Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0729
Waterside, Five Oaks Road, Slinfold, West Sussex, RH13 0RL

DESCRIPTION:
Installation of hardstanding (Retrospective).

RELEVANT PLANNING HISTORY:

DC/24/0745	Erection of a single storey rear extension, side porch and conversion of front open porch to habitable space	Application 09.07.2024	Permitted on
DC/24/1973	Installation of hard standing (Retrospective).	Application 13.02.2025	Refused on
DC/19/2005	Change of use from open field to events venue with associated car parking, landscaping and siting of a tipi for a six month period between April and September.	Application 01.10.2020	Refused on
DC/17/2695	Proposed change of use from open field to events venue with associated car parking, landscaping and siting of a tipi for a six month period between April and September.	Application 15.06.2018	Refused on
DC/17/2305	Retrospective application for the change of use and conversion of detached garage to food preparation facility in connection with mobile catering business.	Application 16.01.2018	Permitted on
SF/55/02	Erection of telescopic swimming pool enclosure Site: Waterside Five Oaks Road Slinfold	Application 29.11.2002	Permitted on
DC/24/0705	Change of use of the ex-garage and food preparation to habitable accommodation ancillary to the main dwelling and erection of a rear and side extension to building.	Withdrawn 30.09.2024	Application on
DC/24/0679	Prior Approval for the erection of a single-storey rear larger home extension, which would project 7.00m from the rear elevation, comprising a maximum height of 4.00m and an eaves height of 4.00m	Withdrawn 14.05.2024	Application on

DESCRIPTION OF THE SITE

The application site is situated to the north side of the A264 (Five Oaks Road) outside of any built-up boundary area and is therefore a countryside location for planning purposes. To the opposite south side of the A264 is commercial use land in association with Toat Hill Garage and MOT centre and associated vehicles parking area and adjacent commercial units. Immediately to the southwest of Total Hill Garage is a Grade II listed building, namely ‘Old Pinkhurst’. Bramble Hill Farm is situated to the west of the site. It is noted that Bramble Hill Farm contains a number of agricultural and warehouse buildings, along with surfaced ground.

DESCRIPTION OF THE APPLICATION

The proposal seeks permission for the retention of existing hardstanding to be used for temporary storage and the storage of business vehicles.

A previous application DC/24/1973 for the retention of the existing hardstanding was refused for four reasons. In principle it was not considered that it had been demonstrated that the proposal would be essential to its countryside location, where the resulting level and intensity of activity would result in harm to the character and tranquillity of the countryside location, contrary to Policy 10 and 26 of the HDPF (2015). The development would facilitate a commercial business, where this has the potential to contribute to the wider economy and result in economic benefits in this regard. It was however recognised that the development would not be contained within existing buildings or within the existing boundaries of an established industrial estate. The applicant had confirmed the hardstanding would be used for temporary storage and the storage of business vehicles. No information however had been provided to demonstrate the quantity of storage containers or vans nor define the items in temporary storage. In addition, limited information has been given with regard to the nature of the business, the level of activity it would generate, or the number of employees/vehicles and associated movements. It was not therefore possible to fully assess the nature and intensity of the proposed commercial use which the hardstanding would facilitate.

Also, it was considered the development has the potential to adversely affect the adjacent tree belt which makes a significant contribution to the character of the area contrary to Policies 25, 32, and 33 of the HDPF (2015). It was also considered that insufficient information had been provided to demonstrate that the development would not have an unacceptable impact on the amenities of neighbouring properties, contrary to Policy 32 and 33 of the HDPF (2015) and insufficient information had been provided to demonstrate that the proposed development would have no adverse impact on habitats within and surrounding the site, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the HDPF (2015).

This current application is a resubmission of the previous application DC/24/1973 seeking permission for the retention of existing hardstanding and with additional information provided to seek to address the concerns of the previous refusal.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 7 - Strategic Policy: Economic Growth
Policy 10 - Rural Economic Development
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

Slinfold Neighbourhood Plan
Policy 5 Development Principles

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

Slinfold Parish Design Statement:

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

HDC Arboricultural Officer:
No Objection

Ecology Newts Consultant:
No Objection

PUBLIC CONSULTATIONS:
Representations:
None received

Parish Comments:
Slinfold Parish Council: Consultation comments not received before the due determination date of the application, although an extension of time was requested to beyond the decision date.

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 is located outside of a defined built-up area boundary and is therefore considered to be located within a countryside location in planning policy terms. HDPF Policy 26 (Countryside Protection) states that development outside of built-up area boundaries must be essential to its countryside location, and must either: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet recreational use, or; enable the sustainable development of rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.

Policy 26 and its requirements are further supported by Strategic Policy 14 Countryside Protection in the emerging Local Plan. The policy does however hold limited weight at this stage.

Policy 10 Rural Economic Development of the HDPF is of some relevance. This states that sustainable rural economic development and enterprise within the district will be encouraged in order to generate

local employment opportunities and economic, social and environmental benefits for local communities. In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and must: contribute to the diverse and sustainable farming enterprises within the District, or in the case of other countryside-based enterprises and activities, contribute to the wider economy and/or promote recreation in, and the enjoyment of, the countryside. The development must either be contained wherever possible within suitably located buildings which are appropriate for conversion, or in the case of an established rural industrial estate, within the existing boundaries of the estate; or result in substantial environmental improvement and reduce the impact on the countryside.

The proposal seeks permission for the retention of existing hardstanding, used in part for commercial purposes in association with the Applicant's business, the proposal also seeks to restore some existing hardstanding back to grass.

The applicant details that the hardstanding is used for temporary storage and the storage of business vehicles to facilitate the existing commercial business, where this has the potential to contribute to the wider economy and result in economic benefits in this regard. It is however recognised that the development would not be contained within existing buildings or within the existing boundaries of an established industrial estate. It is however recognised that some environmental improvements, through the replacement of existing hardsurfacing elsewhere on the site with grass, is proposed, which adds some benefit and weight in the overall assessment.

The applicant has submitted further details within a revised Design and Access/Planning Statement, including a table at section 5.1 intended to address the previous reasons for refusal. While this additional material provides some clarification on business operations, storage quantities, and vehicle movements, it does not overcome the fundamental concerns previously identified.

In terms of the principle of the development, and the location of the site: the site remains outside any defined built-up area boundary. Policies 10 and 26 of the HDPF require that development in the countryside is essential to its location and of an appropriate scale. The applicant's narrative does not demonstrate a functional need for a countryside setting, nor does it provide robust evidence of activity levels sufficient to confirm that the proposal would not harm rural character. The development therefore remains contrary to Policies 10 and 26.

Furthermore, it is considered that the proposal description of installation of hardstanding does not adequately cover the activity amounts to a material change of use to commercial storage. There is current permission for use of a building for food preparation in connection with a mobile kitchen, but the operation appears to have been intensified. The information submitted confirms that there are chefs and staff present on site, and so demonstration of water neutrality also needs to be addressed (assessed below).

It is considered that the additional information submitted is not sufficiently detailed to overcome the previous reasons for refusal. The business does not demonstrate a functional need to be located within a countryside setting, and the hardstanding lies beyond the defined residential curtilage, resulting in encroachment into the open countryside and outside the established boundaries of any commercial site. While the proposal may contribute to the wider rural economy, these benefits are not considered to outweigh the identified harm to the character and appearance of the countryside. Furthermore, the information provided on the level and intensity of activities and associated vehicle movements indicates that the development would introduce a scale of activity that would detract from the rural character of the area.

For these reasons, it has not been demonstrated that the hardstanding and level of commercial activity would be essential to its countryside location, where the resulting level and intensity of activity would result in harm to the character and tranquillity of the countryside location, contrary to Policy 10 and 26 of the Horsham District Planning Framework (2015).

Landscape, Design and Appearance:

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

Policy 5: Development Principles of the Slinfold Neighbourhood states development proposals which seek to respect the design, density and layout of the surrounding area as detailed in the Slinfold Parish Design Statement will be supported.

The proposal seeks to retain approximately 450m² of hardstanding beyond the established residential curtilage, introducing a visually intrusive feature into previously undeveloped land. This encroachment blurs the distinction between the domestic curtilage and open countryside, eroding the informal rural character of the locality.

Although the applicant asserts that the hardstanding consolidates existing surfacing and proposes some re-greening, these claims are unsupported by scaled plans, cross-sections, or a landscape assessment. The absence of a defined landscaping scheme means there is no certainty that the visual impact would be mitigated or that the development would integrate successfully with its surroundings. Overall, the increased hardstanding and formalisation of the site has resulted in undue harm and visual intrusion into the countryside.

It is acknowledged that the bunds on site pre-date the previous application and do not form part of this proposal; therefore, no weight has been given to their presence in this assessment. The harm identified relates solely to the extent and siting of the hardstanding and associated storage, which remain visually prominent and out of keeping with the rural setting.

For these reasons, the development is considered to result in unacceptable harm to the character and appearance of the countryside, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts (incorporating vehicle movements):

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

Although the applicant has provided indicative figures for staff numbers and vehicle movements, no operational management plan, hours of operation, or lighting details have been submitted. In the absence of these controls, the Local Planning Authority cannot be satisfied that the development would not result in unacceptable impacts on neighbouring amenity. These impacts include increased noise and disturbance from vehicle movements, deliveries, and on-site activity, as well as potential visual intrusion from open storage and parked commercial vehicles. The lack of defined storage layout and height restrictions further compounds the risk of adverse visual impact.

Given the rural context and proximity to residential properties, including Old Pinkhurst and the occupiers of Waterside, the proposal is considered to result in an unacceptable level of activity and associated disturbance owing to the increase level in activity arising from the use, contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015).

Ecology:

Policy 31 of the HDPF 'Green Infrastructure and Biodiversity' states that *'Development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained'* and that development

proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

It is recognised that some environmental improvements, through the replacement of existing hardsurfacing elsewhere on the site with grass, is proposed, which adds some benefit and weight in the overall assessment, however, no ecology information has been provided, so it cannot be concluded that the suggested enhancements would be sufficient.

The proposal is therefore considered to be contrary to Policy 31 of the Horsham District Planning Framework (2015).

Drainage and Flooding

While the hardstanding is not located within an area at risk of surface water flooding, areas of the site within the red line, have a 0.1% annual chance of surface water flooding. The applicant has confirmed in their application statements that they have installed drainage features at the site, by way of natural bunding and enhanced drainage features, and also includes information on the waterlogged soil and on water pooling in key areas.

While the hardstanding is not located within a flood risk area it is evident the site has experienced issues relating to surface water flooding. The retention of a large area of hardstanding would likely exacerbate the issues at the site. This proposal has now proposed the replacement of an area of existing hardsurfacing on the site with grass, which would reduce surface water flooding.

It is evident there has been a drainage problem at the site however in this instance drainage and flooding are not considered a reason for refusal as a drainage plan could be secured by condition.

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.

There is current permission for use of a building for food preparation in connection with a mobile kitchen, but the operation appears to have been intensified. From the information submitted there are chefs and staff present on site and the operations would need to demonstrate a proposed strategy to achieve water neutrality.

As no water neutrality strategy statement has been submitted at this stage there is evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects.

The grant of planning permission would therefore potentially adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net

Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The application is retrospective made under Section 73(A) of the Town and Country Planning Act and is not therefore subject of the BNG condition.

Conclusions:

The additional information submitted by the applicant does not overcome the fundamental concerns identified in the previous refusal. The proposal remains contrary to the development plan as it fails to demonstrate a functional need for a countryside location, introduces a significant and harmful level of activity beyond the established curtilage, and results in visual intrusion that detracts from the rural character of the area. Furthermore, insufficient information has been provided to address the impacts on neighbouring amenity, ecology, and biodiversity, and no water neutrality strategy has been submitted despite evidence of intensification of use. While some economic benefits and limited environmental improvements are acknowledged, these do not outweigh the identified harm. The proposal is therefore considered to be contrary to Policies 10, 25, 26, 31, 32, and 33 of the Horsham District Planning Framework (2015) and the requirements of the Conservation of Habitats and Species Regulations 2017. Accordingly, the application is recommended for refusal.

Recommendation: Application Refused

Reasons:

1 The site is a countryside location for the purposes of planning policy, outside of any defined built-up area, and outside of an established commercial site, the use is not considered essential in this location. In accordance with HDPF policy 26, the development constitutes a significant increase in overall activity and is not essential development supporting the needs of agriculture or forestry, mineral extraction or waste disposal, or quiet recreational use of sustainable development of rural areas. The development is therefore contrary to Policies 10 and 26 of the Horsham District Planning Framework (2015) and considered not acceptable in principle.

2 The development is sited in a relatively isolated location, set away from existing built form and within previously undeveloped agricultural land, where the hardstanding and associated activities would appear visually intrusive and detract from the informal character and visual amenity of the rural locality. The development would also have an unacceptable impact on the amenities of neighbouring properties by way of an increased level of activity in the countryside. The development is therefore contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

3 Insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).

4 The applicant has not demonstrated 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 193 and 194 of the National Planning Policy Framework (2024), thus the Local Planning Authority are 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).

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/25/0729

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Block plan	Proposed	24950 - P103 REV A	01.05.2025
Location plan		24950 - P101	01.05.2025
Supporting Statement	Design, Access and Planning	NONE	01.05.2025

DELEGATED

Case Officer sign/initial Steve Astles Date: 25.06.2025

Authorising Officer sign/initial RHERMITAGE Date: 08.10.2025