition would span that of the main part of the adjoining building, with a further 1.3m pitched roofed projection.

The site comprises a modest curtilage, though is comparable to neighbouring properties. As the site forms an addition to no 75, it is assumed that this property would have once benefited from a larger curtilage. The footprint of the unit would only be extended modestly by 2.6m to the rear and suitable amenity space to the rear of the property would thus be retained. The bulk of the addition to the site would be focussed to the first floor, matching the proportions of no. 75. Though the curtilage is modest, the additions would be suitably accommodated within the site, and would not appear overbearing within the streetscene.

From the street elevation, the proposed addition would continue the frontage of no 75, matching in materials and proportions. Though the proposal would result in the creation of a terrace of dwellings, this is not uncommon on the street, and would not appear uncharacteristic in this setting. Public views to the rear elevation would be limited, which incorporates pitched roofed additions. As such, the design of the extensions as a whole is considered acceptable.

The proposal is therefore considered to accord with Policies 32 and 33 of the HDPF.

Amenity Impacts:

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.

The proposed extension and conversion would introduce a residential use to the site that is not currently present. However, given the setting and context of the site, this use would not appear out of character or undesirable to future occupants.

The neighbouring comments received from no 77 are noted- as the immediate neighbour to the property, in which it shares a boundary, this neighbour is most likely to be affected. The representation raises particular concerns with regards to overlooking and overshadowing. The neighbour has stated that the first floor window to the side elevation of the extension would directly overlook into a first floor side window on their property. A visit to the site was conducted, and it was observed that no such window is present within the first floor side elevation to the main part of the dwelling- however, windows may be present to the first floor of the rear outrigger. The proposed design and scale has since been reduced to accommodate these concerns, reducing the overall projection of the first floor addition. Re-consultation has taken place, and no further comments / objections have been received.

As the extension would be in-line with the main part of the neighbouring building (and not the rear outrigger) the windows to the first floor of the proposal site would not directly overlook into any neighbouring first floor window. Whilst these windows would face the neighbour, they would so at an angle that would only result in oblique views into the property at worst. In any case, it is noted that these windows would serve a bathroom and a stairwell, both of which would be fitted with obscured glass with non-opening mechanisms above 1.7m from floor level, or would not be typically viewed out of by occupants (in the case of the stairwell window). No other windows are proposed at first floor to this elevation. Therefore, Officers are satisfied that the proposed first floor addition would not result in adverse increased opportunity of overlooking.

Concern was also raised with regards to ground floor windows. It is noted that windows are currently present on this position on the existing building (serving the staff kitchen). Therefore, the use of a window in this position is not considered any more harmful than the existing arrangement. Whilst it is noted that a domestic kitchen would likely be used more than a kitchen serving a small business, this is not considered so harmful to warrant concern, or unordinary within a dense residential environment.

The neighbouring representation also raised concerns regarding overshadowing. The rears of the properties face north-west, and are therefore already subject to a naturally diminished access to natural light by virtue of its orientation. As above, the main bulk of the extension would be in line with the main part of the neighbouring building, and the rear projection has been reduced as to not breach the '45-degree' line from the neighbouring window. The revised arrangement at first floor does not breach this line, thus is not anticipated to result in adverse amenity harm (especially compared to the initial proposed arrangement).

Though the provision of a residential use at first floor level would likely result in increased opportunities of overlooking, the rear elevation of the extension would be set at a sufficient distance from the existing neighbouring properties to the rear (24m, 5-8 Perth Way) that would not result in any direct harm. Any overlooking into neighbouring gardens would be mutual at worst, and would not be so harmful as to warrant a reason to refuse in itself.

The proposal is therefore considered to accord with Policy 33(2) of the HDPF.

Highways Impacts:

Policy 40 of the Horsham District Planning Framework 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 Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.

The site is currently accessed from the street via a dropped kerb, and comprises an area of hardstanding for one car (off-street parking). The proposal does not seek to alter the existing access or parking arrangements. WSCC have commented on the proposal, stating that 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 that there are no transport grounds to resist the proposal. The application is therefore considered to accord with Policies 40 and 41 of the HDPF.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.

An advice note from 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.

The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction. The application seeks consent to change the use of ground floor from commercial (Use Class E(e)) to residential (Use Class C3) and erection of single storey ground floor rear extension and first floor extension to form one two-bedroom dwelling.

The property is un-metered, and therefore the existing water demand has been calculated in accordance with the Council's guidance. British Standard 8542:2011 has been applied to calculate the employment capacity as 2.18 members of staff. A water demand of 63lpd has been applied as per the JBA study. The existing overall water demand is thus calculated as 137.34l/d.

The proposed two-bedroom dwelling would comprise an average occupancy of 1.88. The applicant has demonstrated, through the use of on-site mitigations and rainwater harvesting, that the overall water demand can be reduced to 59.94lpd, or 112.68l/d.

The strategy therefore demonstrates that the proposed use would comprise a water demand lower than the existing, and would thus be water neutral. Officers are satisfied that the mitigation measures can be secured by way condition.

Officers note the most recent comments from the Environmental Health Officers (dated 23.10.2023). The harvested water would be for non-potable supply, though would be used for laundry. Details of the proposed method of filtration and treatment of the harvested water are detailed from page 12 of the Water Neutrality Statement- this would ensure that the water used for laundry would meet the DWI standards. Comments are also noted regarding the location of the rainwater tanks- Officers are satisfied that this can be adequately controlled by way of condition. An informative is attached to ensure that the applicant is wary of this when discharging the condition.

Cumulative Development:

Officers note that the applicant has submitted another application on the adjoining site (no 75) to convert the existing ground floor commercial unit into a residential use, in addition to the rear and first

floor extension to form a two-bedroom dwelling (DC/23/0344). The applicant has expressed intent to carry out both permissions in the event that the permissions were to be granted. Therefore, it is incumbent on the Local Planning Authority to assess the cumulative impact of the developments.

In terms of overall scale and massing, the combined developments would not adversely impact on the setting and character of the site and surrounding area, which would create a terrace of dwellings within an area of mixed housing styles, which includes existing terraces. With regards to amenity, given the siting of the neighbouring development, which is sited to the middle terraced dwelling and incorporate a change of use and a first floor dormer to an existing residential dwelling, the cumulative impact of the developments is considered no more harmful than the amenity impact as assessed above.

In addition, suitable parking and access would be provided for both proposals. Given the former use of the buildings, which incorporated a mix of commercial and residential use, the resultant activity and movements on site would not be anticipated to be any more intense than the pre-existing arrangement.

With the above in mind, Officers are satisfied that that proposal would not amount to adverse cumulative impact.

Other Matters:

The Environmental Health Officer's comments are noted, which has requested the attachment of a contamination condition. However, from a site visit the outside space appears to be used for residential purposes currently, and is within a predominantly residential area. Given this context, Officers are not concerned that the site would be subject to adverse ground contamination. It is noted that a condition relating to asbestos has been requested- given the age and construction of the building, this contamination condition is considered more appropriate, though the regulatory condition is attached if contamination is found. A further request for a noise survey was also expressed. However, given the level of residential dwellings within the surrounding area, similarly arranged on the street, Officers are satisfied that the occupants of the dwelling would be no more subject to adverse noise than existing residents on the street. Furthermore, given the proposal would incorporate modern building methods, and a higher standard of insulation and windows, any external noise would be mitigated against.

Conclusions:

The site is located within the built-up area boundary of Horsham. Therefore, the principle of establishing residential development in this location is supported. In addition, the applicant has demonstrated that the existing commercial unit is no longer viable. The proposals would not appear out of keeping with the surrounding area and the prevailing character of the street scene. The proposals would be acceptable in terms of the impact on neighbouring amenity and highways matters, in accordance with Policy 25, 32 and 33 of the Horsham District Planning Framework (2015).

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
District Wide (Zone 1)	68m ²	0m ²	68m ²
	Total Gain		68m²
	Total Demolition		0m²

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:

- 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 (Slab Level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system (including details of rainwater storage) required by the approved water neutrality strategy (Falcon Energy Limited received 03.10.2023) have been submitted to and approved in writing by 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 179 and 180 of the National Planning Policy Framework (2021), and to allow the Local Planning Authority 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).

- 4 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures 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 179 and 180 of the National Planning Policy Framework (2021), and to allow the Local Planning Authority 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).

- 5 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

- 6 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details for the provision for the storage of refuse and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to occupation of the development hereby permitted and 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).

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces necessary to serve it have been constructed and made available for use in accordance with approved drawing number KP3 (received by the Council on 23.05.2023). The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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).

- 9 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

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

- 11 **Regulatory Condition:** No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority. Prior to the first occupation (or use) of any part of the development hereby permitted, a written verification report shall be submitted which demonstrates only soils suitable for the proposed use have been placed. The verification report shall be submitted and approved, in writing, by the Local Planning Authority.

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

- 12 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site (including any asbestos materials) then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

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

- 13 **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).

- 14 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A, AA, B and C of Part 1 or Class AD of Part 20 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and to protect the amenities of the adjoining neighbours in accordance with Policy 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

With regards to condition 4: following recent dialogue with the Drinking Water Inspectorate (DWI) and taking into account the likely bacterial contamination associated with rainwater harvesting systems, the Council's current position is that storage tanks associated with rainwater harvesting systems need to be located below ground. The applicant is advised to bear this in mind when submitting information to discharge the condition.

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/23/0345

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Water Neutrality Statement by Falcon Energy Limited	NONE	03.10.2023
Location plan	Location Plan	KP4	28.02.2023
Site plan	Site Plan	KP3	23.05.2023
Elevation & Floor plan	Existing Floor Plan and Elevations	KP1	28.02.2023
Elevation & Floor plan	Proposed	KP2	23.05.2023

DELEGATED

Case Officer sign/initial

RHERMITAGE

Date: 15.11.2023

Authorising Officer sign/initial TDAL

Date: 15.11.2023



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/21/2840

Old House Mews , 24 London Road, Horsham, RH12 1AY

DESCRIPTION:

The proposal seeks planning permission for the change of use and conversion from commercial office (Use Class E) to a one-bed dwelling (Use Class C3).

RELEVANT PLANNING HISTORY:

DC/04/2188	Change of use from offices to Indian Takeaway with living accommodation above	Refuse
DC/09/2060	Addition of 3 front dormer windows to front elevation	Permit
DC/21/0644	Prior approval for change of use of existing two-storey office into a dwellinghouse.	Refuse Prior Approval

SITE AND SURROUNDS

The application site is located to the east of London Road and behind Darchini Indian restaurant. Old House Mews, no.24 London Road, is a detached brick built two storey office building constructed to the rear of the main building-line fronting London Road. No.24 is built with a mansard roof-form where the first floor level is situated within the steep pitched angle of the roof under a flat-roof finish. The premises provides off road vehicular parking within the undercroft of the office building.

The site is located in Horsham town centre and within the London Road Conservation Area. The site is bounded by Horsham Park to the rear and car-parking serving nearby development to the front. The application site is surrounded by a mixture of residential and commercial premises fronting London Road in this location. The 'Darchini' Indian restaurant is situated in front of the site at a distance of ~18m to the south-west with the 'rec' bowling and bar located ~33m to the east.

DETAILED DESCRIPTION

The initial proposal has been amended to now comprise of the conversion of a 71.5m² office building to a one bedroom residential dwelling with the provision of off-road vehicle parking to be provided in the undercroft. The existing walls and roof would be upgraded internally which includes new internal changes to create new kitchen, living room, 1 no. bedroom, a study / lounge room and a bathroom. There would be very little external changes apart from alterations to a section of the current undercroft which would become a part of the living room, including a new window.

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 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 13 - Town Centre Uses
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
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 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

Neighbourhood Plan:

Horsham Blueprint Business Neighbourhood Plan
Policy HB1 – Location of Development
Policy HB2 – Meeting Local Housing Needs
Policy HB3 – Character of Development
Policy HB4 – Design of Development
Policy HB5 – Energy Efficiency and Design
Policy HB6 – Retaining and Enhancing the Vitality and Viability of Horsham Town Centre
Policy HB9 – Protecting Existing and Encouraging New Commercial Premises and Land

Parish Design Statement:

Horsham Town 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:

Natural England: NO OBJECTION SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

However, just as an advisory note, we have noticed that the Water Neutrality Statement uses the figure of 1.88 as opposed to 1.32 for what appears to be a one-bed dwelling. This may have resulted in an overestimation of proposed water use. Whilst this is not of a major concern to us (as an underestimation would be), you may wish to revise the figures for the purposes of certainty and consistency.

HDC Conservation: *The existing building is not attractive and does negatively impact the character of the conservation area. Any opportunity to replace the building should be taken. The current proposal will result in a longer term retention of the building and this will continue the harm to the character of the conservation area. The harm resulting from this scheme will be less than substantial and at the lower end of that scale. If you are confident the public benefits will outweigh this harm then I raise no objection on heritage grounds. If you are not confident then I am happy to speak with the applicant about alternative solutions.*

Southern Water: *The applicant has not stated details of means of disposal of foul drainage from the site.*

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse*
- Infiltration*
- Watercourse*
- Storm sewer*
- Combined Sewer*

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

WSCC Highways: *The site is located on London Road, a B-classified road subject to a speed restriction of 30 mph in this location. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.*

The LHA previously provided consultation advice for this site for application DC/21/0644, raising no objections. The Local Highway Authority (LHA) refused the application on grounds unrelated to highways.

Access and Visibility

The applicant proposes to utilise the existing vehicular access on London Road, with no alterations to this arrangement proposed. From inspection of local mapping, there are no apparent visibility issues with the existing point of access on to London Road. The LHA does not anticipate that the proposed development would give rise to a material intensification of movements to or from the site.

Parking and Turning

The applicant proposes one car parking space for this development. From inspection of the plans, the site exhibits sufficient space for on-site turning to be achievable. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size and location would require two car parking spaces. Therefore, any overspill parking would have to be accommodated on-street.

Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place on the nearby roads prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the proposed development would result in a detrimental highway safety impact, nor give rise to a parking capacity issue. The LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Horsham Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

The applicant has not provided details of cycle parking provision. Cycling is a viable option in the area and the LHA would like to see secure cycle parking being implemented in accordance with WSCC parking standards (1 cycle parking space) if there is space within the site to do so.

Sustainability

The site is situated in a sustainable town centre location within walking/cycle distance of local services and amenities. The site is also well connected by public transport, with regular bus services available from nearby Albion Way. Horsham Train Station is located approximately 750m northeast of the site.

Conclusion

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.

HDC Environmental Health: *If the application is approved the following conditions should be attached:*

- A scheme of noise mitigation and ventilation shall be provided in accordance with the recommendations detailed in the Acoustic Associates Sussex Ltd report dated 27/07/2021, reference J3231 issue 1. The scheme shall be submitted to and approved in writing by the local planning authority. The use hereby permitted shall not commence until the approved details are fully implemented and validated by a competent person. The approved noise and vibration attenuation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.
- Prior to the commencement of development an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 shall be submitted to and approved in writing by the Local Planning Authority. All confirmed or suspected asbestos containing materials shall be removed from areas of the development which are to form private dwellings. A verification report prepared by a competent person which confirms all asbestos or suspected asbestos containing materials have been removed shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.
- All Site clearance debris and construction waste, including all asbestos waste, shall be removed from site by an appropriately licensed waste removal contractor.

21/04/2022

Re: Noise impacts

As the development is located adjacent to major through roads in Horsham town centre the applicant should undertake a noise assessment to assess and mitigate the road traffic exposure of the future residents. Furthermore, the property to be converted is located directly opposite extraction fans for a restaurant kitchen, the noise impacts of which should also be assessed.

I recommend that the assessment follows the 2 –stage approach endorsed by the Professional Practice Guidance (ProPG, 2017) and the assessment methodology set out in the Planning Noise Advice Document: Sussex (2020), and that particular consideration be given to good acoustic design, observing the internal level guidelines and mitigating noise impacts on external amenity (if it is to be provided).

Re: Asbestos and Waste Removal:

As the age of the building is not known, I recommend that the following asbestos and waste removal conditions be attached to the decision notice.

1. Prior to the granting of planning approval all asbestos containing materials shall be identified in accordance with the guidance given in HSG264 Asbestos: The Survey Guide.
2. All confirmed or suspected asbestos containing materials shall be removed by an appropriately licensed and competent contractor. A written report detailing these works shall be submitted to and approved in writing by the local planning authority. The report shall include details of validation measures undertaken to ensure the all areas where works have been undertaken are free from asbestos.
3. All Site clearance debris and construction waste shall be removed from site by an appropriately licensed waste removal contractor including all asbestos waste. Evidence of waste removal shall be submitted to and approved in writing by the local planning authority.

Parish Comments:

Horsham Denne Neighbourhood Council has the following concerns regarding the application:

1) There is no evidence provided, and no report from HDC Economic Development, to confirm that the property is not viable for commercial use.

2) HDNC considers that the living area is undersized and suggests that the layout could be improved and the available ground floor space increased by removing the downstairs toilet as there is to be a toilet in the upstairs bathroom.

*Therefore, HDNC **objects** until there is a satisfactory response to point 1.*

Representations:

There were no responses received from neighbour consultation.

EQUALITY AND HUMAN RIGHTS:

Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.

Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application.

Consideration of Human Rights and Equalities forms part of the planning assessment below.

PLANNING ASSESSMENT

The application has been assessed on the basis of the submitted details, together with the planning history of the site and adjoining properties, available images and photographs supplied by the agent. These details were considered sufficient to allow the application to be properly considered and determined.

Principle of Development:

This application seeks full planning permission for the change of use of Old House Mews, 24 London Road from commercial office (Use Class E) to a revised one bed dwelling (Use Class C3). The application follows a recently refused Prior Approval for similar proposal. The reason for refusal was due to the lack of evidence demonstrating that the future occupants would adequately be protected from the impacts of noise disturbance arising from proximity to commercial premises near the application site.

The proposal would need to satisfy Policy 9 of the Horsham District Planning Framework (HDPF) 2015 which relates to Employment Development. In particular, paragraph 2 of this policy states that the redevelopment of employment sites and premises outside Key Employment Areas must demonstrate that the site is no longer needed and / or viable for employment use.

Draft Policy HB9 of the Horsham Business Blueprint Neighbourhood Plan states that there will be a presumption against the loss of commercial premises or land which provides employment. Subject to permitted development rights, applications for a change of use of existing commercial premises to an activity that does not provide employment opportunities will be resisted unless it can be demonstrated that the commercial premises or land: has not been in active use for at least 12 months and: has no potential for either reoccupation or redevelopment for employment generating uses as demonstrated through the results of a marketing campaign lasting for a continuous period of at least six months and a supplemental report evidencing the marketing undertaken and the market response, and a detailed valuation report assessing the viability of the land and buildings for employment use.

A supporting letter from Crickmay Letting Agency confirms that the premises has been marketed for the last 6 months following the current tenant's decision to relocate to a home-based office. The premises has not attracted any interest, with the perceived reason being the building's poor layout and energy performance rating. It is outlined that the certification rating of G is the poorest rating and letting the building out in its current state would be unlawful. The Marketing Agent outlines that the cost of renovating the building to meet the minimum required EPC rating would be unviable.

It is acknowledged that the marketing particulars specify the most recent use of the premises, however the letting agent has confirmed that any other interest would not have been discounted given the wider commercial activities permitted under Use Class E. In considering the information submitted, there appears to be limited interest in the site, and on the balance of these considerations, there would be no conflict with the aims of the above policy. Taking the above into account, as well as the location of the site, within the Town Centre of Horsham in a highly sustainable location, the proposal is therefore acceptable in principle, subject to detailed design and amenity considerations.

The points raised by Denne Neighbourhood Council are noted, however given the location of the site to rear of the of London Road and not forming part of a primary or secondary retail/commercial use, there is no requirement to seek the views of Economic Development in this instance.

Character 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 skyline and important views.

Furthermore, Policy 34 of the HDPF aims to maintain that developments make a positive contribution to the character and distinctiveness of the area and ensuring that development in conservation areas is consistent with the special character of those areas.

The application site is located within the designated Conservation Area of Horsham (London Road) Conservation Area. The Design and Conservation Officer considers that the existing building is of an unattractive design which negatively impacts the character of the Conservation Area. While the retention of the subject building would continue to harm the character of the Conservation Area, it is recognised that this would be less than substantial.

It is recognised that the subject building forms an existing and established part of the designated Conservation Area. Whilst the building does not contribute positively in its existing state, it is considered that the proposed development would result in no further harm to the character of the designated Conservation Area. As such, it is not considered that a refusal reason on the grounds of impact on the setting of the designated heritage asset could be justified or substantiated.

Amenity Impacts:

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

A previous Prior Approval application under planning reference DC/21/0644 considered potential amenity impacts. It was outlined that the main commercial activities within the vicinity of the site are formed of office facilities, the Darcini Indian Restaurant, and 'The Rec' bar and bowling centre. The office facilities located immediately to the east were recognised to be modest units where the operation would not be deemed to give rise to a degree of noise disturbance that would be detrimental to future occupiers. However, the restaurant, bar and leisure facilities were noted to operate to late opening hours and host ventilation, air condition, and extraction equipment. The extraction/ventilation equipment associated with the restaurant was noted to be located at a distance of 20m from the subject building, and only separated by a car parking area, with no built or topographic features between. It was considered that this plant could have the potential to cause noise disturbance to the future occupiers, which in the absence of a professionally conducted acoustic assessment, could not be appropriately assessed. The Prior Approval application was refused for this reason.

The current application has been accompanied by a Noise Assessment conducted by Acoustic Associated Sussex Ltd. The Noise Assessment concludes that the glazing of the existing building is sufficient for purpose and there is no requirement to upgrade the glazing to take account of the commercial kitchen extract and condenser. However, it was noted that if windows were opened in the subject building, the internal sound pressure level is marginally increased. As such, alternative ventilation was considered to demonstrate that suitable passive ventilators could be utilised to overcome this concern.

The Council's Environmental Health Officer has reviewed the submitted information and confirms the conclusions within the submitted Noise Assessment. Should the development be considered acceptable, a condition requiring the submission of a scheme of noise mitigation and ventilation is recommended.

During the course of this application amendments were negotiated to bring the proposal to an acceptable standard for approval. The revised scheme now consists of a 1-bedroom dwelling. The Technical Housing Standards - Nationally Described Space document identifies that a two storey 1-bed dwelling should provide a minimum gross internal floor area of 58m², with 1.5m² of built-in storage. Additionally, a double room should have a floor area of at least 11.5m². The proposed development has been amended to meet these minimum requirements, with the proposed dwelling resulting in an acceptable living space in accordance with the national standards. Consequently, the provision of a small 1-bedroom dwelling would be beneficial in this particular location, given the fact that the noise concerns have been addressed.

The proposal lacks private amenity spaces with the absence of front and rear gardens. While this is unfortunate, it is recognised that the application site is located immediately adjacent to Horsham Park, and is in walking distance of this public open space. On this basis, it is considered that occupiers of the dwelling would have reasonable and sufficient access to public amenity space.

Highways Impacts:

The WSCC Car Parking Demand Calculator indicates that a dwelling of this size and location would require two car parking spaces. However, the submitted plans only indicate the provision of 1 no. vehicle within the application site. Consequently, any overspill parking would have to be accommodated on-street.

Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place on the nearby roads prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the proposed development would result in a detrimental highway safety impact, nor give rise to a parking capacity issue.

The utilisation of the existing vehicular access on London Road is considered acceptable by the Local Highway Authority.

However, the proposal fails to provide electric vehicle charging spaces as required by the West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) for all new homes. Furthermore, the development fails to provide details of cycle parking provision. Additionally, no details have been provided for the provision of refuse and recycling bins within the application site. The requirements for these elements can however be secured by conditions.

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.

The applicant has provided an acceptable strategy that demonstrates water neutrality through the incorporation of on-site mitigation measures capable of achieving water neutrality. The proposed strategy consists of the installation of water efficiency shower, taps and WC within the converted dwelling. The strategy demonstrates lowering the calculated water consumption thereby meeting the target for water neutrality. Whilst Natural England's consultation response notes that the Water Neutrality Statement uses the figure of 1.88 as opposed to 1.32 for a one-bed dwelling, this was deliberate. It was acknowledged that the premises has the capability of being a 2-bed dwelling therefore the figure of 1.88 (2 bedroom occupants) was used to calculate the proposed water usage. This figure demonstrates the potential maximum water usage on site which would be lower than the existing water usage.

On that basis, there is no clear or compelling evidence to suggest the nature and scale of the proposed development with the implementation of the water neutrality strategy would increase 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 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

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:

- Water consumption limited to 110litres per person per day
- Requirement to provide full fibre broadband site connectivity
- Refuse and recycling storage
- Cycle parking facilities
- Electric vehicle charging points

Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Conclusions:

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

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
District Wide Zone 1	59.7	52	7.7
Total Gain			
Total Demolition			52

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:

- 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:** Prior to the commencement of development hereby permitted an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 shall be submitted to and approved in writing by the Local Planning Authority. All confirmed or suspected asbestos containing materials shall be removed from areas of the development which are to form private dwellings. A verification report prepared by a competent person which confirms all asbestos or suspected asbestos containing materials have been removed shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

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

- 4 **Pre-Occupation Condition:** No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 5 **Pre-Occupation Condition:** No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. 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).

- 6 **Pre-Occupation Condition:** Pre-Occupation Condition: No part of the development hereby permitted shall occupied until 1no electrical vehicle charging point has been provided on site The charging point(s) shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

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

- 9 **Pre-Occupation Condition:** A scheme of noise mitigation and ventilation shall be provided in accordance with the recommendations detailed in the Acoustic Associates Sussex Ltd report dated 27/07/2021, reference J3231 issue 1. The scheme shall be submitted to and approved in writing by the local planning authority. The use hereby permitted shall not commence until the approved details are fully implemented and validated by a competent person. The approved noise and vibration attenuation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

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

- 10 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (dated October 2022 received 07/10/2022). No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures 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 SD31 of the South Downs Local Plan (2019), Paragraphs 179 and 180 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).

- 11 **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).

- 12 **Regulatory Condition:** Notwithstanding the provisions of Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Act or Order amending, revoking and re-enacting the same), no fence, wall, gate or other means of enclosure, other than those already present on site, shall be formed forward of the principal elevation of the dwelling hereby approved.

Reason: In the interests of visual amenity and to ensure that the proposed development would result in a sympathetic form of development appropriate to the character and appearance of its surroundings in accordance and to maintain the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Act or Order amending, revoking and re-enacting the same) no development falling within Classes AA, A, B, C, D, E, F, G and H of Part 1 or Class AD of Part 20 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and to protect the amenities of the adjoining neighbours in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 14 **Regulatory Condition:** No work for the implementation of the development hereby permitted shall be undertaken on the site except between 08.00 hours and 18.00 hours on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority

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

- 15 **Regulatory Condition:** All Site clearance debris and construction waste, including all asbestos waste, shall be removed from site by an appropriately licensed waste removal contractor.

Reason: In the interests of amenity and in accordance with 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/21/2840

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date
Elevation & Floor plan	Existing	5880-002	22.12.2021
Elevation & Floor plan	Proposed	5880-005 REV D	22.12.2021
Location & Block plan		5880-001 REV B	27.01.2022
Design & Access Statement		NONE	22.12.2021
Supporting Docs	Energy certificate	NONE	22.12.2021
Supporting Docs	Water Neutrality Statement	NONE	07.10.2022
Supporting Docs	Marketing Details	NONE	15.03.2022
Supporting Docs	Viability Information	NONE	23.02.2022
Supporting Docs	Noise Assessment	NONE	22.12.2021

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 23.11.2022

Authorising Officer sign/initial Oguzhan Denizer Date: 28/11/2022