Horsham District Council

Mr Alex Moseley
White □ Sons
3 Massetts Road
Horley
Surrey
RH6 7PR

Application Number: DC/23/1797

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr J Beckett

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the following development, that is to say:

Variation of conditions 1 and 11 of previously approved application reference DC/18/2505 (erection of a farm shop and cafe building, with ancillary parking for customers) relating to varying of opening hours.

Farmshop and Eatery West Chiltington Road Pulborough West Sussex

to be carried out in accordance with Application No. DC/23/1797 submitted to the Council on 25/10/2023 and subject to compliance with the plans/documents and conditions specified hereunder.

Emma Parkes
Head of Development and Building Control

Date: 12/06/2024

1 **Plans Condition**: The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Location plan		2893/1	23.11.2018
Site plan		2893/2 REV A	18.01.2019
Elevation plan		2893/5 REV A	18.01.2019
Floor plan		2893-13 REV C	22.12.2023
Floor plan		2893-12 REV C	22.12.2023
Elevation plan		2893/6 REV A	18.01.2019
Site plan		NONE	16.10.2019

Supporting Docs		NONE	23.11.2018
Supporting Docs		NONE	23.11.2018
Supporting Docs		NONE	23.11.2018

Reason: For the avoidance of doubt and in the interest of proper planning.

2 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the Elevation Drawings 2893/5A and 2893/6A.

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).

3 **Regulatory Condition**: External refrigeration plant, mechanical extract ventilation and air conditioning units shall operate in accordance with the details submitted to and approved under DISC/22/0305 (dated 02.05.2023). The plant and ventilation system shall be installed, operated and maintained in accordance with the approved details.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Polices 33 and 40 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: The hard and soft landscaping works shall be carried out in accordance with the details submitted to and approved under DISC/22/0305 (dated 02.05.2023). The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part 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).

5 **Regulatory Condition**: The provision for the storage of refuse and recycling shall be in accordance with the details shown on drawing number 2893/2A. These facilities shall thereafter be retained for use at all times.

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

6 **Regulatory Condition**: The secure and covered cycle parking facilities for staff and visitors shall be carried out in accordance with the details submitted to and approved under DISC/22/0305 (dated 02.05.2023), and made available for use. The provision for cycle parking 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).

7 **Regulatory Condition**: The car parking shall be carried out in accordance with the details submitted to and approved under DISC/22/0305 (dated 02.05.2023). Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate car parking facilities for the development in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

8 **Regulatory Condition**: All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Lizard Landscape Design and Ecology, November 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

9 **Regulatory Condition**: The premises shall not be open for trade or business except between the hours of 09:00 - 19:00 hours Monday to Wednesday, 08:00 - 22:00 hours Thursday to Saturday, and 08:30 - 19:00 hours Sunday and Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 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/or re-enacting that Order), the premises hereby permitted shall be used as a farm shop within Use Class E(a) and E(b), with associated ancillary uses, 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 constraints of the site under Policies 26 and 33 of the Horsham District Planning Framework (2015).

11 **Regulatory Condition**: The farm shop hereby permitted shall sell no less than 80% of retail products from Kinswood Eggs and other food and craft producers in Sussex and Surrey.

Reason: In the interests of sustainability and rural economic development and in accordance with Policies 10 and 26 of the Horsham District Planning Framework (2015).

12 **Regulatory Condition**: The café use hereby permitted shall be used solely ancillary to the farm shop on site and shall not be used as an independent commercial unit.

Reason: The establishment of independent commercial unit would give rise to an over-intensive use of the site contrary to policy 26 of the Horsham District Planning Framework (2015).

13 **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 building hereby approved shall not be altered or extended in any way without express planning consent from the Local Planning Authority first being obtained.

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).

14 **Regulatory Condition**: The decked area associated with the ancillary cafe shall not be open for use expect between the hours of 09:00 - 19:00 hours Monday to Wednesday, 08:00 - 21:00 hours Thursday to Saturday, and 08:30 - 19:00 hours Sunday and Bank Holidays.

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

Note to Applicant – Community Infrastructure Levy (CIL):
Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development**.

If you have not received a Liability Notice from the Council within 1 month of the decision date please contact the CIL Team at cil@horsham.gov.uk

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

Note to Applicant:
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.

ADDITIONAL INFORMATION

Planning Permission – Important Provisos
If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts of Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted. The Building Control Department can be contacted on 01403 215151.

If this permission relates to new dwellings, commercial premises or other buildings which will require a new postal address you should contact the Council's Street Naming & Numbering Department as soon as possible or before work commences on site. Further details are available on the Street Naming page on the Council's website or alternatively e-mail streetnaming@horsham.gov.uk or telephone 01403 215139.

It is the responsibility of the developer to provide bins for the development. If you are a developer and need to purchase bins, please email hop.oast.admin@horsham.gov.uk.

It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over lands, or to access land that is not within your control or ownership.

Compliance with the Approved Plans and Conditions
The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or part of the development is started. These will appear in the 'Pre Commencement Conditions' section of the Notice.

If works on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

Amendments
Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Monitoring
Horsham District Council monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

Conditions Compliance
Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.

A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.