Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/2011
Rowhook Hill Farm , Bognor Road, Broadbridge Heath, West Sussex, RH12 3PS

DESCRIPTION:

Change of use of the building to allow flexible/dual use comprising vehicle sales, display, preparation, valeting and pre-sales safety checks (sui generis) together with Class E(g) use including offices and MOT testing, and the installation of new windows and an internal mezzanine.

RELEVANT PLANNING HISTORY:

DC/18/0590	Erection of a new open bay, timber garage building	Application Refused on 17.05.2018
DC/17/2652	Change of use for existing building to Class B1 (office) and Class B8 (storage) uses	Application Approved on 24.01.2018
DC/16/2375	Removal of existing commercial buildings and erection of 7 new residential dwellings with associated parking and amenity space, using existing access	Application Refused on 05.01.2017 Appeal Dismissed on 11/08/2017 PINS reference: APP/Z3825/W/17/3169549
DC/15/1200	Proposed replacement vehicle sales workshop and relocation of vehicular access.	Application Refused on 28.09.2015
DC/14/0135	Proposed replacement vehicle sales workshop	Application Permitted on 14.07.2014
WN/8/02	Variation of conditions 4,5,6 & 7 on wn/32/91 relating to the number and location of vehicles on the site: Reid Landrovers Richmond Stud Farm Bognor Road Broadbridge Heath	Application Permitted on 27.11.2002
WN/47/97	Removal of condition 1 from wn/32/91 Site: Reid Landrovers Richmond Stud Farm Bognor Road Broadbridge Heath	Application Permitted on 05.11.1997
WN/32/91	Renewal of permission & variation of condition 05 on wn/5/85 for sale of & display of 14 motor vehicles	Application Permitted on 07.07.1993
WN/5/85	Use of barn for sale of motor vehicles (From old Planning History)	Application Permitted on 06.10.1987

The planning history demonstrates a long-established motor trade use of the site together with subsequent permissions confirming the acceptability of employment-related uses within the existing building.

DESCRIPTION OF THE SITE

The site lies to the west of Bognor Road outside any defined built-up area. It comprises a cluster of converted former agricultural buildings accommodating a mix of commercial and residential uses, with extensive areas of hardstanding and an established access from the public highway.

The application building sits within this established commercial yard and is physically separated from neighbouring dwellings by boundary treatments including a substantial wall along the northern and western boundaries.

DESCRIPTION OF THE APPLICATION

This application seeks planning permission for the flexible use of the building for:

- purposes falling within Class E(g)(iii) (office/light industrial processes appropriate in a residential area); and
- a sui generis use comprising the display and sale of motor vehicles together with vehicle preparation, valeting, pre-sales safety checks and MOT testing.
- Internal alterations to comprise the addition of a mezzanine level.
- Addition of high-level windows within the west and south elevations.

The proposal does not involve an increase in the footprint of the building or alterations to the established access, parking or servicing arrangements. The application formalises the existing lawful vehicle sales and preparation activities and introduces MOT testing as an additional element of the operation.

The building has an established planning permission for vehicle sales and associated preparation activities. This is reflected in the long-standing motor trade use of the site.

The proposal does not introduce a new commercial activity but allows operational flexibility and the addition of MOT testing within the existing building envelope. Minor external alterations include additional windows and an internal mezzanine, both previously considered acceptable in earlier approvals. Access, parking arrangements and areas of hardstanding remain unchanged.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable 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 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 40 - Sustainable Transport
Policy 41 - Parking

Warnham Neighbourhood Plan (2019):
Policy W7: Protection of existing commercial premises or land

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.

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 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 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 29: New Employment
Strategic Policy 30: Enhancing Existing Employment
Policy 31: Rural Economic Development

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

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:

INTERNAL CONSULTATIONS

HDC Environmental Health: Initial Comment 14.01.26

The premises is located in a primarily rural area of the district, as part of a mixed commercial and domestic development. Domestic dwellings are sited around 35 metres to both the north and west of the premises; and as close as 12 metres to the southwest.

Given the close proximity of sensitive domestic dwellings to the application site and the potential for impact wrenches and other tools to be used during MOT assessments and related processes, this Service recommends – particularly noting that no hours-of-operation have been proposed in the application – that the decision is supported by a noise assessment, undertaken in accordance with BS 4142, to demonstrate no adverse impact or loss of amenity to neighbouring domestic properties from the development. Specifically, noise from any newly permitted use, for the life of the development, shall

not exceed background levels as measured at a position on the southern boundary of the application site. Daytime and night-time noise measurements are to be based on a 1 hour LAeq and a 15 Minute LAeq respectively, in line with BS 4142: 2014+A1:2019 (or subsequent superseding equivalent). The noise assessment shall be submitted to and approved in writing by the local planning authority and details as approved shall thereafter be permanently retained as Condition, should the Application be permitted.

In addition, this Service makes the following recommendations for Conditions to minimise disturbance during the undertaking of works at the premises, should the Application be Permitted: Demolition and/or Construction Phase a) Suitable assessments should be made to identify any asbestos contained within the building and controls put in place to ensure safe removal and disposal where necessary. b) A licensed waste removal contractor should remove all clearance debris and construction waste from site. c) No burning of materials should take place on site. d) Hours of construction activities (including deliveries and dispatch) should be limited to 08.00 – 18.00 Monday until Friday, 09.00 – 13.00 Saturdays and no activity on Sundays or Bank Holidays.

Final Comments: 18.03.26
This Service continues to recommend that a noise survey is undertaken to ensure that there is no adverse impact on local amenity due to the new work activities. Conditions advised.

Officer Comments:

The Council's Environmental Health Officer has recommended that a noise assessment, undertaken in accordance with BS 4142:2014+A1:2019 (or subsequent superseded equivalent), be submitted to demonstrate that the proposed MOT use would not adversely affect neighbouring residential amenity, having regard to the proximity of nearby dwellings.

Following this consultation response, additional information has been provided by the applicant to clarify the nature of the proposed MOT operations. This confirms that:

- No compressors or fixed plant associated with noisy workshop operations are proposed;
- Testing is limited to the use of a vehicle lift, brake rollers and emissions probe;
- No vehicle dismantling, servicing or repair would take place;
- Noisy hand tools such as impact wrenches are not required;
- A maximum of approximately one MOT test per hour would be undertaken; and
- All activities would take place within the building.

This request has been carefully considered in the context of the planning history and the lawful baseline position of the site. The Agent contends that the building already benefits from an established planning permission for use as a vehicle sales workshop including vehicle preparation, valeting and pre-sales safety checks, which has operated as part of a long-standing motor trade use at this location for several decades. The site is therefore not being introduced as a new commercial use in a previously quiet environment but represents an established rural employment site with an existing pattern of vehicular activity and workshop operations.

The current proposal does not seek permission for general vehicle repair or other industrial processes, nor does it involve new external plant, machinery, or alterations to the access, servicing arrangements or areas of hardstanding. The addition of MOT testing is limited to an inspection-based activity undertaken within the existing building envelope and would not materially alter the nature or intensity of operations already occurring lawfully on site.

Use Class E(g)(iii) specifically encompasses processes that can be carried out in a residential area without detriment to amenity by reason of noise, vibration, fumes, or other emissions. The precise Use Class of MOT testing can vary depending on the nature and intensity of the activity undertaken. In this case, the proposal does not involve general vehicle repair, fabrication or servicing operations typically associated with a Class B2 industrial use. Instead, the activity is limited to MOT testing, which is an inspection-based process undertaken within the building and does not involve dismantling, repair or prolonged mechanical operations. The Agent has provided a link to government guidance as to what the testing entails.

On the basis of the information provided, including the absence of compressors, external plant or intensive workshop activity, the Local Planning Authority is satisfied that the proposal would operate at a level comparable to light industrial processes capable of being undertaken without harm to residential amenity. The development is therefore best considered as a restricted sui generis motor trade use with characteristics analogous to Class E(g), rather than a general industrial (B2) use.

Nevertheless, to provide clarity and safeguard neighbouring amenity, the Council's EH Officer has provided confirmation that a noise survey is undertaken to ensure that there is no adverse impact on local amenity due to the new work activities.

Further, it is considered appropriate to impose a condition limiting the use to the specified vehicle sales, display, preparation, valeting and MOT testing of motor vehicles, together with associated office/light industrial activities of a scale and nature assessed as part of this application, with all such activities undertaken within the building unless otherwise agreed in writing by the Local Planning Authority.

In determining this application, the Local Planning Authority must assess only the additional effects arising from the development proposed, having regard to the lawful baseline position.

OUTSIDE AGENCIES

WSCC Highways: No Objection 28.01.26

This application seeks the change of use of building to a flexible/dual use as a vehicle sales workshop, office and MOT centre (Use Class E(g)), with installation of new windows and mezzanine. The site is located on Bognor Road, an A-classified road subject to national speed limit in this location.

The building is currently used as a vehicle sales/valeting/preparation workshop, and the proposals seek to use the building as an MOT centre. Considering the existing uses on site, the LHA does not anticipate that the proposed change of use would give rise to a significant material intensification of movements to or from the site.

The site benefits from existing vehicle access points on the A29, and there are no apparent visibility concerns with these existing access points. On-site parking and turning arrangements will remain unchanged, and these also appear suitable to serve the proposed use at this site.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

PUBLIC CONSULTATIONS:

Representations:

5 letters of Objection have been received from 2 addresses, objecting to the application on the following grounds:

Unsustainable Intensification & Site History

The proposal represents an inappropriate over-development of a rural site previously determined unsuitable for such uses; it is a significant departure from the previous low-impact luxury showroom.

Highway Safety & Traffic

The application uses misleading imagery; in reality, the site sits on a fast, congested road where increased MOT and sales traffic will lead to hazardous queuing and unsafe manoeuvring.

Inappropriate Structure

The application seeks to formalise and intensify a temporary container through the addition of windows and a mezzanine, which does not change its inherently temporary and unsuitable nature.

Loss of Residential Amenity

New elevated windows and a mezzanine will create a direct line of sight into adjacent private spaces, while the shift to a "workshop" use will destroy the tranquillity of the rural setting.

Ambiguous Land Use

The "flexible/dual use" (Sui Generis/Class E) is overly broad, and lacks specified operating hours, providing no protection against early-morning or weekend disturbances.

Noise and Environmental Impact

Industrial activities including engine testing, air tools, and valeting will produce unacceptable levels of noise, fumes, and chemical runoff, impacting the ability of neighbours to open windows or use outdoor spaces.

Water Neutrality

The inclusion of valeting services conflicts with local water neutrality constraints

Parish Council Alignment

This objection fully supports the concerns raised by Warnham Parish Council regarding over-intensive use and the setting of an undesirable precedent

Parish Comments:

Warnham Parish Council: Strong Objection

1. *Overly Broad and Unclear Application*

   The Parish Council considers that the application is widely worded and lacks sufficient clarity and control over the intensity and nature of the proposed uses. The flexible/dual use described would allow a range of activities to occur simultaneously, including vehicle sales, preparation, valeting, MOT testing and office use, resulting in an over-intensive use of the site.

2. *Nature of the Existing Structure*

   The existing structure on the site is a temporary container rather than a permanent building. The Parish Council is concerned that the proposal seeks to intensify and formalise commercial activity within a structure that is inherently temporary in nature. It is also noted that previous planning applications relating to this site have not been approved, indicating ongoing concerns regarding the suitability of the site for development of this type.

3. *Impact on Residential Amenity*

   There are residential properties adjacent to and surrounding the site, with at least four neighbouring homes in close proximity. Historically, the site has operated as a luxury car premises with very infrequent noise or disturbance.

   The proposed development would significantly alter this situation and is likely to result in increased noise, disturbance and activity, potentially from early morning onwards. Activities such as vehicle movements, valeting, MOT testing and workshop operations would have a material adverse impact on the living conditions of nearby residents.

4. *Highway Safety and Access*

   The site is accessed from a busy road subject to a 60mph speed limit and already experiences peak-hour congestion, speeding and rat-running traffic. The Parish Council is concerned that the proposal would increase vehicle movements in and out of the site, making it more difficult and unsafe for neighbouring residents to leave and return to their homes.

   There is also insufficient space on the site for waiting vehicles, vehicle display and operational requirements, increasing the likelihood of congestion and unsafe manoeuvring.

5. *Noise, Pollution and Environmental Impact*

The open nature of the site and the temporary container structure means that multiple activities could take place simultaneously, including vehicle movements, valeting and MOT testing. This would generate considerable noise, air pollution and disturbance.

The Parish Council is particularly concerned about the use of water associated with valeting activities in an area affected by water neutrality constraints, which have not been adequately addressed within the application.

6. *Impact on Character and Landscape*

The proposed development would have a detrimental impact on the character of this quaint rural area. The intensification of commercial activity would erode the open nature of the site and harm the landscape setting.

There is also concern that approval of this application could set an undesirable precedent, potentially encouraging further inappropriate development in the area, similar to the caravans located in an open field nearby.

7. *Community Impact*

Developments of this nature fundamentally change communities, landscapes and the general wellbeing of residents who have chosen to live in the area for its rural character and relative tranquillity. The Parish Council considers that the proposal would undermine these qualities.

Conclusion

For the reasons outlined above, the Parish Council strongly objects to planning application DC/25/2011 and respectfully requests that the Local Planning Authority refuses permission.

Officer Response

As noted above, the Parish Council objects to the proposal on a number of grounds. These matters are addressed below:

Scope of the Application

The proposal does not introduce a wide range of new or unrestricted uses. The building already benefits from a lawful use for vehicle sales, preparation, valeting and pre-sales checks, with office use approved under a previous permission. The current application seeks to regularise these established activities and introduce a limited element of MOT testing within the existing building.

The nature of the use has been carefully assessed. Whilst the precise Use Class of MOT testing can vary, the proposal is limited to inspection-based activities only and would not operate as a general industrial or vehicle repair use. A condition is recommended to restrict the nature of the use and prevent the introduction of more intensive operations.

Status of the Building

The existing structure is a lawful permanent building, approved as a replacement vehicle sales workshop under a previous permission. It is not a temporary container. The current proposal involves only minor alterations, including the insertion of windows and the creation of an internal mezzanine, with no significant new built development.

Residential Amenity

The site has operated as a commercial motor premises for a considerable period and already generates vehicle movements and associated activity. The proposal does not expand the building footprint, alter the access arrangements, or introduce general vehicle repair operations.

The proposed MOT testing would be an internal, inspection-based activity, limited in scale and not materially different in character from the existing lawful use. Notwithstanding this, and in recognition of the proximity of nearby residential properties and concerns raised through consultation, a condition is

imposed requiring a noise impact assessment prior to the commencement of the MOT use. This will ensure that any potential impacts are appropriately assessed and mitigated.

Highway Considerations

No changes are proposed to the existing access, parking or layout. The lawful use of the site already permits vehicle sales and associated movements, and the Highway Authority has confirmed that the proposal would not result in a severe impact on the local highway network. The development would not materially increase traffic movements beyond those that could reasonably occur under the existing use.

Noise, Pollution and Water Use

Valeting already forms part of the established lawful use and is not newly introduced by this application. The proposed MOT testing does not involve additional water demand and therefore does not give rise to water neutrality concerns.

In respect of noise, whilst the proposed activity is limited and internal in nature, a planning condition is imposed requiring a noise assessment to demonstrate that the use would not exceed background noise levels at nearby residential properties. This provides an appropriate safeguard to ensure that the development does not result in unacceptable impacts.

Character of the Area

The site forms an established commercial use within a rural area and does not represent an undeveloped or pristine countryside location. The proposal relates to the continued use of an existing building, with only minor external alterations, and would not materially alter the character or appearance of the site or its surroundings. The development is consistent with policies supporting rural economic activity.

Precedent

The application relates to a specific site with a long-established lawful use and has been assessed on its individual merits. The granting of permission in this instance would not set a precedent for other forms of development.

Overall Conclusion

The objections largely reflect a misunderstanding of the planning history and the limited nature of the proposal. When assessed against the lawful fallback position, the development represents a modest refinement of an existing use rather than an intensification. A full assessment is provided below.

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:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The application site comprises an established commercial premises located within a rural area. The site has been in continuous commercial use for a significant period, with planning history confirming its lawful use for vehicle sales, storage and associated activities. As such, the principle of commercial activity at the site is long established and carries significant weight in the assessment of the current proposal.

Policy 26 of the Horsham District Planning Framework (HDPF) supports sustainable economic development, including the retention and enhancement of existing employment sites within rural areas, provided that development does not give rise to unacceptable impacts. Policy 33 similarly requires that development is of an appropriate scale and nature having regard to the characteristics of the site and its surroundings.

The proposal seeks to introduce a flexible/dual use of the existing building, enabling its continued use for vehicle sales, preparation and valeting (sui generis), alongside associated office and operational activities, including the addition of MOT testing. The application does not propose new built development of any significance, but rather the continued and more flexible use of an existing building within an established commercial site.

The proposed use does not fall neatly within a single Use Class as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). Whilst elements of the proposal, particularly the MOT testing and associated office functions, share characteristics with uses falling within Class E(g)(iii), the inclusion of vehicle sales and associated activities renders the overall use a mixed or sui generis use.

In assessing the proposal, it is necessary to consider the nature and intensity of the operations proposed. The submitted information confirms that MOT testing would be limited to inspection-based activities only, involving standard testing equipment such as a vehicle lift, brake rollers and emissions testing apparatus. No general mechanical repairs, servicing, fabrication or other industrial processes are proposed. The activity would be undertaken internally within the building and at a modest scale, with approximately one vehicle tested per hour.

On this basis, the proposed use is materially different in character from a Class B2 (general industrial) use, which would typically involve more intensive processes, greater levels of noise and activity, and the potential for external impacts. The proposed development is therefore not considered to fall within the scope of a B2 use.

Instead, the proposal represents a modest and controlled evolution of the established lawful use of the site, retaining a similar pattern and level of activity. A planning condition is recommended to restrict the use to the specific activities assessed and to prevent any intensification into more general industrial or repair uses.

Having regard to the established lawful use of the site, the limited nature of the proposed addition, and the policy support for rural economic activity, the proposal is considered acceptable in principle, subject to compliance with other relevant development plan policies.

Impact on Character of the Countryside, Design and Appearance

Policies 10 (Rural Economic Development), 26 (Countryside Protection) and 33 (Development Principles) of the Horsham District Planning Framework seek to ensure that development in rural areas protects the character and quality of the countryside, while being of an appropriate scale, design and layout that respects its surroundings. These policies require that proposals do not result in the spread of development into the countryside or cause harm to landscape character, and that any changes to existing buildings are sympathetic in form and appearance.

The application site is located within a rural area; however, it comprises an established commercial site that has been in long-standing use for vehicle-related activities. As such, the site does not form part of an undeveloped or pristine rural landscape but rather represents an existing enclave of commercial activity within the countryside. This existing lawful use is a significant material consideration in assessing the impact of the proposal.

The development does not propose any substantial new built form. The works are limited to relatively minor alterations to the existing building, including the insertion of additional windows and the formation of a mezzanine level. These changes would not materially alter the overall scale, massing or footprint of the structure.

In visual terms, the introduction of additional windows would modestly alter the external appearance of the building; however, given the functional and utilitarian character of the existing structure, these changes are considered proportionate and would not appear incongruous within the context of the established commercial use of the site. The development would not introduce features that would be visually intrusive or harmful to the wider landscape.

With regard to the nature of the use, the proposal seeks to introduce a flexible/dual use including MOT testing within the existing building. Whilst this represents a modest intensification of activity, it would not result in a material change to the overall character of the site, which is already defined by vehicle sales, storage and preparation activities. The proposal would not expand the site, introduce external storage or significantly increase the visual presence of commercial activity in the countryside.

Accordingly, the development would preserve the existing character of the site and would not result in unacceptable harm to the wider rural landscape. The proposal is therefore considered to accord with Policies 25, 26 and 33 of the HDPF.

Residential Amenity:

Policy 33 of the Horsham District Planning Framework (HDPF) requires that development does not result in a significant adverse impact on the amenity of existing or future occupiers, including in respect of privacy, outlook, noise and disturbance.

In terms of outlook and privacy, the proposal includes the insertion of additional second floor windows. These are positioned obliquely in relation to the nearest dwelling to the north, such that there would be no direct line of sight into habitable room windows or private garden areas. Given this relationship, it is not considered that the proposal would give rise to harmful overlooking or a loss of privacy.

With regard to noise and disturbance, the site already benefits from a lawful use which includes vehicle preparation, valeting and associated workshop activity, all of which generate noise and activity. The proposed development introduces only the additional element of MOT testing.

The applicant has provided further information confirming that the MOT use would be limited to inspection-based activities only, involving the use of a vehicle lift, brake rollers and emissions testing equipment. No compressors, heavy plant or noisy hand tools are proposed, and no dismantling, servicing or repair operations would take place. The process is primarily visual and manual in nature, with a maximum throughput of approximately one vehicle per hour, and all activities would be undertaken internally within the building. The orientation of the building, including the use of doors on the side away from neighbouring dwellings, further assists in limiting potential noise breakout.

The precise Use Class of MOT testing can vary depending on the nature and intensity of the activity; however, in this instance the proposed use is of a scale and nature comparable to light industrial processes typically capable of being undertaken without detriment to residential amenity. It would not operate as a general industrial (Class B2) use, nor would it introduce the type of intensive operations typically associated with such uses.

Notwithstanding the above, it is acknowledged that the site is located in close proximity to a number of residential properties, including some within approximately 12 metres of the building, and concerns have been raised by both Environmental Health and third parties regarding potential noise impacts.

Whilst the information provided indicates that significant adverse effects are unlikely, it is considered that a degree of uncertainty remains.

In these circumstances, conditions are recommended requiring that noise arising from the newly permitted use does not exceed existing background levels, together with the submission of a post-implementation noise assessment undertaken in accordance with BS 4142. These measures will ensure that the amenity of neighbouring occupiers is appropriately safeguarded for the lifetime of the development.

Subject to these conditions, the proposal is not considered to result in an unacceptable impact on residential amenity and is therefore in accordance with Policy 33 of the Horsham District Planning Framework.

Highways Impacts:

Policy 40 (Sustainable Transport) and Policy 41 (Parking) of the Horsham District Planning Framework require development to provide safe access arrangements and ensure that the residual cumulative impacts on the highway network would not be severe. Development should not prejudice highway safety and must make appropriate provision for vehicle movements, parking and servicing.

The application proposes no alterations to the existing access onto Bognor Road, no changes to the internal layout, and no increase in built floorspace. The site currently operates with an established vehicular access and areas of hardstanding used for parking, display and manoeuvring, all of which are to remain as existing.

West Sussex County Council, as Local Highway Authority, has raised no objection in their assessment, which has considered the flexible nature of the permission and is satisfied that the level of vehicle movements associated with the combined uses would remain comparable to the established use of the site.

Given that the proposal does not intensify the use of the site in traffic terms or alter the access geometry, it is not considered to give rise to a severe residual cumulative impact on the transport network. The development therefore accords with Policies 40 and 41 of the Horsham District Planning Framework.

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.

The proposal does not involve the creation of new floorspace, residential development, or any increase in water demand beyond the existing lawful use of the site. As the development would not result in a material change in water consumption, it does not constitute “new development” for the purposes of the water neutrality guidance and does not give rise to any likely significant effect on the Arun Valley European Sites.

The Local Planning Authority is therefore satisfied that the proposal complies with the Conservation of Habitats and Species Regulations 2017, and no further assessment is required.

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.

Other Matters:

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains (on unregistered sites) and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

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

Planning Balance and Conclusions:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The application seeks to regularise and provide flexibility for an established commercial use within an existing building, including the introduction of a limited MOT testing function. The site has a long-standing lawful use for vehicle sales, storage and preparation, and the proposal does not involve any significant new built development or expansion of the site.

In principle, the proposal is supported by Policies 26 and 33 of the Horsham District Planning Framework, which support the retention and enhancement of employment-generating uses, including within rural areas, provided that development does not give rise to unacceptable impacts. The proposed use has been carefully assessed having regard to its nature and scale, and it has been

concluded that it would not operate as a general industrial (Class B2) use, nor introduce activities of a significantly greater intensity than those already taking place on the site.

In terms of character and appearance, the proposal involves only minor alterations to the existing building and would not materially alter the visual character of the site or result in harm to the wider countryside. The established commercial nature of the site is an important material consideration in this regard.

The principal consideration in this case relates to the potential impact on the amenities of neighbouring occupiers, particularly in respect of noise. Whilst concerns have been raised by consultees and third parties, the additional information provided by the applicant demonstrates that the proposed MOT testing would be limited in scale and inspection-based in nature. Notwithstanding this and having regard to the proximity of nearby residential properties, a condition is imposed requiring a noise impact assessment prior to the commencement of the MOT use, together with the implementation of any necessary mitigation. This ensures that any residual uncertainty can be appropriately addressed.

Other matters, including highways and access, have been assessed by the Highway Authority, who have raised no objection to the proposal, confirming that the development would not result in a severe impact on the local highway network.

Taking all matters into account, the proposal would not give rise to significant adverse impacts and would comply with the relevant policies of the development plan. The identified impacts are either neutral or can be appropriately mitigated through the use of planning conditions. There are no material considerations which indicate that planning permission should be refused.

When assessed against the lawful fallback position, the proposal represents a limited and controlled evolution of an established commercial use. Any potential impacts are appropriately mitigated by condition. The proposal therefore accords with the development plan as a whole and there are no material considerations that indicate permission should be withheld.

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 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking, re-enacting or modifying that Order), the premises shall be used only for:

(a) the display and sale of motor vehicles, together with vehicle preparation, valeting and other associated activities including repairs and servicing to vehicles for sale, forming part of the established lawful use of the site; and
(b) purposes falling within Class E(g)(iii) of the Use Classes Order, limited to the undertaking of MOT testing and associated inspection activities, as described in the application, only.

No other use shall take place, including any general motor vehicle repair, servicing, bodywork, fabrication, paint spraying or mechanical engineering operations, without the prior grant of planning permission.

All MOT activities shall be undertaken within the building unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the scope of this flexible permission to prevent an intensification into a general industrial or repair use, and to safeguard the character of the rural area and the

amenities of nearby residential occupiers, in accordance with Policies 10, 26, and 33 of the Horsham District Planning Framework (2015).

4 **Pre-Occupation Condition**: Prior to the first use of the premises for MOT testing, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority (LPA).

The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019 (or any subsequent superseding equivalent) and shall assess the impact of noise arising from the development on the nearest noise-sensitive receptors.

The assessment shall demonstrate that noise arising from the use, including any plant or equipment, does not exceed the existing background sound level (LA90) at the nearest residential properties. It shall also identify any acoustic features, including tonality, impulsivity, or intermittency.

Where mitigation measures are identified as necessary, these measures shall be fully implemented prior to the first use of the MOT facility and maintained thereafter.

The MOT facility shall not be operated until the LPA has confirmed in writing that the assessment and any mitigation measures are approved.

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

5 **Regulatory Condition**: Within three months of commencing use of the premises for MOT testing, a post-installation noise assessment shall be submitted to and approved in writing by the Local Planning Authority.

The assessment shall:

(i) Measure working noise levels at the position closest to the nearest residential dwelling.
(ii) Demonstrate that daytime noise (1-hour LAeq) and night-time noise (15-minute LAeq) do not exceed existing background levels.
(iii) Be undertaken in accordance with BS 4142:2014+A1:2019 (or any subsequent superseding equivalent) and current best practice, including full spectrum analysis to confirm that there is no tonality or other acoustically distinctive features present in the noise.
(iv) Identify any further mitigation measures necessary and confirm that they have been fully implemented.

The approved mitigation measures shall be permanently retained thereafter, and the development shall continue to operate in accordance with the approved details.

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

6 **Regulatory Condition**: All vehicle preparation, inspection and MOT testing activities shall be carried out within the building and not externally on the site. No such activities shall take place externally on the site at any time.

During MOT testing and any associated inspection activities, all external doors and windows to the building shall be kept closed, except for access and egress.

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

7 **Regulatory Condition**: The use hereby permitted shall operate and include arrivals and departures only between the following hours:

- 08:00 to 18:00 Monday to Friday;
- 08:00 to 13:00 Saturdays; and
- No operation on Sundays or Bank Holidays.

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

8 **Regulatory Condition**: No additional external lighting shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority.

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

9 **Regulatory Condition**: The existing areas for vehicle parking and turning within the site shall be retained and kept available for those purposes at all times and shall not be used for storage or any other purpose.

To ensure the continued safe operation of the site in the interests of highway safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

10 **Regulatory Condition**: No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties and the locality 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/25/2011
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Block plan		NONE	04.12.2025
Location plan	Location Plan	15-000/P/001	04.12.2025
Floor plan	Proposed Ground Floor Plan	03 of 05	04.12.2025
Floor plan	Proposed Mezzanine Floor Plan	04 of 05	04.12.2025
Elevation plan	Existing Elevations	02 of 05	04.12.2025
Floor plan	Existing Ground Floor Plan	01 of 05	04.12.2025
Elevation plan	Proposed Elevations	05 of 05	04.12.2025

DELEGATED

Case Officer sign/initial Daniel Holmes Date: 24/03/26

Authorising Officer sign/initial Tamara Dale Date: 24.03.2026