Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1273
Orchard Farm, Emms Lane, Brooks Green, Horsham, West Sussex, RH13 0TR

DESCRIPTION:

Change of use of former packing station from agriculture to commercial storage (Class B8) together with associated alterations and parking (Retrospective)

RELEVANT PLANNING HISTORY:

DISC/18/0212	Approval of details reserved by conditions 4 and 7 to approved application DC/15/1741	Application Permitted on 03.09.2018.
DC/23/0044	Use of Building approved under application reference SP/21/96 for general industrial purposes (Use Class B2) (Lawful Development Certificate - Proposed Use).	Application Refused on 21.03.2024.
DC/23/1512	Change of use of buildings R1, R2 and nos. 18-19 from agriculture to a mixed commercial storage (Class B8) and industrial (Class E(g)[iii]) together with associated alterations and parking.	Application Permitted on 19.12.2023.
DC/24/0185	Change of use of building nos. 14-17 and a former packing building from agriculture to a mixed commercial storage (Class B8) and light industrial use (Class E(g)(iii)) together with associated alterations and parking	Application Permitted on 12.04.2024.

SITE AND SURROUNDS

The application site comprises of a former packing station which is located to the east of the complex and is served by its own access and parking area. There are remaining units, situated to the west of the site. The subject building is utilitarian in appearance and constructed from a steel frame with box profile cladding to the walls and roof over a floor area totalling 2,340m2.

There are no houses within close proximity of the site and the surrounding area is rural. The site lies in the countryside just southwest of Horsham which is the nearest largest settlement and 4 miles west of Southwater. It would be within an area considered outside of the built-up area boundary.

DETAILED DESCRIPTION

Orchard Farm comprises 11 buildings formerly part of the Kinswood Eggs business. The business was sadly hit by an outbreak of bird flu in 2022, which meant the business had to immediately cease operations resulting in the culling and incineration of all the birds and some 1.5 million eggs. The applicant seeks to continue with diversification on the back of previous planning applications for change of use of the other units nearby. The application is retrospective, with the use having already gone some way to help sustain the farm business.

This application seeks to change the use of former packing station to commercial storage (B8 use) on the land at Orchard Farm. The building will be used on a commercial basis to allow for changes in demand on the open rental market. There are other previous applications at the site, such as ref: DC/24/0185, which converted a number of the buildings on site to mixed commercial storage (Class B8) and light industrial use (Class E(g)(iii)). There would be limited external and internal alterations to the buildings.

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 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

Shipley Neighbourhood Plan (2019-2031):
Policy Ship TT1: Active Travel
Policy Ship CO2: Employment

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

Nature Space: No Comment
A solely change of use application is not considered to be relevant to the District Licensing Scheme as there are no construction activities occurring, which means there is no impact on great crested newts or their habitats. I therefore have no comments to make at this time.

Natural England: No Objection
Concur with the conclusion of your authority's HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites can be ruled out, as such: we have no objections.

HDC Environmental Health: Further information required (received 19.11.2024)
[Summarised]

- No comments in relation to intermittency and impulsivity and why they have not been applied to assessment.
- Not clear what level of LAmax impact is expected from the proposed development.

- Review the emission mitigation assessment to include total proposed vehicle movements.
- Application should be supported with a Phase 1 Preliminary Contamination Risk Assessment.
- CEMP required to control and minimise construction traffic.

HDC Environmental Health: Further information required on air quality (received 20.12.2024)
[Summary]

- Clarification regarding the Daily Vehicle Movements produced by development is requested.
- The damage cost calculator should be reviewed.
- Applicant should avoid duplication of measures that would normally be required through other regimes.
- The mitigation measures and associated costs table is reviewed.

HDC Environmental Health: Comment (received 04.02.2025)

Have reviewed the Redmore Environmental Air Quality Assessment dated 16 December 2025.

Regarding the damage cost toolkit, the Price Base Year selected was 2022 and, according to Sussex Air Quality Mitigation Guidance, the base year should be the project appraisal year, in this case 2024. This change would imply in an increase of £380 with a total cumulative Five Year Exposure Cost Value of £8,511. The proposed mitigations in table 8 of the report and the additional measures in paragraph 5.3.13 are still acceptable as they would exceed the revised damage cost.

OUTSIDE AGENCIES

WSCC Highways: Comment

This proposal is for the change of use of former packing station from agriculture to commercial storage (Class B8) together with associated alterations and parking (Retrospective). The site is located on Emms Lane, an unclassified road subject to a speed restriction of 60 mph in this location. This application is supported by a Transport Note prepared by RGP Consulting Engineers

The LHA previously provided consultation advice for this site for application DC/24/0185, raising no highway safety concerns. This Local Planning Authority (LPA) permitted the application.

Access and Visibility
The development uses an existing vehicular access point on to Emms Lane and there are no proposed changes. Visibility splays along Emms Lane from the existing access point have been demonstrated and are considered acceptable.

An inspection of data supplied to WSCC by Sussex Police over a period the past five years reveals that have been no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing junction and access to the property is operating unsafely or that the proposal would exacerbate an existing safety concern.

Capacity
The Transport Note includes trip generation data ascertained from the TRICS Database. The data suggests that the proposed use could generate 84 two-way movements per day. Considering the existing agricultural use which does have the potential to generate significant movements, the LHA are satisfied that the proposals would not represent a significant material intensification of movements to or from the site.

Parking
The existing informal parking will be formalised to provide twenty-eight cars parking spaces, and this is in accordance with WSCC Parking Standards for B8 use. On-site turning appears achievable, allowing vehicles to exit in a forward gear.

Summary
The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in ‘severe’ cumulative impacts on the operation of the highway network, therefore is not contrary

to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

Parish Comments:

Members voted to SUPPORT the application but would ask that the applicant not direct traffic through Coolham Village.

Representations:

None received.

Member Comments:

None received.

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Background:

In this instance, the background to the current proposal is important to note. The recent planning applications are a result of the outbreak of bird flu nearly two years ago, which meant agricultural use had to suspend for at least 12 months. The farm requires the commercial units to provide a more reliable source of income and supplement the agricultural operations.

Officers are aware that the egg production farm is operational from a number of buildings to the north of the application site, maintaining an agricultural use of the site but on a smaller scale than the previous egg production facility.

Planning refs; DC/23/1512 and DC/24/0185 have permitted the change of use of other agricultural buildings within the site, for mixed commercial storage, industrial and light industrial use, and this application follows the previous permissions.

Principle of Development:

Policy 10 of the Horsham District Planning Framework (HDPF) 2015 seeks to support the rural economy where this meets rural community needs and enables rural towns and villages to remain self-sufficient and economically vibrant. The policy further accepts that diversification can enable positive re-use of existing buildings within rural areas, thus potentially limiting adverse impacts on the landscape character.

The principle of finding alternative uses of existing and long-established buildings within the cluster would provide a sustainable re-use of existing infrastructure, buildings, and resources. The re-use of buildings which are suitable for conversion, such as that within the application site, would be in accordance with HDPF Policy 10.

Furthermore, Policy CO2 of the made Shipley Neighbourhood Plan also supports the re-use of / conversion of existing farm buildings to provide employment opportunities.

The application is retrospective, having already been converted in Class B8 use in February 2024. There would be no changes to the proposed unit, with the existing building and existing hardstanding utilised within the countryside, which would have no greater impact on the countryside. The re-use of the building, which is suitable for conversion, would be in accordance with Policy 10 of the HDPF and Shipley neighbourhood plan policy. It is therefore considered that the conversion of the building would accord with policy directive seeking to find suitable, appropriate, and alternative uses of serviceable agricultural buildings.

Design and Appearance:

The building has already been converted and there were little changes to the external appearance to convert the building. The change of use would not deviate from the overall established appearance, with no material visual changes were done to the building, and the building is easily adaptable given the commerical nature of the former use. The dimensions and external materials are appropriate to typical farming enterprise. It is noted that a cycle store is proposed, this would be of an appropriate scale and able to accommodate a number of cycles.

Therefore, officers consider that the proposal would continue to adhere to Policies 25, 32, and 33 of the HDPF, which promotes development that protects, conserves, and enhances the landscape character, and paras 135 and 139 of the NPPF (2023).

Amenity Impacts:

Policy 33 requires that development avoids unacceptable harm to the amenity of occupiers/users of nearby property and land.

Paragraph 187 of the NPPF states that decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

It is noted that the two properties located alongside the farm track, Orchard Cottage and Orchard Farmhouse are both within the applicant's ownership and are occupied by the applicant and his family, with both Orchard Farmhouse and Orchard Cottage also being subject to agricultural occupancy conditions. There were no representation letters received as part of the application.

Given the pre-existing nature of the agricultural holding operating from this site, the limited nature of the proposed use and the conversion of the existing building, rather than any new construction, and the previous planning permissions for conversion of buildings on the wider site (ref; DC/23/1512 and DC/24/0185), Officers consider that planning conditions could be used to restrict the use to ensure that the use remains comparable to the existing.

Consideration needs to be had regarding the potential cumulative impact of the ongoing, albeit smaller, agricultural use continuing at the site, and the new uses as permitted by DC/23/1512 and DC/24/0185, for B8 and Class E(g)(iii). It is considered that the previous change of use applications have set a precedence for the conversion of the existing agricultural buildings on site. It is therefore considered that there are limited amenity impacts arising from the change of use.

Highways Impacts:

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

The site is served by an existing access road, with the building separately accessed from the rest of the buildings at the farm which are to the west. The site has its own parking area, separate to the other buildings. The submitted Transport Statement confirms that there shall be 28 car parking spaces, which

is in accordance with WSCC Parking Standards for B8 use, as confirmed by WSCC Highways. Cycle parking facilities have been provided and are considered to be sufficient for the usage at the site.

For these reasons, it is considered that the proposal would not result in adverse harm to the function and safety of the public highway and is capable of meeting the relevant parking needs of the alternative use, in accordance with Polices 10, 40 and 41 of the Horsham District Planning Framework (2015).

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.

It is clear that the existing agricultural unit would have drawn its water demand from a mains-fed source. Submitted water bills show a high-water consumption across the wider site. Previous applications at the wider site have calculated the water consumption for the whole site and so this statement takes from the previous calculations, which calculated that if the lower amount of 65,300 litres per day is split proportionally among the cumulative floor area of the 11 buildings on site, this arrives at an average of 4.14 l/d per sqm.

Applying the proportional split to the application building (floor area 2,340m2) this arrives at a baseline water use of 9,687.6 l/d at the site. The OffPAT employment density figures identify that a B8 use could generate 1 employee per 80m2 which equates to 29.25. Assuming a generous water usage per person of 50 litres per day for an employee, this provides a daily average of 1,500 litres per day for B8 storage and distribution. The water usage on the site would be 1,500 l/d which is less than the baseline poultry use (9,687.6 l/d) within the application building, leaving significant headroom and demonstrating water neutrality.

Following assessment by Natural England there are no objections to the proposal subject to delivery, maintenance and management of the measures identified in the submitted water neutrality statement, and subject to the understanding that the claimed water usage is representative of the actual use.

There is no clear or compelling evidence to suggest the nature and scale of the change of use of the existing agricultural building would result in 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 not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017

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 application would be exempt from demonstrating Biodiversity Net Gain as it does not remove any additional habitats.

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.

As part of the current change of use application, the only associated climate change benefit arising from the proposal would be the effective re-use of an existing building where limited external changes are needed to implement the conversion.

Other Matters:

Environmental Impacts

HDPF policy 24 expects proposed development to minimise exposure to and the emissions of pollutants including noise, air, odour, and light pollution, and sets further criteria for assessing applications against. Paragraph 201 of the NPPF outlines that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions. Planning decisions should assume that these regimes will operate effectively.

The objections raised by the Council's EH team are acknowledged. It is noted that the buildings are built on what appears to be sound concrete floors which will remain in situ. In this instance, given that the ground is not to be disturbed with the development being confined solely to the use within the buildings, it is considered that the preliminary risk assessment and any necessary mitigation can be sought by way of planning condition.

Flooding

The application building is not situated within an area at risk of surface water flow paths, and although medium and higher risk area exist towards the southwest of the site, there is no need to carry out a sequential test as changes of use are exempt. It is also noted that the proposed change of use would not change the vulnerability (less vulnerable) rating of the site and its use. The proposal would be considered to accord with the advice and requirements set out under HDPF Policy 38.

Contamination Risk:

The planning statement highlights that the concrete floors would protect the ground from any contamination, and this is to be retained along with the hard surfaced areas around. A decontamination exercise was undertaken to rid the farm of Avian Flu which was to the satisfaction of the Animal and Plant Health Agency.

Conclusions:

The retrospective change of use of the agricultural building to Class B8 use would support, sustain, and contribute to the varied and productive economic activity within the rural location. The proposed change of use is considered acceptable, in accordance with the relevant local and national planning policy.

Recommendation: Application Permitted

Conditions:

2 **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), or the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises hereby permitted shall be used for B8 storage purposes and for no other purposes whatsoever without express planning consent from the Local Planning Authority first being obtained.

Reason: To ensure the development remains 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), Paragraph 193 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), and to safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: The premises shall not be open for trade or business except between the hours of 07:00 - 17:00 hrs Monday-Friday and at no other times.

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

4 **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) and 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 premises hereby permitted shall not include trade counters or showroom/retail uses without express planning consent from the Local Planning Authority first being obtained.

Reason: The site is not within an area where permission for shopping purposes or town centre uses would normally be granted and to ensure the development remains in appropriate employment use in accordance with Policies 7 & 9 of the Horsham District Planning Framework (2015) and to ensure the development remains 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), Paragraph 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 **Regulatory Condition**: No bulk storage of fuels, oils, chemicals, explosives or pyrotechnic devices shall be permitted without the prior written approval of the local planning authority.

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

6 **Regulatory Condition**: No external storage of any materials or waste shall take place at any time.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition**: No new external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and 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/24/1273
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation & Floor plan	Proposed Cycle Store	WS/OF/01	01.08.2024
Location & Site plan	Site Plan	24-01-04 REV B	01.08.2024
Elevation plan	Existing and Roof	P411-5 REV 1	21.08.2024
Floor plan	Existing	P411-1 REV 1	21.08.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 04.02.2025

Authorising Officer sign/initial Tamara Dale Date: 04.02.2025