PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	22nd July 2025
DEVELOPMENT:	Change of use from Vehicle Servicing and MOT centre (Use Class B2) to Storage and Distribution (Use Class B8) together with associated parking. (Retrospective).
SITE:	Unit 1, Horsham Trade Park, Foundry Lane, Horsham, West Sussex RH13 5PX
WARD:	Horsham Town
APPLICATION:	DC/25/0561
APPLICANT:	**Name:** Mr Simon Elkins-Green **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

By request of Councillor Raby.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

SITE LOCATION AND CONTEXT

1.1 The application site is located within an established industrial estate known as Horsham Trading Estate. Unit 1 is one of the larger of the industrial units within the trading estate and it is noted that there are residential neighbours immediately to the south east. The site is within a built up area boundary and a designated Key Employment Area.

1.2 The site is itself not subject of any ecological, landscape or heritage designation. The site, further, falls within the Sussex North Water Supply Zone as subject of the Natural England 'Position Statement' of September 2021.

APPLICATION DESCRIPTION

1.3 The application is retrospective in nature and seeks planning permission for the change of use of the vehicle servicing and MOT centre (Use Class B2) to a storage and distribution use (Use Class B8) together with associated parking.

Contact Officer: Hannah Darley

1.4 The Unit 1 building is accessed from the northern elevation and has proposed a provision of 12 parking spaces with an accompanying loading area. No alterations are proposed to the building or to the hardstanding, with the existing hardstanding on site remaining the same as that used by the MOT test centre.

1.5 The Planning Statement outlines that the business will employ 15 staff members. The hours of opening would be Monday – Friday 07:30-18:00, closed on Saturday and 07:30-13:00 on Sundays and bank holidays.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES
The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework (2024)

Horsham District Planning Framework (HDPF) (2015)
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
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 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

Horsham Blueprint Neighbourhood Plan
Policy HB4: Design of development
Policy HB9: Protecting existing and encouraging new commercial premises and land

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing Supplementary Planning Guidance

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/24/0327	Change of use from Vehicle Servicing and MOT centre (Use Class B2) to Storage and Distribution (Use Class B8) together with associated parking (Retrospective)	Application refused on 29.04.2024

3. OUTCOME OF CONSULTATIONS

3.1 **Highways officer**: No Objection subject to conditions.
[Summary]
The change of use would not negatively impact highway safety or cause severe cumulative impacts on the local highway network. The parking provision of 12 spaces would be an adequate provision. The proposal is deemed to be in accordance with the National Planning Policy Framework (NPPF) paragraph 116, which deals with ensuring developments do not result in severe impacts on transportation, subject to the inclusion of a condition which would ensure there would be some cycle parking provision on site.

3.2 **Natural England**: No Objection
No objections subject to the implementation of the mitigation measures outlined with the revised Water Neutrality report.

3.3 **HDC Environmental Health:** No Objections subject to conditions
[Full comment]
"*There are residential properties in close location to this site. This department has record of some historical complaints from neighbouring residents to this site. These relate to noise from vehicle movements and the loading/unloading of vehicles, although nothing has been recorded since September 2023.*

Large vehicles, roller doors, cage movement and dispatch do have potential to disturb the nearby residents and hours of use should be restricted to protect their amenity.
I note that the Planning Statement has offered the following operational hours:

- *0730-1800 on Mondays to Fridays (inclusive)*
- *0730 to 1300 on Sundays and Public Holidays.*
- *The business will be closed on Saturdays*

To protect the amenity of residential neighbours, this department recommends that the applicant's proposed hours of operation are conditioned".

3.4 **HDC Compliance:** Comment
[Summary]
Internal complaint opened following the refusal of planning application DC/24/0327 and the subsequent appeal that has been dismissed.

The reason for refusal was water neutrality grounds and the agent advised that they were preparing a further application to address the water neutrality concerns.

Public Representations

3.68 9 representations have been received from seven different addresses, objecting on the following grounds:

- Concern regarding the noise resulting from the development which operates outside of permitted hours.
- General loss of amenity
- Privacy, light and noise

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

4.1 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.

4.2 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.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

Site History

6.1 The application site has been subject to one preceding application for the same use (ref: DC/24/0327), which was refused on 29/04/2024 for the sole reason that Water Neutrality had not been demonstrated such as it could not be reasonably concluded that the development would not have an adverse impact upon the Arun Valley designations. The application was appealed (ref: APP/Z3825/W/24/3350602) and dismissed. The Inspector raised no concern in regards to other material planning considerations, but concluded that the development had failed to demonstrate water neutrality.

6.3 The current submission is the same as the previous application DC/24/0327, with the exception of the Water Neutrality Statement.

Principle of Development:

6.4 Policy 7 of the Horsham District Planning Framework (HDPF) states that sustainable employment development in Horsham District will be achieved by allocating land for a high quality business park at Land North of Horsham; redevelopment, regeneration, intensification and smart growth of existing employment sites; the formation and development of small, start-up and move-on businesses by encouraging provision of small units through development proposals; encouraging sustainable local employment growth through Neighbourhood Development Plans; and identifying additional employment areas to meet the need for appropriate new business activity.

6.5 Policy 9 of the Horsham District Planning Framework (HDPF)Redevelopment in the Key Employment Areas must not result in the overall loss of employment floorspace. Proposals for alternative uses within the Key Employment Areas will be allowed where it can be demonstrated that the sequential approach has been applied to the redevelopment of the site, and the proposals support their integrity and function as centres of employment.

6.6 The application site is within the built up area boundary and a designated Key Employment Area. The conversion of Unit 1 would not result in any loss of employment floorspace and would operate within an existing commercial and industrial context of Horsham Trading

estate with the proposed use reflecting some of the existing types of activity within the area already.

6.7 It is considered therefore that the principle of the change of use is in accordance with policies 7 and 9 of the Horsham District Planning Framework.

Character, Visual and Landscape Effects

6.25 Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.

6.27 There are no elevations provided within the submission, however from the application form it is understood that no change of external materials would occur as a result of the proposed change of use.

6.28 There has been no extension to the hardstanding since the application site consisted of a MOT test centre. As such, the appearance of application site would not be materially altered.

6.29 The proposal has not therefore resulted in a change of appearance that harms the character of the existing building or of the surrounding area, thereby according with policies 32 and 33 of the HDPF.

Residential amenity

6.30 Policy 33 of the HDPF states that development should, amongst other things, provide an attractive, functional, accessible safe and adaptable environment that should complement locally distinctive characters and heritage of the district, and should integrate with their surroundings, and the historic landscape in which they sit. Development should respect amenities of neighbouring properties and the locality.

6.31 The nearest residential properties sit immediately to the southeast side of the site, forming a number of flats on Abbotsbury Court. The application site is though located within an established Key Employment Area, where it would be an expectation that neighbouring dwellings would anticipate a level of noise and disturbance most days. The hours of operation proposed are Monday – Friday 07:30-18:00, closed on Saturday and 07:30-13:00 on Sundays and bank holidays.

6.32 Environmental Health have been consulted on the application and have responded that they have no objections to the application subject to the inclusion of a condition restricting the hours of use to those stated above.

6.33 Letters of objection are noted in respect of noise, amongst other concerns, however given that the proposal would not introduce new built form, would operate within a context of retail/industrial uses and that the previous use of the building would have resulted in a level of noise, it is not considered that concerns over the impacts of noise disturbance on neighbouring amenity could be reasonably sustained, subject to the inclusion of suitably worded conditions restricting hours of use, and the nature of works undertaken external to the built form on site. This would includes a condition to restrict the external operation of power tools, without which would have potential to impact on neighbouring amenity.

Parking, Highway Safety and Operation:

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

6.35 The WSCC Highways Authority have no objections to the proposal subject to the inclusion of relevant conditions. The Highways team have indicated that there is nothing to suggest that the application site is operating unsafely or that the proposed development would be unacceptable in this regard.

6.36 The Design and Access statement indicates that the proposed development would be served by 12 parking spaces which is in accordance with the West Sussex Parking Guidance which states that there needs to be a minimum of 1 parking space per 100m2 of floorspace. Given the footprint of the converted area would be approximately 850sqm, the existing parking provision is deemed sufficient.

6.37 From the site visit there did not appear to be cycle facilities within the application site, however there is potential for staff choosing to cycle to keep their bikes within the building. There are additional modes of transport other than Horsham Train Station and nearby bus routes. The recommended condition from Highways regarding cycle parking is noted, and cycle store details would be ensured by way of condition such that, the development would be acceptable in light of policies 40 and 41 of the HDPF.

Biodiversity Net-Gain:

6.38 This application is made subsequent to the need for development to achieve a minimum statutory 10% biodiversity net-gain (BNG).

6.39 Given that the proposal would consist of a change of use rather of the existing built form on site and would not result in additional built footprint, and is retrospective in nature, the development is exempt from the statutory Biodiversity Net Gain requirements.

Water Neutrality:

6.40 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.

6.41 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.

6.42 A Water Neutrality Statement has been submitted with the application. The total average baseline submitted is 435.8 litres per day. This is based on the previous lawful development use (an MOT test centre) and is supported by water bills. The water bills provided include those predating the current land owners occupation of the unit prior to 22nd October 2022. When the change of use occurred after this aforementioned date when in the current owners occupation, the bills evidence that the usage has decreased to 365.6 litres as an average baseline.

6.43 The figure advanced within the Water Neutrality Statement would be 577.66 litres per day without mitigation but on the basis of the BREAAM calculations where the number of staff would be 15 employees, the proposed use would be 499.05 litres per day. It is evident from the above that there is a disparity between the proposed figure and the realistic proposed

usage figure that the applicant has submitted. Nevertheless, after installing more efficient fixtures and fittings as a form of mitigation, the proposal would use approximately 323.1 litres per day. As this post mitigation figure is less than the baseline of 365.6 litres, the proposed development is evidently water neutral. To ensure the mitigation measures are implemented, the fixtures and fittings would need to be in accordance with the BREEAM calculator flow rates such that a condition would be required.

6.44 Natural England have been consulted during the course of the application and have no objections to the proposal subject to the development carrying out the mitigation measures outlined within the Water Neutrality Statement.

6.45 Subject to the inclusion of a condition ensuring the proposed fixtures and fittings are implemented, the proposal would be water neutral, thereby avoiding adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC, and Ramsar site from the development either alone or in combination with other plans and projects, in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats and species).

Conclusions and Planning Balance:

6.46 This retrospective application for the change of use from a vehicle MOT test centre to a storage and distribution (B8) use within the context of the Horsham Trade Park Key Employment Area is in accordance with policies 7 and 9 of the Horsham District Planning Framework and therefore deemed acceptable in principle. The previous planning history within the application site is noted, with the Inspector raising no issue with regards to the principle of development or the hours of operation during their assessment of the previously refused application for this very same change of use, DC/24/0327.

6.47 To address this refusal, and dismissed appeal, the applicant has submitted a Water Neutrality Statement that now demonstrates water neutrality through mitigation measures and conditions, ensuring compliance with the requirements of the Habitats Regulations.

6.48 Given the findings of the previous appeal inspector, the lack of objections from statutory consultees, the positive contribution to the local economy, and the absence of adverse impacts on local amenity, character, or infrastructure, the development is recommended for approval subject to appropriate conditions.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. This development does not constitute CIL liable development, resulting in no new built form.

7. RECOMMENDATIONS

7.1 To approve planning permission subject to the following conditions:

Conditions:

1 Approved plans list

2 **Regulatory Condition**: Notwithstanding the provisions of B8 use 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

storage and distribution purposes only 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 by restricting more water intensive uses to avoid an adverse impact on the Arun Valley SAC, SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species), to safeguard the amenities of neighbouring properties and to ensure the sustainable operation of other businesses within the Key Employment area in accordance with Policies 33 and 9 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: No deliveries, dispatches, external operations, trade or other activities (including the operation of plant, roller shutter doors or machinery), shall take place except between the hours of 07:30 hours and 18:00 hours on Mondays to Fridays, and 07:30 hours and 1300 hours on Sundays and Public Holidays and at no time on Saturdays.

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

4 **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).

5 **Regulatory Condition**: No part of the site hereby permitted shall be designated, equipped or used as a vehicle washing area without the prior written consent of the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

6 **Regulatory Condition**: There should be no power tools or mobile hand tools used in external areas.

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:** Within 3 months of the granting of this permission, the development hereby permitted shall be carried out in strict accordance with the BREEAM calculator flow rates for the fixtures and fittings within the application site as outlined within the Water Neutrality Strategy (received 27.11.2024).

Reason: To ensure compliance with the Water Neutrality Strategy (received 26.03.2025) and to prevent an increase in water consumption associated with the development, thereby ensuring the proposal achieves water neutrality. This restriction is necessary to avoid adverse impacts on the Arun Valley SAC, SPA, and Ramsar sites, in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), the Conservation of Habitats and Species Regulations 2017 (as amended), and Section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats and species).

8 **Regulatory Condition:** Within 3 months of the granting of this permission, secure covered cycle parking shall have been provided in accordance with details that have been submitted in plan CBP-01 received 01/06/2025. The cycle parking facilities shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).