



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1207

Browns Farm, Hollands Lane, Henfield, West Sussex, BN5 9QY

DESCRIPTION:

Variation of Condition 12 and 13 of previously approved application DC/22/0083 (Retrospective application for the installation of a shipping container with open front shelter and covered seating area for use as shop/cafe) Relating to external lighting and opening hours.

RELEVANT PLANNING HISTORY:

DC/22/0083	Retrospective application for the installation of a shipping container with open front shelter and covered seating area for use as shop/cafe.	Application Permitted on 12.01.2024
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SITE AND SURROUNDS

Browns Farm is situated to the south of Henfield adjacent to the Built-Up-Area boundary at Hollands Lane. The site of the café is situated approximately 180 metres from the edge of the Built-Up Area Boundary at Hollands Lane and Lower Station Road. It consists of an open field of approximately 4.1 hectares that lies in an elevated position to the west of the Downs Link (which runs north/south). The wider site is surrounded by a range of open fields, industrial area, farm buildings and residential. The café and seating area are in situ and the original planning application was approved retrospectively.

DETAILED DESCRIPTION

This application seeks to amend conditions 12 and 13 of DC/22/0083.

Condition 12 currently states: -

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).

The variation of this condition seeks to regularise the lighting that is on the site (but continue to limit any further lighting).

Condition 13 currently states: -

Regulatory Condition: The use hereby permitted shall not be open for trade or business except between the hours of 09:00 and 17:00 Monday to Sunday (inclusive).

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

The variation of this condition seeks to extend the opening hours to allow for evening opening times on some occasions. These are listed as:

- Sunday – Tuesday 9am – 5pm
- Wednesday – Thursday 9am – 9pm Local Club Meetings
- Friday – Saturday 9am – 10pm Monthly pizza evenings, summer evenings, Halloween, Christmas Events

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
 Policy 3 - Strategic Policy: Development Hierarchy
 Policy 7 - Strategic Policy: Economic Growth
 Policy 9 - Employment Development
 Policy 10 - Rural Economic Development
 Policy 11 - Tourism and Cultural Facilities
 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 40 - Sustainable Transport
 Policy 41 - Parking
 Policy 43 - Community Facilities, Leisure and Recreation

Henfield Neighbourhood Plan:

Policy 9: Community Facilities
 Policy 10: Green Infrastructure
 Policy 12: Design Standards

Henfield Parish Design Statement

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: -

The existing lighting comprises of low-level garden string lights unlikely to be capable of causing skyglow or glare.

This department has issued several Temporary Event Notices for this site and do not appear to have received any complaints regarding noise or light nuisance.

OUTSIDE AGENCIES

Natural England: No Objection

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

As you are aware, in September 2021 Natural England released a Position Statement stating that it could not be concluded that the existing abstraction within Sussex North Water Supply Zone was having no impact on the Arun Valley designated sites and therefore new development in this zone should demonstrate water neutrality.

On 31st October 2025, we wrote to the relevant local authorities to formally withdraw this Position Statement on the basis that a package of measures has been agreed which ensures no adverse effect on the integrity of the Arun Valley designated sites, without the need for development to demonstrate neutrality.

We note that your authority, as competent authority, feels that further information is required before you can be satisfied that the agreed package of measures can be sufficiently secured and effective in practice, namely the formal amendment of Southern Water's abstraction licence by the Environment Agency. Therefore, in the interim period, your authority has proposed to continue undertaking appropriate assessments and to utilise the demand capacity generated by Southern Water's efficiency savings originally planned to be used by the Sussex North Water Certification Scheme (SNWCS) to conclude no adverse effect on integrity.

Natural England advises the package of measures agreed with Southern Water, Natural England and the Environment Agency removes the risk of a likely significant effect. However, we acknowledge that your authority has proposed an alternative approach.

Natural England has previously reviewed and agreed the Southern Water efficiency savings figures (3.24Ml/day) referred to in your submitted Appropriate Assessment template. In the light of this, we are satisfied that they are reliable. Therefore, if consulted on future planning applications which seek to benefit from these efficiency savings, we will not raise an objection on the basis of adverse effect risk.

Parish Comments: Objection

Without putting in stringent conditions there would be a loss of amenity to neighbouring properties in the form of noise and light.

Representations:

Three representations were received, supporting the proposal for the following reasons: -

- Supports the community and respectful of surrounding community.
- No neighbour impact
- No light impact of fairy lights
- No noise impacts

One representation was received objecting to the proposal for the following reasons: -

- Impact on neighbour amenity
- Increased parking impact on local roads

Member Comments:

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 principle of the development has been established through the granting of the original permission under DC/22/0083. As part of this permission the use was considered to represent a sustainable form of development in the countryside which accorded with Policies 10 and 26 of the Horsham District Planning Framework (2015). The proposed variation of conditions attached to this permission would not render the principle of development unacceptable and would potentially enhance the viability of the existing business, albeit it has not been suggested that without the variation of conditions the business could not continue to operate successfully.

Design and Appearance:

Policies 25, 32 and 33 of the HDPF promote development that is of a high-quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.

During the application process for the existing planning permission on the site, a number of incremental alterations took place to the site, including the introduction of additional benching, planters and external lighting outside of the immediate proximity of the cabin. The lighting did not form part of the approved documents, with the current application seeking to regularise this element of the wider site paraphernalia.

The application is accompanied by details of the '1-watt warm LED bulb festoon lighting' with the Planning Statement including a layout plan showing the location of the lighting runs, north-south and east-west across the site.

LED lighting (Light Emitting Diodes), when 'warm' in colour causes less intrusion to the night sky than when cool in colour. It is important to reduce light pollution in countryside locations, particularly when close to the South Downs National Park. The lighting subject of the current application extends across the breadth of the site with several runs of lighting extending from the corners of the building to the site boundaries.

It is recognised that the site is relatively enclosed to the east, with the wider surroundings to the south and west open to wider views. Whilst it is recognised that extent and quantum of lighting is perhaps more than would be expected in this countryside location, the nature of the lighting is low level, and on balance, unlikely to have a detrimental impact on the character, visual amenity, and tranquillity of the countryside location.

Amenity Impacts:

Policy 33 of the HDPF states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

The use of the site has been limited to a café and a shop and due to the distance and nature of other agricultural uses in the vicinity these activities are not considered to create any unacceptable amenity harm to residents or users of the countryside. The presence of lighting and extended opening hours would similarly not be expected to result in such potential for nuisance as to result in unacceptable harm.

The application, if approved, would retain conditions to control opening hours and the presence of lighting and this would help address the concerns raised by the Parish Council. As there is the potential for

evening noise disturbance to nearby residents if amplified or live music is played, an additional condition is recommended restricting such music after 6pm unless in accordance with an agreed Noise Management Plan.

Highways Impacts:

The café is not directly accessible to the general public by vehicle. Access to the wider adopted highway can be made in a few ways. The Downs Link run north from the site to 'Hollands Lane'. The Downs Link can only be used by pedestrians and equestrians given its status as a Bridleway 3513. East of the site Sandy Lane (a private road) provides a link to the wider adopted highway via 'Mill End'. Sandy Lane itself is considered a public right of way given its status as a footpath (F.P. 2564 & 2560). Footpath 2560 also provides alternative access both southwest and north east of the site. In all instances the wider adopted highway network is located circa 350 metres away from the application site. For this reason, the café facility is being marketed for pedestrians, horse riders and cyclists only.

As with the original permission, whilst being marketed for pedestrians, horse riders and cyclists it would not be unreasonable to conclude that the café may attract a small quantity of visitors by car. Any customers visiting by car would have to park on street safely in accordance with any existing traffic regulation orders. This is considered to be acceptable given the location and the presence of parking restrictions in the area to ensure highways safety.

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.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

It is therefore considered that the water neutrality requirements of the original planning application DC/22/0083 can be removed via this S73 application. This means that the rainwater harvesting that was proposed is no longer required in planning terms.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

Other Matters

It is noted that the extended opening hours are proposed in order to facilitate a number of events, including pizza nights, meetings, summer events, and Halloween/Christmas events. It is unclear at what frequency these events would be spread, but the planning statement states that these extended hours would not be every week. They are seeking flexibility to hold the events only rather than extended hours every Wednesday- Saturday.

Conclusions:

Condition 12

This can be amended to the following:

No further external lighting or floodlighting shall be installed (other than the existing festoon lighting at the Site as detailed within the Planning Statement) unless the details have been submitted to and approved by 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).

Condition 13

This can be amended to the following:

- 13 *Regulatory Condition: The use hereby permitted shall not be open for trade or business except between the hours of:*
- *Sunday – Tuesday 9:00am – 17.00pm*
 - *Wednesday – Thursday 9.00am – 21.00pm*
 - *Friday – Saturday 9.00am – 22.00pm*

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

An additional condition is recommended relating to noise management restricting the use of amplified music within the site to ensure that the later opening does not have an unacceptable impact on neighbour amenity:

- 14 No amplified music, live music, or public address system shall be played anywhere within the site after 6pm unless a Noise Management Plan has first been submitted to and been approved in writing by the Local Planning Authority. Any amplified music, live music, or public address system thereafter operated after 6pm shall be in full accordance with the approved Noise Management Plan.

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

The conditions (condition 3, 4 and 7) relating to water neutrality can now be removed.

Recommendation: Application Permitted

- 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 Not applicable

4 Not applicable

5 **Regulatory Condition:** Cycle parking facilities serving shall have been provided within the site as approved under DISC/24/0073. The cycle parking facilities shall thereafter be retained as such for their designated use.

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 storage of refuse and recycling shall be provided in accordance with the details agreed under DISC/24/0073 and be retained as such thereafter.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 Not applicable

8 **Regulatory Condition:** The use hereby permitted shall be used solely in connection with the agricultural activities at Browns Farm, in accordance with the Supporting Statement dated January 2022, and shall not be used as an independent commercial unit.

Reason: To ensure the café use is related to the farm diversification enterprise at Browns Farm and the local economy in the interests of sustainability and rural economic development and in compliance with Policies 10 and 26 of the Horsham District Planning Framework (2015).

9 **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), the development hereby permitted shall comprise a café and ancillary shop. The site shall not be used for any other purposes whatsoever, (including those falling within Class E 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) 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 buildings under Policies 26 and 33 of the Horsham District Planning Framework (2015).

10 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order amending or revoking and re-enacting the same, the buildings hereby approved shall not be extended or the external appearance altered in any way unless planning permission has been granted by the Local Planning Authority. No externally located plant or equipment shall be installed or operated without the prior written approval of the Local Planning Authority.

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

11 **Regulatory Condition:** Notwithstanding any provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no hard surfaces for any purpose in relation to the development hereby approved shall be created without planning permission from the Local Planning Authority.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** No further external lighting or floodlighting shall be installed (other than the existing festoon lighting at the Site as detailed within the Planning Statement) unless the details have been submitted to and approved by 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).

- 13 **Regulatory Condition:** The use hereby permitted shall not be open for trade or business except between the hours of
- Sunday – Tuesday 9:00am – 17.00pm
 - Wednesday – Thursday 9.00am – 21.00pm
 - Friday – Saturday 9.00am – 22.00pm

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

14. **Regulatory Condition:** No amplified music, live music, or public address system shall be played anywhere within the site after 6pm unless a Noise Management Plan has first been submitted to and been approved in writing by the Local Planning Authority. Any amplified music, live music, or public address system thereafter operated after 6pm shall be in full accordance with the approved Noise Management Plan.

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

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/24/1207

(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
Location & Site plan		KCC2985/08	19.01.2022
Block plan		KCC2985/07A	19.01.2022
Elevation & Floor plan	As existing	KCC2985/05	19.01.2022
Supporting Statement	Planning	NONE	19.01.2022
Supporting Statement	Essential Needs Appraisal	KCC2985	01.04.2022

Plan Type	Description	Drawing Number	Received Date
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