



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/22/0500

The Topsy Fox, Worthing Road, Southwater, Horsham, West Sussex, RH13 9HG

DESCRIPTION:

Retrospective application for the erection of a single storey detached building for kitchen, brick building for fridge, covered seating by car park, children's play area and static single decker bus for draught bar (Full Application).

RELEVANT PLANNING HISTORY:

None directly relevant to this current application.

SITE AND SURROUNDS

The Topsy Fox (formally known as The Cock Inn) is a Grade 2 Listed Building situated on the western side of Worthing Road, at its junction with Church Lane. The back or west wing is a C16 timber-framed building, partly patched with weather-boarding and brick. The front or east wing is C18. The building is situated on the London to Worthing routeway, and would have provided refreshment and a stopping point for travellers passing through the area.

Whilst the land around the site has changed as development has encroached the listed building still retains its garden to the west, and its prominent village location. The buildings significance relates primarily to its architectural interest and the historic fabric of the building exemplifying local vernacular building traditions and the evolution of country pubs.

DETAILED DESCRIPTION

The proposed retrospective application is for the erection of a single storey detached building (for a kitchen), together with a brick building enclosing a large fridge, coupled with the positioning of a static single decker bus, to the rear (west) of the main building, for use as a draught bar, which includes a covered area (Marquis) on its southern side, incorporating additional seating, with associated children's play area to the rear northwest area of the garden.

It is noted that following a previous application and discussions with the agent/applicant; that the outside seating areas x2 (an area to the north and a similar area to the south of the main building, has not been included in the description but is mentioned within the planning statement.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 9 - Employment Development

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 43 - Inclusive Communities

Southwater Neighbourhood Plan:

SNP1 Core Principles
SNP16 Design
SNP 19 Heritage Assets

Southwater Parish Design Statement:

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

Policy 9: Water Neutrality
Policy 19: Development Quality
Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Policy 24: Sustainable Transport

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:

HDC Conservation: Object: -

In considering therefore whether to grant planning permission for development which affects a listed building or its setting, special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is considered that the proposed play area although within the curtilage of the listed building is of a scale and design that allows views through it, and does not compete with an understanding of the main building due to its location set in the north-western corner. Its retention is therefore considered to result in no additional harm to the setting of the listed building.

The fridge, kitchen buildings and the converted bus have however resulted in a proliferation of buildings on the site that obscure an understanding of the historic building, and do not preserve its setting or special interest. The flat roofed outside kitchen in modern brick, and converted bus are not reflective of the vernacular architecture of the pub, or sympathetic to its character. The location of the bus within the garden area would not be an expected addition to the building and would result in a perception of modern vehicles being parked in not only the car park, but also the garden.

It is noted that the Heritage Statement argues that the rear extensions have lessened the sensitivity of these elevations, however, less sensitive extensions are not a justification for further incongruous structures.

It is therefore considered that the proposal results in less than substantial harm to the significance of the designated heritage asset. This harm should be weighed against the public benefits of the proposal.

HDC Environmental Health: Original Comments (16.05.2025) Comment. The Topsy Fox has a Premises Licence issued by this department. Conditions were originally agreed with the operators of the premises to protect the residential properties adjacent to the site.

There are music speakers attached to the bus which it is advised are for background music only.

The mechanical extract ventilation to the new brick-built kitchen is switched off at the end of each working day, however the refrigeration plant to the brick-built beer cellar operates 24/7. Noise from

plant during late night/early morning does have the potential for noise nuisance particularly when the motor kicks in at times when normal background noise levels are low. The refrigeration plant to the beer cellar is mounted on top of the room and housed in a roof structure which may offer some protection from noise output.

Given the location of the site and nature of the area recommend conditions for consideration by the Planning Department.

Further Comments (07.03.2025) It is understood that no further changes had taken place at the site. A complaint was logged in June 2024 regarding air compressors serving inflatable play equipment, but no nuisance was established.

Parish Comments:

No objection, subject to listed consent being withdrawn.

Representations:

1 representation has been received, objecting to the proposal for the following reason: -

- Noise impacts.
- Activities taking place into the evening.

EQUALITY AND HUMAN RIGHTS:

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 43 of the HDPF seeks to acquire the provision for new or improved community facilities where they meet the identified needs of the community. A community's sustainability is dependent on the services and facilities that they access. As such, this policy seeks to provide, retain and enhance existing facilities and services for the local community to benefit from.

The proposal would provide enhanced facilities which support the existing use of the site as a public house. In principle, this would be supported by the above policy.

Character and Appearance:

Policies 32 and 33 of the HDPF seek to maintain that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

HE5 of the NPPF (2026) states that, *'when considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its*

significance' (1). 'Development proposals which would have a positive effect on a designated heritage asset should be supported' (2) and 'Any harm to a designated heritage asset will be a matter of considerable importance and weight', which should be considered in accordance with paragraphs 4 to 6 of HE5 (3).

Policy 34 of the Horsham Development Framework aims to sustain and enhance the historic environment through positive management of development affecting heritage assets. By reassuring development preserve and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric, and materials.

The application entails a series of outbuildings / structures to the rear of the principal listed building, comprising single-storey brick-built outbuildings (housing a kitchen and fridge) and the siting of a converted bus (forming a bar area). Also proposed is play equipment and associated seating in the rearmost part of the curtilage. The proposal does not amount to a change of use of the land, which would remain a public house.

The play area is sited in the north-western corner of the site and is of a scale and design which does not compete with any understanding of the listed building, with no adverse effects identified from this element of the scheme.

The remaining outbuildings / structures have not been designed to respond to or reflect the vernacular of the historic building and create a clear contrast which is not particularly sympathetic to its character, albeit the existing character of the rear elevation features later flat roofed extensions which does create the impression of a transition toward the flat roofed outbuildings / bus. The Council's Conservation Officer has raised concerns that these buildings have resulted in a proliferation of buildings on the site which obscures an understanding of the historic building, failing to preserve its setting and special interest.

While the development has resulted in harm, it is noted that the structures are visually and physically detached from the principle historic building, and although visible in its setting they do not harmfully obscure the rear of the building or compete in terms of scale or form. This level of harm is therefore clearly less than substantial. Whether there are any public benefits which would outweigh this harm is considered in a later section of this report.

Notwithstanding the above, the wider visual impact of the proposed structures is somewhat limited, with the structures clearly subservient in form and scale to the principle building and partly screened by the existing boundary treatment. In the immediate context of surrounding suburban residential development, it is considered that the outbuildings, bus and play equipment have a neutral impact on the wider visual amenities of the locality.

Amenity Impacts:

Policy 33 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.

A representation has been received, raising concerns that the use of the site has extended into the evening with 'loud music playing'. While this concern is acknowledged the proposal entails the retention of structures within the rear garden of a long-established public house. There are no existing planning conditions associated with the use which would control hours of operation of either the public house or the related garden. The proposal does not amount to a change of use and the provision of additional facilities to supplement the existing use would not, as a matter of course, be expected to result in an unacceptable level of noise or disturbance for occupants of adjoining properties.

It is not considered reasonable or necessary to impose conditions restricting the nature of the use within the proposed buildings or structures, and it would not be appropriate to impose new restrictions on the existing wider pub use and / or associated garden. The outbuildings do though include external plant / machinery which have potential to result in additional noise and disturbance beyond that associated with the existing use: -

- The mechanical ventilation to the kitchen outbuilding is understood to be switched off at the end of each day, which would limit the potential for late night / early morning disturbance. It is considered that a condition requiring the extract ventilation (serving the kitchen) be switched off between the hours of 22:00 and 10:00 would be sufficient to ensure no unacceptable impact on neighbouring amenity.
- The refrigeration plant to the beer cellar is mounted on top of the room and housed in a roof structure, with this arrangement considered sufficient to mitigate potential harm from noise outputs.
- The brick-built beer cellar features refrigeration plant which operates continuously. There is no evidence to suggest this operation has resulted in unacceptable noise to neighbouring properties and land, with no representations received raising this as a concern. A condition is recommended to require that background noise levels (to include low frequency noise) from the refrigeration plant is inaudible inside noise sensitive premise between 23.00 hours and 07.00 hours.

It is therefore considered that where necessary suitable controls can be imposed to mitigate the potential for unacceptable harm to arise from the proposed outbuildings, with no conditions seeking to impose controls relating to the outdoor play equipment considered necessary.

It is further noted that the Council's Environmental Health Team has advised that the Premises Licence includes conditions which require: -

- The outside areas be cleared by 23.00 hours, and
- Noise from associated plant and machinery be barely audible outside noise sensitive premises such that it is inaudible inside noise sensitive premises between 23.00 hours and 07.00 hours.

These conditions provide controls which go beyond that which can be secured as part of this planning application, but which have been imposed to provide additional controls in relation to the prevention of nuisance.

It is considered, for the reasons outlined above, that the development would not result in unacceptable harm to neighbouring amenity, subject to conditions.

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.

The development has not though resulted in a change of use at the site, instead providing additional facilities which support activities which would otherwise take place within the original public house. There is no clear or compelling evidence to suggest the nature and scale of the proposed development has resulted in a more intensive use 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 N6 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

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.

The development is exempt from the requirement to achieve a minimum 10% BNG as the application for planning permission was made before 2nd April 2024 (in respect of non-major development) under Regulation 3 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Highways Impacts:

The application does not entail a change of use of the land, and no highway impacts over and above the existing are envisaged.

Conclusion and Planning Balance:

The significance of the listed building is considered to derive from its architectural interest and the historic fabric of the building exemplifying local vernacular building traditions and the evolution of country pubs. The development does not directly impact on this significance but due to the design and siting has resulted in less harm to the setting of the heritage asset.

The development directly supports and enhances the facilities provided by the public house, which provides meaningful use of the building as a community asset. It is considered that this represents a public benefit which would outweigh the (less than substantial) harm which has resulted on the setting of the listed building.

The development has not resulted in unacceptable harm to neighbouring amenity, and no other adverse impacts have been identified.

For the above reasons, it is recommended that the application be approved subject to the conditions set out below.

Recommendation: Application Permitted

Conditions:

2. **Regulatory Condition:** The mechanical extract ventilation serving the kitchens shall not be operated between the hours of 22.00 and 10.00 on any day.

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

3. **Regulatory Condition:** The refrigeration plant to the beer cellar hereby permitted, as identified on the approved plans, shall be inaudible inside neighbouring noise sensitive premises between the hours of 23:00 and 07:00 Monday to Sunday.

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

NOTE TO APPLICANT

The applicant is advised that in respect of condition 3, these requirements would be assisted by the addition of acoustic screening around the plant, and through the regular maintenance and cleaning of the units.

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/22/0500

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Floor plan	As built	AD08 REV B	20.04.2022
Floor plan	Existing	AD09 REV A	20.04.2022
Location & Block plan		AD01	09.03.2022
Site plan	Existing	AD02	09.03.2022
Elevation plan	Existing	AD03	09.03.2022
Elevation plan	Existing	AD04	09.03.2022
Details plan	Existing survey	AD05	09.03.2022
Elevation plan	Proposed	AD06	09.03.2022
Elevation plan		AD07	09.03.2022
Elevation plan		AD08	09.03.2022
Elevation plan		AD09	09.03.2022
Supporting Statement	Planning	NONE	09.03.2022
Supporting Statement	Heritage Statement	NONE	09.03.2022

DELEGATED

Case Officer sign/initial Guy Everest Date: 03.09.2026

Authorising Officer sign/initial RHERMITAGE Date: 04.09.2026