PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	5th November 2024
DEVELOPMENT:	Change of use of land to storage of scaffolding equipment (Retrospective)
SITE:	Bridge Farm Coolham Road Coolham West Sussex RH13 8GP
WARD:	Southwater South and Shipley
APPLICATION:	DC/24/1125
APPLICANT:	**Name:** Mr Scott Andrews **Address:** Bridge Farm Coolham Road Coolham West Sussex RH13 8GP

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.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 The application seeks planning permission for the continued use of the land for the storage of scaffolding equipment. The scaffolding is stored on racks. Highview Scaffolding Ltd started using the site for the storage of scaffolding in February 2020 and has continued since. A temporary corrugated roof was erected over part of the storage area, but this has since been removed. The area has previously been used for open storage, probably for a period in excess of ten years, this application has been submitted to seek retrospective planning permission for the use.

DESCRIPTION OF THE SITE

1.2 The application site is positioned to the west of Coolham Road, outside of any designated built-up area boundary. The existing entrance lies at the northern end of the site. The site comprises an existing haulage yard which belongs to Prestige Packaging Solutions Ltd. and has been used as a distribution depot since 2019. There is access through the site into land to the west which has been used for storage of builder's material. The land to the west of main yard on which the scaffolding use takes place is mostly surrounded by trees and vegetation and the southern boundary is bound by the river Adur.

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:

2.2 **National Planning Policy Framework**

2.3 **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

2.4 **Horsham District Local Plan (2023-40) (Regulation 19)**

Policy 1: Sustainable Development
Policy 9: Water Neutrality
Policy 12: Air Quality
Policy 13: The Natural Environment and Landscape Character
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 24: Sustainable Transport
Policy 25: Parking

RELEVANT NEIGHBOURHOOD PLAN

2.5 **Shipley Parish Neighbourhood Plan (2019-2031)**

Policy Ship HD3: High Quality Design

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/09/0561	Land raising to make area usable for agricultural and formation of lake (Prior Notification)	Prior Approval Refused on 27.04.2009.
DC/19/1271	Redevelopment of existing haulage yard to include replacement of existing building for storage and office purposes, resurfacing and expansion of yard area for the parking of distribution vehicles and alterations to the existing access	Application Permitted on 19.08.2019.
DC/22/1986	Erection of new building over HGV parking area	Application Permitted on 28.07.2023.

3. OUTCOME OF CONSULTATIONS

3.1 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

INTERNAL CONSULTATIONS

3.2 **HDC Environmental Health**: Comment, with recommended conditions to limit use to open air storage, control hours of use and prevent external lighting (without the prior written approval of the LPA).

OUTSIDE AGENCIES

3.3 **WSCC Highways**: Comment:-
The site is served by an existing vehicular access point on Coolham Road, and no alterations are proposed to this existing arrangement. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing point of access on to Coolham Road.

The submitted Planning Statement includes details of trip generation for the proposed development. The proposals are anticipated to generate eight two-way domestic movements and six two-way truck movements per day. The LHA are satisfied that these movements can be accommodated into the local highway network without adverse safety impact.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access point has been operating unsafely, or that the proposals would exacerbate an existing safety concern.

From inspection of the plans and WSCC mapping, there appears to be suitable space within the site for the parking and turning of vehicles associated with the proposed use.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

3.4 **Parish Council:** Object:-
The original 2019 consent (DC/19/1271) had a condition that no sub-letting to other commercial businesses would occur. Over time, the site has been developed significantly and the turning of the previous wasteland into a commercial yard is overdevelopment in a rural countryside area.

The applicant's statement suggests that only 3.5t small vehicles are used. This is not the case as much larger scaffold lorries are utilised. This causes additional unapproved HGV movements on a site that is already the subject of separate enforcement issues regarding operating hours and the number of vehicles. The proximity of the local school in a 20mph zone is of concern for highway safety as neighbours report the scaffold trucks frequently speeding through the village.

The additional noise and disturbance caused by these very loud scaffolding activities would be detrimental to local residents.

PUBLIC CONSULTATIONS

3.13 **20 letters** of representation from have been received, objecting on the following grounds: -

- Company generates a large volume of traffic, HGVs, and lorries through the village.
- Use of the scaffolding business on the site is inappropriate.
- Increased commerical traffic through Coolham

- Overdevelopment of existing site
- Noisy vehicles through the village at all hours
- Road is too narrow for the HGV traffic.
- Breach of conditions on previous planning applications
- Development does not meet HDC current local plan priorities.
- Does not maintain the character of the area.

3.14 **2 letters** of representation from **2 households** have been received, supporting the application.

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

Principle of Development

6.1 Policy 10 of the HDPF states that development in the countryside must contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy. In addition, development must either: -

a) Be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate; or
b) Result in substantial environmental improvement and reduce the impact on the countryside, particularly if there are exceptional cases where new or replacement buildings are involved.

6.2 Policy 26 of the HDPF in relation to countryside protection states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Furthermore, any proposal must be essential to its countryside location, and in addition meet one from a list of criteria including enabling the sustainable development of rural areas.

6.3 Planning permission is sought for the change of use of the land to the storage of scaffolding equipment. The application is retrospective, following a compliance investigation on the site. The use of this section of land to the west of the main yard by Highview Scaffolding Ltd commenced in February 2020. A temporary corrugated roof was erected over the storage

area, but this has since been removed. The application seeks to regularise the existing use of the site for the storage of scaffolding equipment.

6.4 The application site lies within a countryside location and would be located above an existing area of hardstanding. The hardstanding is located beyond what would have originally been the considered the established boundary of the Bridge Farm site and is sited in an area where informal open-air storage of material appears to have historically taken place. The applicant has advised that the hardstanding was laid in early-2020 and on this basis it would now be lawful.

6.5 While there are concerns that the Bridge Farm site has expanded without the benefit of planning permission, and contrary to the approach advocated in Policy 10, the use of an existing lawful hardstanding for the storage of scaffolding would not as a matter of course be inappropriate in this location.

6.6 The wider site of Bridge Farm includes a distribution depot by Prestige Packing Solutions Ltd. Access has been allowed through the land to the west where the land was being used for the storage of builder's material, containers etc. The scaffolding storage would be of a small enough scale to not result in a significant intensification of use on the site. The level of use would be small scale and it is considered that the location of the storage would be appropriately contained within the site.

6.7 The use of the site is not essential to the countryside location and is not linked to any rural based enterprise. The storage does though broadly reflect previous storage uses on the site, with the related area of hardstanding which has expanded the site seemingly lawful. Further, the site is in close proximity to other commerical uses within the immediate vicinity. The storage of scaffolding has not resulted in any encroachment into the open countryside and although it is not essential to its location, for the reasons outlined any conflict with the above policies would not be considered to warrant a refusal of permission. The proposal would create local job opportunities and would support an existing business which operates from the site. With the above in mind, the development would accord with the above policies.

Character and Appearance

6.8 Policy 32 of the HDPF states that good design is a key element in sustainable development and seeks to ensure that development promotes a high standard of urban design, architecture, and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, 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.

6.9 No buildings are proposed. The application seeks to regularise the use of the land for the storage of scaffolding equipment. The scaffolding is sited on existing hardstanding and is positioned towards the west of the site, away from nearby amenities and away from public vantage points. There is vegetation and hedgerows along the boundary of the site that would mitigate views from public vantage points. The open-air storage would not impact the character of the area and is therefore considered to accord with the above policies.

Amenity Impacts

6.10 Policy 33(2) of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

6.11 The objections to the proposal are acknowledged and it is noted that the use would result in additional vehicular movements to and from the site. There are though no immediate

adjoining noise sensitive properties within the vicinity of the site, with the Council's Environmental Health Team satisfied that operating hours could be controlled through condition. The application sets out that hours of working associated with the use would be 07:00-16:30 Monday – Friday and 07:00-13:00 Saturday. While the nature of the use may create short loud noise events it is considered that these hours and the relationship with adjoining land and properties is such that no unacceptable harm would arise.

6.12 With the above in mind, the development is not expected to result in unacceptable harm to neighbouring amenity, in accordance with Policy 33(2) of the HDPF.

Highways Impacts

6.13 Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district.

6.14 The site is served by an existing vehicular access point on Coolham Road, and no alterations are proposed to the existing arrangements. The proposal is anticipated to generate eight two-way domestic movements and six two-way truck movements per day. While the objections to the increase in commerical traffic through Coolham are acknowledged, the HGVs relate to the Prestige usage of the site, rather than the Scaffolding use. WSCC Highways were satisfied that the movements of vehicles can be accommodated into the local highway network without adverse safety impact. There is no evidence to suggest that the existing access point has been operating unsafely and that the proposal would exacerbate an existing safety concern. It is considered that the change of use would not result in an increase of vehicle movements that would be unsafe, and the proposal is in accordance with the above policy.

Water Neutrality:

6.15 There is no need for a water supply on the site as a direct result of the proposed development. Therefore, there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain

6.16 Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

6.17 The application is retrospective and comprises an area of existing hardstanding where its use for scaffold storage has not resulted in the loss of any habitat. The application is therefore considered to be exempt from Biodiversity Net Gain (BNG) requirements.

Other Matters

<u>Flooding</u>

6.18 Policy 38 of the HDPF relates to flooding and requirements development proposals to follow a sequential approach to flood risk management, giving priority to development sites with the

lowest risk of flooding and making required development safe without increasing flood risk elsewhere.

6.19 The application site is located within Flood Zone 3. However, there are no changes to the ground level and no new building is proposed, the application seeks to regularise the use of the land as storage. The hardstanding has been on site for several years, the agent confirmed that the re-surfacing took place before the use of the site for scaffolding in 2020. The change of use of the site would be considered a less vulnerable use, with the scaffolding able to be moved in case of a flood event. This is not considered to be significant and is therefore exempt from needing to provide a flood risk assessment.

Environmental Health

6.20 Environmental Health were consulted and recommended that the use of the site is limited to open air storage and the hours of operation are in accordance with those set out in the Design and Access Statement.

Conclusion

6.21 The regularisation of the change of use of the site to scaffolding storage would not result in unacceptable harm to the local area. The existing site has an industrial use, and the application site has been used as open-air storage for many years previous. While it is acknowledged that the site is located outside the built-up area boundary, and within the countryside, the scaffolding would be appropriately contained within the existing industrial site and not encroach any further on the open countryside.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission is granted subject to appropriate conditions as detailed below.

1 **A list of the approved plans**

2 **Regulatory Condition**: The use hereby permitted shall be used solely for the purposes of scaffolding storage, and not for any other purposes as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the 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 of Use Classes Order 1987 are not considered appropriate in this case due to the proximity of the residential properties under Policy 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: The premises shall not be open for trade or business except between the hours of 07:00 - 16:30 Monday-Friday and 07:00 - 13:00 on Saturdays and at no other times.

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

4 **Regulatory Condition**: No 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).

Background Papers: DC/24/1125