PLANNING COMMITTEE REPORT

TO:	Planning Committee north
BY:	Head of Development and Building Control
DATE:	6 February 2024
DEVELOPMENT:	Extension and modifications to existing light industrial building (Class E), with associated alterations to car parking and servicing areas.
SITE:	Spinningwood Farm, Burnthouse Lane, Lower Beeding, West Sussex RH13 6NN
WARD:	Lower Beeding
APPLICATION:	DC/23/1895
APPLICANT:	**Name:** Mr Kevin Woolgar **Address:** Spinningwood Farm, Burnthouse Lane, Lower Beeding, West Sussex, RH13 6NN

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 Livingstone.

RECOMMENDATION: To approve planning permission subject to relevant conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 The application seeks full planning permission to extend the building upwards, with the provision of a pitched roof extending to a height of 6.2m. The proposal would increase the eaves height of the main building by 1.8m, with an alteration to the mono-pitch of the smaller projection that would increase its height to 4.2m.

1.2 The proposal would include the provision of roof lights within the east and west roof slopes, with the building finished in black stained featheredge cladding to the elevations and green box profile to the roof.

1.3 The proposal would also include the laying of permeable hardstanding to the south of the existing parking area to provide an additional 14no. parking spaces. This would include 2no. disabled bays and an EV charging station.

Contact Officer: Hannah Darley

DESCRIPTION OF THE SITE

1.4 The application site is located to the east of Burnthouse Lane, outside any designated built-up area boundary and therefore within a countryside location in policy terms. The site comprises a utilitarian building with a lawful use under Class E (and formerly Use Class B1(c)) with an additional Class E building currently under construction approved under planning application DC/21/1050 for a light industrial use.

1.5 An area of hardstanding is laid to the north and west of the building, with the wider area comprising scrubland and mature trees. The site is access from the north-west, with mature trees and scrub located along the western boundary.

1.6 The adjoining site to the east comprises a commercial stable and associated barn, with a mobile home occupied by the stable owners located to the north.

1.7 The wider area is characterised by enclosed agricultural fields and woodland, with sporadic residential dwellings fronting the road. A public bridleway bounds the site to the south, with a public footpath also located to the west of the site.

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 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 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 31 - Green Infrastructure and Biodiversity
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 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 – Parking

2.4 **Lower Beeding Neighbourhood Plan**
Lower Beeding Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations. The following policies are of significant weight, subject to water neutrality being demonstrated:-

Policy 1 – Biodiversity
Policy 2 – Landscape Character
Policy 3 – Green Infrastructure
Policy 4 – Sustainability
Policy 5 – Energy Efficiency
Policy 12 – Design
Policy 17 – Existing Employment Sites
Policy 18 – Economic Growth

2.5 Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

LB/1/92	Change of use of agricultural buildings to workshop for upholstery & french polishing	Application Permitted on 18.06.1992
LB/20/94	Change of use of building to workshop for printing company, building a new roof, cladding, new parking & landscaping	Application Permitted on 17.08.1994
LB/18/97	Renewal of lb/20/94 to use building as a workshop	Application Permitted on 21.07.1997
DC/07/0592	Modification of condition 7 attached to planning permission LB/18/97 to be used for a printing workshop and/or falling within class B1 use	Application Permitted on 02.07.2007
DC/15/1822	Storeroom extension to rear of premises	Application Permitted on 18.11.2015
DC/20/0760	Alteration of existing vehicular access on to Burnthouse Lane	Application Permitted on 03.07.2020
DC/21/1050	Erection of light industrial building (Class E) and replacement of existing steel panel roof on existing light industrial unit with clay tiles.	Application permitted on 15.09.2021
DC/22/1198	Variation of condition 1 of previously approved application DC/21/1050 (Erection of light industrial building (Class E) and replacement of existing steel panel roof on existing light industrial unit with clay tiles) to allow for amendments to plans and repositioning of the building at a lower ground level.	Application permitted on 22.08.2022

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.

OUTSIDE AGENCIES

3.3 **WSCC Fire and Rescue:** The nearest fire hydrant to this site is 275 metres, 185metres further than the 90m distance required for a commercial premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document – B (AD-B) Volume 2 2019 edition: B5 section 16.

3.4 **WSCC Rights of Way**: There is no direct impact on the above mentioned public bridleway that runs along the southern edge of the proposed development, therefore no objection to the proposals. It is important to note however that at no stage can the public bridleway be restricted or blocked as part of this proposed development. Any unlawful restricted or blockage would be considered an offence under the Highways Act 1980.

3.5 **WSCC Highways:** The proposed extension and modification of the existing building might give rise to additional vehicular trips. However, the number of movements would not be anticipated to be particularly significant and would not be expected to warrant an objection based on safety or capacity. Therefore, there are no transport grounds to resist this proposal.

PUBLIC CONSULTATIONS

3.6 **Lower Beeding Parish Council:** Objected on the following grounds: -

- The site is already excessively large for a remote rural location.
- The application requests an increase in parking by 50% for no apparent reason, as the application states there will be no further employees nor level of business.
- The Planning Statement does not make an economic justification for the excessive size of the building.
- There are already an undue large amount of vehicles visiting the site and the small rural lane cannot take more traffic.
- A condition should be applied to the site for the manufacture of golf equipment only.
- There were a lot of local residents in the proximity of the farm that voiced their objections to an already large building.

3.7 13 representations were received objecting to the proposal for the following reasons:-

- Design
- Highway Access and Parking
- Overdevelopment
- Privacy Light and Noise
- Trees and Landscaping
- Loss of general amenity
- Incorrect plans
- Incorrect planning statement
- Previous permissions had attached restrictions

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

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

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

6.1 Policy 10 of the Horsham District Planning Framework (HDPF) states that sustainable rural economic development and enterprise within the District will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities. In the countryside, development which maintains the quality and character of the area, while sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and 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 and/or promote recreation in, and the enjoyment of, the countryside; and either 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 result in substantial environmental improvement and reduce the impact on the countryside. New buildings or development in the rural area will be acceptable provided that it supports sustainable economic growth towards balanced living and working communities.

6.2 Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for informal recreational use; or enable the sustainable development of rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.

6.3 Policy 17 of the Lower Beeding Neighbourhood Plan states that development proposals which seek to maintain and/or expand existing businesses will be supported where proposals: are in keeping with the character of the area; avoid unacceptable harm to the amenity of dwellings and nearby properties; and do not have an unacceptable impact on the highway. Policy 18 of the Neighbourhood Plan continues that development proposals for employment uses will be supported where: development is proposed on previously developed land; is in keeping with the rural character of the local area; proposals have no significant detrimental impact on residential amenity; and would not have unacceptable impact on the local road network.

6.4 The proposed development would provide additional height for an established business and whilst it is acknowledged that the Planning statement indicates that the proposal would increase the floorspace of the existing building, the submitted plans would only indicate a change in height. It is noted therefore that whilst an increase in floorspace would have subsequent potential for an increase and intensification to the level of activity within the site, the increase in height and additional parking would not be considered to result in an increase in staff such that it would result in such a significant increase in the level of activity taking place on the site in this countryside location.

6.5 The proposed development would result in some economic benefits to the wider rural economy and given the established nature of the site for commercial purposes, is considered to be a reasonable extension to the existing facilities. While it is recognised that the nature of the business does not facilitate or require a countryside location, the proposed activities would fall within the established Class E use of the existing site, which is not limited to land based activities. The proposal is therefore considered to support the sustainable development of the wider rural economy and is considered to accord with the above policies.

Character and Appearance

6.6 Policies 32 and 33 of the HDPF promote development that is of a high quality design, which is based upon a clear understanding of the local, physical, social, economic, environmental, and policy context. Development will be expected to provide an attractive, functional, and accessible environment that complements locally distinctive characters and heritage of the District. Development should contribute to a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings and the historic landscape in which they sit. Development should ensure that the scale, massing and appearance of the development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site.

6.7 Paragraph 130 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

6.8 The site is set away from Burnthouse Lane with the topography of the site sloping down from the road (toward the site). The scale of the previously approved neighbouring commercial building is comparable to the increase in height proposed by this current application, with the siting of the neighbouring building such that it would largely obscure the proposed increase in height. It is considered that while the increased building height would be visible, it would not appear unduly prominent or intrusive and no adverse visual impacts would arise.

6.9 The proposal also includes a new area of hardstanding to provide additional parking and related manoeuvring space. The hardstanding would be sited between the two commercial buildings and would not represent a harmful encroachment beyond existing established site boundaries. The submitted plans indicate the hardstanding would be permeable, and the impact on the prevailing character and appearance of the site and surroundings would be limited.

6.10 For these reasons, the proposal is not considered to result in landscape harm or harm to the visual amenity of the locality, in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015

Amenity impacts

6.11 Policy 33 of the HDPF states that development is required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

6.12 The nearest neighbour is located to the south, which comprises of a number of stables, barn, mobile home and residence. The increase in height and the scale of the resulting building would not result in any unacceptable harm to amenity.

6.13 The proposal would not amount to a material change of use and would not result in an increase in floorspace on the site. The original planning permission for the application building includes conditions limiting the use of the site to a printers and / or Class B1 (which now falls within Class E) and controlling opening hours. The conditions remain in force and are recommended as part of this current application. The unit resulting from the propose development would therefore continue to be subject to the same restrictions as currently exist on the site.

6.14 It is considered given the above that the proposal would not result in significant intensification of activity on the site or result in unacceptable harm to the amenities of surrounding properties and land, in accordance with the above policy.

Highways

6.15 Policy 41 of the HDPF provides that development should provide adequate parking facilities to meet the needs of anticipated users, including appropriate provision to support electric vehicles and to meet the needs of cyclists and motorcyclists.

6.16 There are no changes proposed to the existing access arrangements. An inspection of data supplied to WSCC by Sussex Police over a period of last five years reveals that there has been no incident of personal injury reported near to the site access. This indicates the site access has been operating in a safe manner in its current form.

6.17 The application proposes a permeable gravel track and additional parking spaces. The resulting level of parking provision would exceed standards for this type of development. It is not through considered that an over-supply of on-site parking in this countryside location (and in the absence of any adverse visual impacts) would not create a level of harm which would amount to a refusal of planning permission, with a condition recommended to ensure cycle parking facilities are provided on the site.

6.18 It is considered that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, and that there are no transport grounds to resist the proposal.

Water Neutrality

6.19 In September 2021 the LPA received a 'Position Statement' from Natural England pertaining to the use of groundwater within the Sussex North Water Supply Zone and the effects of groundwater supply on the Arun Valley Ramsar, Special Area of Conservation and Special Protection Area habitat sites. The 'Position Statement' advises that groundwater abstraction supplying the public mains-network may be adversely affecting the integrity of Arun Valley habitat sites.

6.20 The advice issued by Natural England, within the Position Statement, is that Planning Authorities within the Supply Zone pause decisions until a strategy is devised, in partnership with Natural England, to offset increased water-use associated with new development within the Supply Zone. Where it is critical that individual applications proceed Natural England advise that any application needs to demonstrate 'water-neutrality', such to provide certainty that new development will not further contribute to the existing adverse effect known from public groundwater abstraction.

6.21 The application site falls within the Sussex North Water Supply Zone, where increased demand for mains-water would exacerbate demand for the continued use/scale of public groundwater abstractions at Hardham Water Works contributing to associated adverse effect upon the integrity of the Arun Valley SAC, SPA and Ramsar sites.

6.22 The proposal does not amount to a material change of use, does not increase usable floorspace on the site and does not alter existing operating hours. It is therefore considered that 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.

6.23 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 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions

6.24 The proposed development is considered to accord with all relevant local and national planning policies.

7. RECOMMENDATIONS

7.1 To approve the application subject to the following conditions:-

1 **A List of the Approved Plans**

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**: Notwithstanding the submitted details, prior to the first occupation of any part of the development hereby permitted, full details of all hardstanding and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all boundary treatments
- Details of landscape management and maintenance
- Details of hardstanding surfaces, including permeable hardstanding

The approved details shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve the development have been implemented in accordance with the approved details and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

5 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until secure and covered cycle parking facilities serving it have been provided within the site boundaries. The 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).

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

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).

7 **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).

8 **Regulatory Condition**: No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site at any time except within the building hereby approved by the Local Planning Authority.

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

9 **Regulatory Condition**: The premises hereby permitted shall not be operated on Sundays or Public Holidays or at any time other than between 0700 to 1800 hours. Mondays to Fridays inclusive and 0700 to 1300 house on Saturdays.

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

10 **Regulatory Condition**: The premises hereby permitted shall be used solely for purposes falling within Class E(g) as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. The premises shall not be used for any alternative use 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 the proximity to neighbouring properties and the economic benefit the approved use provides under Policies 12, 13 and 33 of the Horsham District Planning Framework (2015).