Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1448
Birchfield Nursery, Kidders Lane, Henfield, West Sussex, BN5 9AB

DESCRIPTION:
Creation of onsite storage including barn and polytunnel.

RELEVANT PLANNING HISTORY:

DC/19/2454	This lawful development application seeks formal confirmation the Deemed Discharge Notice submitted and registered in respect of DISC/18/0371 was lawfully constructed, registered as such by the Council and duly came into effect in accordance with the law such that the details submitted pursuant to conditions 6 and 7 of DC/17/1067 were, in law, deemed approved 12 March 2019. (Certificate of Lawful Development - Proposed)	Application Refused on 03.02.2020
DC/20/1906	Change in use of the premises to mixed-use purposes for Use Classes B8, E and as a base for a garden design and landscaping business.	Application Refused on 24.06.2021
DC/22/1667	*Removal and demolition of the existing structures and equipment and the erection of an indoor plant sales and display areas, landscaped gardens, horticultural vintage working areas and crafts, sand school, stables, display gardens, cafe, restaurant, sales and meeting rooms, indoor soft play, outside crafts and events space, and other uses, security measures and facilities ancillary to the existing nursery and horticultural use.*	*Application returned*
DC/23/1536	Application to confirm the continuous use of building for Class E use as a Coffee shop for a period in excess of ten years (Lawful Development Certificate Existing)	Application Refused on 10.10.2023
DC/23/1563	Retention of existing hardstanding for the storage of outside plants and erection of a storage building for agricultural use (landscape supply).	Application Refused on 16.04.2024
DC/24/1447	Retention and use of hardstanding (Retrospective).	Pending Consideration
DC/24/1411	Temporary permission to retain pop-up coffee shop, ancillary to the wider horticultural use (Retrospective)	Temporary Consent Granted 19.12.2024 – *Expires 01.01.2027*
DC/24/0290	Temporary permission to retain pop-up coffee shop, ancillary to the wider horticultural use (Retrospective)	Application Refused on 23.04.2024

SITE AND SURROUNDS
The application site relates to a small parcel of land within the wider 'Birchfield Nursery' land holding, which comprises an overall 2.3ha of land within a rural area, and known also as Jack Dunckleys. The application relates to an area of land adjacent to Garden Sage, which is just under 2,000sq.m. The wider site lies some 540m north of the Henfield Built Up Area Boundary (as the crow flies), and is subject to a complex planning history, having been predominantly a wholesale horticultural nursery for some 30+ years before changing hands in 2010.

A range of buildings and structures occupy the northern area of the site, from glasshouses and polytunnels, to timber buildings and portacabins. Around these structures are areas of hard-standing, gravel and compacted ground, most of which were formerly part of the nursery plant sales and growing areas. A plant nursery, Garden Sage, is currently operating out of a number of polytunnels and occupies some of the intervening area within the centre of the site, open for retail and wholesale trade. A landscaping business, Jack Dunckleys, also retains a base on the site, using a number of the structures and areas within the northern area of the site for storage purposes. Mayblossom Café is located adjacent to Garden Sage, and started operating from a new marquee on the site in March 2023, according to its social media feed. Officers noted at the time of the site visit late in 2023 that Garden Sage has increased its sales area within the site thus having established a greater presence on the site compared to a previous site visit in 2021 in relation to DC/20/1906. Some of the previous structures present on the site, such as some polytunnels found along the western boundary, have lost their covering and are currently dilapidated and appear to be unused.

There are other business uses at the site which appear to be listed on Google, although officers have not been able to corroborate these as part of the current application:

- London Road Storage (Internal and external storage space advertised)
- KM Floral Design (florist) – opening times listed as 09:30 – 17:00 (Mon – Fri) and 09:00 – 14:00 (Sat)
- Country Machinery Ltd (facebook post 19th September 2024) – garden machinery repair and services
- Falcon Events – event management company
- Family Emporium (sweet shop)

Vehicular access has recently been established directly off the A281, approved under application DC/17/1067. The site is bounded by Kidders Lane to the north and the A281 along the eastern side, grassed verges, earth bunds and Oak trees. A smaller bund divides this northern part of the site where the area of historic use and buildings are located, from the southern area which has historically remained open and undeveloped.

DC/14/2007 - Various works to existing nursery operation including erection of new multipurpose main building featuring retail, office, exhibition and ancillary accommodation and site storage shed. Formation of new vehicular access to the A281 together with car parking and service road and the provision of new boundary security fencing (Refused Jan 2015 – Appeal Dismissed Sept 2015)

Permission for a scheme with a smaller building, including a new vehicular access directly off the A281, parking and delivery areas, was refused on grounds of harmful prominent appearance being at odds with the rural character of the locality and the site. The submitted site plan retained the development within the northern part of the site, leaving the southern area open and undeveloped. The subsequent Appeal was dismissed with the Inspector finding the 10m tall pyramidal building was not innovative, nor displayed any traditional rural 'pedigree' and could not be comparable to agricultural buildings found nearby. The building was deemed to be 'starkly and strangely alien' in form and scale with little sympathy for its setting'. The relocation of the entrance to the A281 was also considered to increase the scope for viewing the building.

DC/17/1067 - Proposed creation of new access and vehicle crossover (permitted Aug 2017)

A new vehicular access to serve the site was permitted off the A281, on the provision that the existing access points to Kidders Lane would be removed and re-grassed, and subject to approval of the pre-commencement conditions to secure road surface details and levels, visibility splays and details of the new access gates and landscaping. In considering the proposed re-location of the access, it was noted that under DC/14/2007, the relocation of the car parking away from the residential boundary with Birchfield House was considered to lead to amenity improvements, whilst the access did not raise any highways-based objections. In this instance, the access off the A281 was to serve the retained site layout, and was to be mitigated by way of a fully landscaped entrance.

Although conditions relating to the road surface levels and visibility splays were submitted and approved (DISC/18/0207), conditions in relation to the landscape, gate details and reinstatement of the existing accesses were refused (DISC/18/0371). Despite the ongoing unresolved issues over the latter two issues, the new access has been formed, and most recently, surfaced. A Lawful Development

application was submitted, and refused, to confirm a DDN in respect of conditions under DISC/18/0371 was registered and duly came into effect, thus effectively approving matters in relation to landscape and reinstatement of the grassed verge at Kidders Lane.

EN/18/0135 – Enforcement Notice issued in relation to a material change of use of the land and structures from a plant nursery to include storage of domestic and commercial vehicles and other items not functionally related to the lawful use for the land, and extension of the existing hard surface across the land beyond that reasonably required for its use as a plant nursery (Served April 2019)

Although relating to the northern part of the site, it is notable, that in determining the Enforcement Appeal on Ground (a) (EN/18/0135), the Inspector had regard to the planning merits of the use of the site for the open storage of commercial vehicles, and use of the structures for other storage purposes. Specifically in relation to the open storage of vehicles within the site (northern part), the Inspector concluded that the impact on the open and rural character by way of the taller vehicles, would lead to a harmful effect on the character and appearance of the surrounding area. The Enforcement Notice appeal was dismissed, and the Notice upheld with corrections, requiring compliance with the notice within a 6 month period, and planning permission refused on the deemed application.

DC/20/1906 - Change in use of the premises to mixed-use purposes for Use Classes B8, E and as a base for a garden design and landscaping business (Refused Oct 2020)

Although refused on grounds of inappropriate location and harm to the rural character, landscape and appearance of the surrounding area, the committee report acknowledged that the proposal sought to specify open storage areas within the site, limit the heights of items being stored within the site, noting also that the east / A281 boundary would be reinforced by way of additional planting and bunds, and a re-aligned entrance to offer visual screening of the interior of the site. A landscaped area of community 'woodland walk' was also offered within the site. This application sought to introduce open storage use within the southern area of the site, to be mitigated with additional planting to a bund that would define the northern and southern areas of the site. The application also sought to formalise the presence of the landscape business 'Jack Dunkley Designs' within specified areas and buildings on the site, and regularise the use of other existing buildings and structures for open Class E use, contributing a local economic benefit to the local community.

A subsequent appeal was dismissed in Feb 2022, with the Inspector acknowledging that specified landscaping features may reduce the visibility of inappropriate uses within the site these would still be evident when passing the site and particularly to users of the proposed community 'woodland walk'. Further economic benefits were also noted, although the specifics regarding any detailed comparison between the former plant nursery and the appeal scheme were not provided for assessment. Overall, the appeal scheme was considered to represent inappropriate use within the countryside, representing a clear conflict with HDPF policies 2, 10, 15 and 26.

Since the determination of the appeal, a number of unauthorised uses have ceased on this site, including the use of the site for HGV training and a crane and lifting equipment training centre (UTN). Ongoing investigations have also been made regarding the deposit of rubble and hard-core to form an area of hard-standing in the southern part of the site which have been subject to application DC/23/1563 (refused April 2024). The same planning application also seeks permission for a new storage building in association with the landscape business operating form the site. Aerial mapping reveals that an area of some 825 sq.m of hard-standing has been laid in this southern portion of the site.

DC/22/1667- Removal and demolition of existing structures and equipment including storage sheds, polytunnels, scaffolding, camper vans and non-nursery plant equipment and storage; to be replaced with purpose-built indoor plant sales and display rooms, landscaped gardens, horticultural vintage workshops and crafts, sand school, stables and equestrian shop, display gardens, cafe, restaurant, sales and meeting rooms, indoor soft play, outside crafts and events space, and other uses and facilities ancillary to the existing nursery and horticultural use

Application withdrawn in April 2023 prior to formal validation.

DC/24/0290 - Temporary permission to retain pop-up coffee shop, ancillary to the wider horticultural use (Retrospective) (Refused April 2024)

Officers recognised that in many instances, the presence of a small café offered a viable ancillary element to garden plant nurseries, although an independent business that operated in a manner that was separate to Garden Sage, such as trading beyond the opening hours of the garden nursery, would conflict with the criteria of HDPF policy 26. Whilst officers were satisfied that the ancillary operations could be suitably controlled by way of planning conditions, it was the lack of information included within the application to demonstrate a water neutral position that provided the refusal reason.

Applications **DC/24/1447** and **DC/24/1411** were submitted concurrent with the current application, and concern other areas of the site:

- **DC/24/1447-** Retention and use of hardstanding (retrospective), and
- **DC/24/1411-** seeking temporary 'pop-up café' ancillary to the garden nursery operating form the site (Garden Sage).

A Prior Notification to confirm a flexible use of an existing portacabin on the north part of the site under Class R, currently being used as a sweet shop (**DC/24/1575**), has been objected to by the Council, dated 21st November 2024.

An application to formally discharge planning conditions 6 and 7 of permission DC/17/1067 has recently been formally approved, relating to the vehicular access off Brighton Road (A281) and boundary landscape, fence and gate details (**DISC/24/0270**).

DETAILED DESCRIPTION

The proposal seeks to erect a 23.5m x 19.38m new barn (3-bay) which is to be located to the western side of the site, in the location of a current poly-tunnel. The proposed new barn would be built up to retained sections of the existing polytunnels on this part of the site (1 existing full-length at the rear/west side and 3 x 5 (approx.) hooped sections to the south). The proposed barn scales as being some 5m to eaves and 10m to ridge.

The proposed new barn would include 3 x roller shutters to each side, allowing sections to be opened / closed as needed to provide access to the polytunnel or adjacent yard areas. The barn is to provide for secure dry storage of items associated with the plant nursery: fencing, sheds, aggregates, topsoil, planters.

In addition, the proposal includes a fenced area to the east of the proposed new barn, which would serve as an outside sales area associated with the plant nursery, protected by anti-climb security mesh fencing, enclosing an area some 35m x 35m. The fenced sales area would be used for the display of greenhouse and shed models for sale in the plant nursery currently operating from the site (Garden Sage), softened with trees and shrubs which are for sale, as well as offering space for the storage of plant stock.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
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 40 - Sustainable Transport
Policy 41 - Parking

Henfield Neighbourhood Plan (June 2021)
Policy 1 – A Spatial Plan for the Parish
Policy 3.2 – Development of new and Existing Employment Uses
Policy 4 – Transport, Access and Car Parking
Policy 10 – Green Infrastructure and Biodiversity
Policy 12 – Design Standards for New Development

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

West Sussex Joint Minerals Local Plan (2018)
Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Parish Design Statement:
Henfield Parish Design Statement – Dec 2008

Planning Advice Notes:
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: No Objection
Advised hours of construction condition

OUTSIDE AGENCIES
WSCC Highways: More information required
The applicant has resubmitted the planning statement as also supporting application DC/24/1447 with no alterations. This statement does not outline any specific details on the proposed polytunnel and barn. The submitted site plan outlines that various items will be sold from the proposed sales area- including Fencing, Sheds, Greenhouses, Planters, Garden construction Materials, Turf, Top Soil and Aggregates. It is assumed those items are all relevant to this most recent iteration of the planning

proposal. Can the applicant please outline whether these larger items are already sold from the site or whether they would be additional, what the impact would be in terms of existing/ anticipated delivery frequencies in and out, delivery vehicle types. Parking and turning for delivery vehicles etc should also be shown- taking into consideration the existing customer/staff parking locations and available space. The applicant should provide any additional advice/ information relating to impact on highways movements and capacity.

LHA comments made in relation to DC/24/1447 raise no objections on account of the purposes being ancillary for the horticultural garden centre and having been in place for approx. 3 years already, with no known highways safety or capacity concerns raised and no transport grounds to resist the proposal

Parish Comments: Objection
This committee deems that no case has been made of the need for the storage; there was no specification of sizes, heights etc and no formal plan, so it was difficult for the Committee to consider this application.
On the basis of the little that was presented, the Committee deems that this application is contrary to HD Planning Framework:

- [Policy] 10 as it does not maintain the quality and character of the area; does not contribute to diverse and sustainable farming enterprises; or promote recreation;
- 25 as does not protect, conserve or enhance the landscape or townscape character of the District; or as does not protect, conserve or enhance the setting of the South Downs National Park
- 33 as there is loss of amenity to the neighbouring property; or the design is not sensitive to surrounding buildings, as the proposal is out of keeping and unsympathetic with the built surroundings and in that it does not respect the character of the surrounding area.
- 33.2 as there is loss of amenity to the neighbouring property; or the design is not sensitive to surrounding buildings

Representations:
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:
The wider location of the site lies within a countryside location for the purposes of planning policy in accordance with paragraph 4.7 of the Horsham District Planning Framework (HDPF) (2015), and where countryside protection policy HDPF policy 26 applies. In this context, in accordance with HDPF policy 26, it would be expected that development be essential to this countryside location and not lead to a significant increase in overall activity on an individual or cumulative basis. Essential development under HDPF 26 is considered to involve works supporting the needs of agriculture or forestry, mineral extraction or waste disposal, quiet recreational use, or sustainable development of rural areas. One of the criteria of HDPF policy 26 is that suitable proposals must be of a scale appropriate to the countryside character and location, and would be considered acceptable where they do not ‘lead, individually or cumulatively, to a significant increase in the overall 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’.

HDPF policy 10 accepts that sustainable rural economic development and enterprise within the district is necessary and can bring social, economic and environmental benefits. However, against this, it is essential that for any development to be acceptable in such locations, the appropriate re-use of existing buildings is first considered, and in the case of established rural industrial sites, lies within the existing boundaries thereof. The policy accepts that in exceptional cases, new buildings may be required, but these should result in substantial environmental improvement and reduce the impact on the countryside – and only when such development would support sustainable economic growth towards balanced living and working communities.

Policy 1 of the Henfield Neighbourhood Plan (HNP) (2021) operates to support the spatial strategy of the development plan in seeking to support development beyond defined settlement boundaries where appropriate in location to national and local planning policy.

The application site is located within part of the wider 'Birchfield / Jack Dunckley Nursery' site which has historically been part of the former plant sales / growing areas of the horticultural nursery which formerly occupied the site, as can be discerned from aerial photos which the Council holds, dating back to 2001. Therefore, the proposal is considered to be located within the site's active core associated to its historic horticultural past.

The proposed new barn building would therefore largely occupy an area of the site formerly occupied by a polytunnel, which has been in various storage uses over the receding years, but which is to be used by the retail plant nursery currently operating from the central part of the site 'Garden Sage', as their horticultural business expands into other areas of the site. The proposal therefore is considered to meet the definitions of 'sustainable development of rural areas' under HDPF policy 26, with garden nurseries and typically located in rural areas.

The proposed use of the existing hard-standing and the new building would be in support of a garden nursery business, which operates as both a retail and a wholesale horticultural business, and is therefore broadly in accordance with the established lawful planning use of the site, which operated as a horticultural plant nursery. Officers are therefore satisfied that the proposed development would be within part of the site where horticultural use and activity has long been established, in would therefore be in accordance with HDPF policies 2 and 10, and 26, and policy P1.2 of the Henfield Neighbourhood Plan.

Design and Appearance:
Policies 25, 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.

Whilst the proposed height of the barn, at 10m to ridge and 5m to eaves, would be greater than that of the polytunnels in this location (which have an apex height of around 3m), the resulting design of the structure is typical of an agricultural barn, using timber vertical boarding to the external elevations and a profiled aluminium sheet roof. The height of the building and its roller doors would provide a clear internal height for vehicles to operate within, which is required given the proposed storage of pallets of materials sold by the garden nursery. Officers therefore do consider there is a suitable visual comparison between the proposal at the application site, and the agricultural barns which are noted at the southern farm property, Lidde Hill Farm. Furthermore, the siting of the proposed barn building would be towards the rear of the site (western side) and thus set at a distance from the public interface / public highway. In addition, the location of the barn and enclosed yard area would be within the existing 'functional' core of the application site, as can be demonstrated by way of historic aerial photos, and as has been noted over the preceding years by way of officer visits to the wider site.

Officers note that as part of the previously considered appeal decision on this site (in relation to application DC/20/1906), the Inspector was of the view that the creation of a formal open storage area, subject to a height limit of 3m, would lead to an unacceptable impact on the character and appearance of the surroundings. However, it is acknowledged that the storage areas previously sought were for

wider B8 storage purposes, with no functional tie to lawful activities being carried out from the site (at the time). Furthermore, the storage area of the appeal case extended close to the site's eastern boundary and therefore would have resulted in a greater visual impact.

The current proposal involves a new barn which replaces part of an existing polytunnel complex within the functional centre of the site, creating opportunities for secure and weathertight storage / working space for the horticultural nursery operating from the site. The creation of a fenced storage / sale area would enable an increased secured area of the site from which the garden nursery business can operate. Given the mixed nature of uses within the site, the desire to create a meaningful secure sales area is reasonable, and the use of the anti-climb green mesh fence would provide a visually permeable enclosed area for the garden nursery to use. Officers therefore consider that the proposal would accord with local and national planning policies, and in particular HDPF policies 25, 32 and 33, and policy 12 of the Henfield Neighbourhood Plan.

Amenity Impacts:
Policy 33 of the HDPF seeks to ensure that proposed development does not result in unacceptable harm to the amenities of nearby occupiers/users of land, in terms of privacy, the receipt of natural light and/or disturbance.

The application site is found within a highly rural context, which, with the exception of sporadic residential properties to the north-west of the site, retains a predominantly agricultural character.

The application site lies within part of the site which has been subject to historic horticultural use, and where a polytunnel has been in existence since at least 2001 (according to available aerial photographs). Given the location of the proposed barn building, and the distances from neighbouring residential properties (some 70m off the rear wall of Birchfield House being the closest property), it is not considered that the proposal would lead to any new and unduly adverse impacts on the private amenities of nearby residential properties.

Highways Impacts:
Policy 40 of the HDPF 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.

Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.

The proposal does not seek any change to existing access arrangements, with no evidence before the Authority that the point of existing access onto the A281 is operating unsafely, or that the proposals would exacerbate a highway safety concern, with the vehicular access that has been formed off the A281 having been subject to approval from the Local Highways Authority under separate planning consent.

Birchfield Nursery can lawfully operate as an agricultural / horticultural landholding and already benefits from a large parking area and areas of hard-standing within the site boundaries. The proposed means of enclosure of part of this existing area of hard-standing / external storage area, and the provision of a new building to serve existing uses on the site would not indicate intensification of vehicular traffic to and from the site in relation to the requirements of HDPF policies 40 and 41.

Whilst the Local Highways Authority has requested more details in relation to the current proposal hereby being considered, they have raised no objections to the concurrent application on the proposed formalisation of a new area of hard-standing to the south of the current application site for the barn and sales storage area. It is noted that the lawful use of the site is for horticultural / agricultural purposes whereby no restrictions exist on the nature of or number of deliveries to or from the site.

Officers therefore do not consider that the proposal would result in a level of material intensification of use of the site over and above the lawful use of the site as a horticultural nursery. Therefore, it is not anticipated that unacceptable effects upon highway safety would occur as a result of the proposal, notwithstanding the additional details which have been requested by the Local Highways Authority, and that there would be no resulting 'severe' impact upon the operation of the highway network contrary to the requirements of HDPF policy 40 and NPPF paragraph 116.

Water Neutrality:
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.

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.

The submitted WNS sets out that the nature of the building would be for horticultural storage purposes only and in association with the existing plant nursery operating from the site, thus not drawing more water than the existing site already does for irrigation purposes.

Therefore, officers can conclude that sufficient information has been provided to demonstrate that the development is water neutral, as it would not lead to any direct increase in staff, use or other water-consuming activities. It can therefore be concluded that the proposed development would not result in a likely adverse impact on the Arun Valley protected sites, and has therefore been **screened out.**

The proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), thus the Local Planning Authority is able to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

Biodiversity Net Gain (BNG):
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.

The Applicant submits that they consider the proposal falls within the 'de minimis' exemptions, as the proposal does not impact on any areas of habitat, ie all parts of the development site are subject to a 'sealed surface', or areas which are likely to have a zero biodiversity value. Officers are aware of the planning history of this site and as it can be evidenced that the application site has been subject to hard-standing for many years and therefore agree with the de minimis exemptions.

Conclusions:
Officers consider that the proposed development occupies an area of the site which has historically been used for the horticultural business having been carried out at the site, as can be established back to 2001 by way of aerial photographs. The proposed development would comprise the replacement of part of an existing polytunnel and the erection in its place of a new permanent storage barn, alongside the enclosure of an existing area of hard-standing, both to facilitate use by the retail (and wholesale) garden nursery business which currently operates on site (Garden Sage). The proposal therefore presents development within the established 'active' and 'developed' part of the site, appropriate in scale and location for land use and structures, and in accordance therefore with Policies 2 and 10 of the HDPF.

Whilst Officers note that the proposed 5m eaves and 10m ridge height of the proposed new barn would be larger and of a greater visual massing than the polytunnels which currently occupy this part of the site, the footprint of the proposed barn would occupy that of a current polytunnel, and would appear in the background of the wider activity and polytunnel structures which occupy the active central area of the site. Furthermore, the external materials are commensurate with those found typically on such barn buildings within rural land holdings. However, as the area of open storage extends into the centre of the site, officers suggest that a height limit is applied to this central area (excluding the height of any potted trees and plants), suggesting a limit of 3m would accommodate most sheds and greenhouses and which would limit the potential visual impact of the area in the foreground of the new barn.

In assessing the current proposal, officers conclude that the proposed new barn building and enclosure of an area of existing hard-standing to facilitate sales and storage use by the retail plant nursery, would not lead to an unduly harmful effect on the character and appearance of the surrounding area, and would accord with policies 10, 25, 26 and 33 of the HDPF, which seek to preserve and enhance the rural landscape character of the district, subject to the conditions shown.

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 **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).

4 **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), or any use set out under 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), the development hereby permitted shall only be used for ancillary storage purposes only associated with the horticultural use of the site, and for no other purposes whatsoever 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 location of the site in a rural area, under Policies 10, 26 and 33 of the Horsham District Planning Framework (2015).

5 **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).

6 **Regulatory Condition**: The development hereby permitted shall not be open for trade, business or deliveries and dispatch except between the hours of 07:30 - 20:00 Monday to Saturday and 10:00 -16:00 hours Sundays and Public/ Bank Holidays.

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

7 **Regulatory Condition**: The development hereby permitted shall be limited to the land identified within the blue hatched area on the Site Location Plan (DWL 00b received on 22.01.2025) only.

Reason: In the interest of the location of the site in a rural area, under Policies 10, 26 and 33 of the Horsham District Planning Framework (2015)

NOTE TO APPLICANT

Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

Under Regulations 4, 5, 7 & 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

1. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric);

2. is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;

3. is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development (In determining whether a development is undertaken solely or mainly for this purpose, no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee);

4. consists of no more than 9 dwellings, is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding ("Self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended)).

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

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/24/1448

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Block plan	Proposed Block Plan	DWL00b	22.01.2025
Location plan		DWL01	19.09.2024
Floor plan	Materials	DWL 03a	16.10.2024
Elevation plan	Elevations	DWL 03b	30.09.2024
Floor plan	Floor and Roof Plan	DWL 03a	16.10.2024

DELEGATED

Case Officer sign/initial Nicola Pettifer Date: 18/03/2025

Authorising Officer sign/initial Adrian Smith Date: 19/03/2025