



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/2147

The Orchard, Cowfold Road, West Grinstead, West Sussex, RH13 8LY

DESCRIPTION:

Change of use of the first floor from use as a self-contained (owners) flat to children's nursery (Use Class E). Enlargement of a first-floor window opening into a door.

RELEVANT PLANNING HISTORY:

DC/22/1430	Change of use from a restaurant (Class E) to a day nursery (Class E) (Lawful Development Certificate - Proposed).	Application 30.09.2022	Permitted	on
DC/22/2346	Alterations to existing ramped access and steps, installation of covered porch and insertion of new ground floor doors.	Application 14.02.2023	Permitted	on

DESCRIPTION OF THE SITE

The application site is located on the north side of the A272 Cowfold Road and is outside any built-up area boundary and in a countryside location in terms of planning policy.

The nearest residential dwellings are 1 and 2 Railway Cottages and Station House (to the east) and White House and White House Barn to the opposite south side of the A272. The nearest Grade II Listed building is Gatelands, Park Lane, a distance of 100 metres to the south. The wider area consists mainly of sporadic residences in a countryside location off the A272.

DESCRIPTION OF THE APPLICATION

The application seeks full planning permission to change the use of the first floor from use as a self-contained flat to children's nursery (Class E), as well as the enlargement of a first-floor window opening, into a door. The applicant is Little Barn Owls Ltd who support the provision of early-years education in the Horsham District, at a number of different sites. The proposed development will bring into use an under-utilised floor space. The proposal will permit an increase in child numbers from 64 to 107 but, the proposed increase in numbers can be accommodated by the use of the existing play areas, parking, etc. The proposal would result in the creation of 9 full-time jobs. The proposal will increase provision as follows:

	Existing	Proposed
Children (no.)	64	107
Staff (no.)	16	25

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 11 - Tourism and Cultural Facilities
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 31- Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

West Grinstead Neighbourhood Plan (2019-2031):

Policy 5: Community Facilities

Horsham District Local Plan (2023-40) (Regulation 19):

Strategic Policy 1: Sustainable Development
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
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)

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: None received.

OUTSIDE AGENCIES

WSCC Highways: Comment [Summary]

Existing and proposed use

Current permission for a children's Nursery has been granted for 64 nursery places. This proposal will increase numbers to 107 – 43 additional places. Staff levels will increase from 14 to 25.

Car Parking – Increase from 26 to 35 spaces. This will be achieved by tandem parking with parents parking in front of staff vehicles.

Access Arrangements

Bellmouth access is of sufficient width to allow car to pass clear of the public highway. A ghost island right turn lane has been provided on the A272. No collision have been recorded in the last 5 years.

Traffic generation

TRICs has been analysed – an increase in 1 vehicle every 2-3 minutes is expected to use the access in the peak periods.

Further comments will be provided shortly after an analysis of the TRICs data and the Transport Statement, however it is unlikely the Highway Authority would raise an objection to the proposed increase.

PUBLIC CONSULTATIONS:

Representations:

None received.

Parish Comments:

West Grinstead Parish Council: Support

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

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

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

PLANNING ASSESSMENT

Principle of Development:

Policy 42 of the Horsham District Planning Framework (HDPF) states that – “Positive measures which help create a socially inclusive and adaptable environment for a range of occupiers and users to meet their long-term needs will be encouraged and supported”. Policy 43 of the (HDPF) is supportive of developments which enhance/upgrade community facilities.

Policy 5: Community Facilities of the West Grinstead Neighbourhood Plan states that – “Development proposals to enhance and maintain recreational, leisure and community facilities will be supported”.

The site is located outside of the built-up area boundary. The building was converted into a nursery, as part of planning application DC/22/1430, which changed the use of the building from a restaurant to a day nursery. The building has therefore been used as a day nursery since 2022. The proposal seeks to convert the residential flat (Class C3) on the first floor of the building into part of the day nursery (Class E), as the physical arrangement of the residential flat above a nursery is no longer practical. The proposal seeks to make minimal external changes and a number of internal changes such as the erection of a new staircase and reconfiguration of the layout. The proposal would result in the creation of 9 full time jobs, as well as an additional 43 early-years places at Little Barn Owls Nursery. It is therefore considered that the principle of converting the first-floor of the building into a nursery is acceptable, as this would support the provision of early-years provision in the District.

Design and Appearance:

Policy 32 of the Horsham District Planning Framework Policy (HDPF) relates to improving the quality of new development. It states that permission will be granted for developments which ensure the scale, massing, and appearance of the development is of a high standard of design which relates well to the host building and adjoining neighbouring properties. Policy 33 also seeks to ensure that development proposals make efficient use of land, cause no harm to amenity, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

The only external change to the appearance of the building would be the enlargement of a first-floor window opening into a door which would remain hidden from public view. The rest of the changes would be internally, changing the existing self-contained flat into part of the children's nursery. The internal changes include the erection of a new staircase and reconfiguration of the internal layout. It is considered that due to the minimal changes to the external appearance of the building, that there would be limited impact on the character and appearance, as this would be retained. It is considered that the proposal would be in accordance with the above policies.

Residential Amenity:

Policy 33 of the HDPF relates to Development Principles and requires that the scale, massing and appearance of development is of a high standard of design and that any proposal does not cause unacceptable harm to the amenity of occupiers/users of nearby property and land.

The proposal would not result in any increase in overlooking or loss of privacy and the separation distances to neighbouring properties are sufficiently maintained. There are no changes to the operation of the business, with the opening hours remaining the same. The scale, siting and nature of the proposed works, and distances maintained to neighbouring properties is considered sufficient to ensure no unacceptable impact to neighbouring amenity.

Highways Impacts:

Policy 40 of the HDPF aims to secure a sustainable transport system and supports proposals which promote an improved and integrated transport network and non-car modes of transport; policy 41 aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.

The current permission for a children's nursery provides for 64 nursery places. The proposal will increase numbers to 107- an additional 43 places. The staff levels will increase from 16 to 25. The car parking will increase from 26 to 35 spaces, through tandem parking with parents parking in front of staff vehicles. The planning statement confirms that as staff are expected to be at the site before and after the children, and parents are likely only parked for 5 minutes, that this arrangement can be suitably managed. The proposal would utilise the existing junction onto Cowfold Road. WSCC Highways confirmed that the Bellmouth access is of sufficient width to allow car to pass clear of the public highway and a ghost island right turn has been provided on the A272. WSCC Highways have raised no objection to the proposed increase as it would not result in severe highways impacts to an unacceptable level.

It is therefore considered for the reasons set out above that the development would accord with the requirements of Policy 40 and 41 of the HDPF.

Water Neutrality:

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species

Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG) (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) 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

Conclusions:

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

Recommendation: Application Permitted

Conditions:

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

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

- 3 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces necessary to serve it have been constructed and made available for use in accordance with approved drawing number [DD-00]. The car parking spaces permitted shall thereafter be retained as such for their designated use.

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

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

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

- 5 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall be used for a Children's Day Nursery (Class E(f)) and for no other purposes whatsoever, (including those falling within Class E as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to potential Amenity and Highways Issues under 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/25/2147

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Draft BNG	NONE	22.12.2025
Supporting Statement	Energy	NONE	22.12.2025
Supporting Statement	Transport	NONE	22.12.2025
Elevation plan	Existing and Proposed	DD-02	22.12.2025

Location & Block plan	Existing and Proposed Site	DD-00	22.12.2025
Floor plan	Existing and Proposed sections	DD-01	22.12.2025

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 13.02.2026

Authorising Officer sign/initial RHERMITAGE Date: 16.02.2026