Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0901
3 Lower Street, Pulborough, West Sussex, RH20 2BH

DESCRIPTION:

Change of use from drinking establishment to Use Class E (Commercial, Business and Service)

RELEVANT PLANNING HISTORY:

DC/21/1722	Change of use of land from residential (C3) to pub garden (sui generis) and creation of a new access to garden area	Application Refused on 15.09.2021

DESCRIPTION OF THE SITE

The application site is positioned to the south-east of Lower Street, within the designated built-up area and Conservation Area of Pulborough. The building is positioned directly adjacent to the public highway, with a number of Grade II Listed Building positioned within proximity to the application site. The unit was given permission under planning approval reference DC/18/0746 for the change of use to a Drinking Establishment as a “micro-pub”.

DESCRIPTION OF THE APPLICATION

The application seeks full planning permission for the change of use of the premises at 3 Lower Street, Pulborough from its existing lawful use as a drinking establishment (sui generis) to a use within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended). The submitted planning statement confirms that the intended operation is as a chiropractic practice, which would fall under Class E (Commercial, Business and Service). No external alterations to the building are proposed as part of this application. Internal works to modernise and refurbish the premises are proposed but do not require planning permission.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 13 - Town Centre Uses
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 41 - Community Facilities, Leisure and Recreation

Pulborough Neighbourhood Plan is currently undergoing examination, with the following draft policies of most relevance: -
Policy 1 – A Spatial Plan for the Parish
Policy 12 – Tourism Development
Policy 15 – Design

Horsham District Local Plan (2023-40) (Regulation 19):
Policy 9: Water Neutrality
Policy 19: Development Quality
Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Policy 24: Sustainable Transport
Policy 25: Parking
Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
Policy 29: New Employment
Policy 30: Enhancing Existing Employment
Policy 35: Town Centre Hierarchy and Sequential Approach
Policy 36: Town Centre Uses

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Parish Design Statement:

Planning Advice Notes:
Facilitating Appropriate Development
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 Conservation Officer: No Objection

The change of use will have a positive impact within the conservation area by bringing the building back into use and maintaining the vibrancy of the village core.

HDC Environmental Health: No Objection

OUTSIDE AGENCIES

WSCC Highways: Comment

Weight is given to the fact that the site was previously in A2 use prior to the current use as a drinking establishment. The site does not benefit from vehicular access, and no parking provision is proposed due to site constraints. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety.

Would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking from an amenity point of view. The planning statement indicates that only one client will be treated at a time; as such, it is anticipated that the proposal would generate

fewer trips to and from the site than the current use. The site is sustainably located within walking distance of bus stops and Pulborough train station.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

PUBLIC CONSULTATIONS:

Representations:

None Received

Parish Comments:

Pulborough Parish Council: Support

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 application site lies within the built-up area boundary of Pulborough, which is identified under Policy 3 of the Horsham District Planning Framework (HDPF, 2015) as a 'Small Town and Larger Village' containing a good range of services and facilities. Within such settlements, appropriate infilling, redevelopment, and changes of use that contribute to maintaining and enhancing the vitality and viability of the settlement are supported in principle. The site is located in a sustainable and accessible position within Pulborough's village centre and Conservation Area.

Policy 7 of the HDPF states that sustainable employment development will be achieved by the redevelopment, regeneration, intensification and smart growth of existing employment sites. Policy 9 continues that the redevelopment of employment sites and premises outside Key Employment Areas must demonstrate that the site/premises is no longer needed and/or viable for employment use.

The building was last in use as a micro-pub (sui generis), which ceased trading in 2024 and has since remained vacant. The current proposal seeks to bring the building back into use for commercial purposes, where this would retain use for employment. The proposed change of use is therefore considered to support the local economy and provide employment opportunities. The proposed chiropractic use would introduce a small-scale professional service into the village centre, generating local employment and modest footfall that would contribute positively to the commercial vitality of Lower Street.

While the loss of the former drinking establishment would result in the removal of a leisure-type use, there are no adopted policies within the HDPF that seek to specifically protect public houses or drinking establishments in this location, nor is the property registered as an Asset of Community Value (ACV). The wider settlement of Pulborough continues to be served by a number of licensed premises and community facilities that meet the social and recreational needs of residents.

Furthermore, Policies 12 and 13 support small-scale Class E uses in village and town centres where they maintain an active frontage, contribute to economic diversity, and do not undermine the overall vitality or function of the centre. The proposed change of use would reactivate a vacant unit, support daytime economic activity, and preserve the mixed commercial character of Lower Street, consistent with these policy objectives.

The development would represent a sustainable and positive re-use of an existing building in an accessible location, with no policy conflict identified in principle. The principle of development is therefore supported.

Design and Appearance:

Policies 32 and 33 of the Horsham District Planning Framework (HDPF) require development to demonstrate high-quality design that respects the character of the surrounding area. Policy 32 highlights that design is a core component of sustainable development and must respond to the site context, while Policy 33 requires proposals to make efficient use of land, ensure appropriate scale, massing and layout, and integrate positively with the character of the site and surroundings.

Policy 34 of the HDPF states that development should reinforce the special character of the district's historic environment through appropriate siting, scale, form, and design, and should make a positive contribution to the character and distinctiveness of the area. In addition, development should preserve and ensure clear legibility of locally distinctive vernacular building forms and their setting, features, fabric and materials, and should seek to secure the viable and sustainable use of heritage assets through continued preservation by uses that are consistent with the significance of the heritage asset.

The building will remain visually unaltered when viewed from the public realm, and any internal refurbishment would not affect the external appearance. The reoccupation of the currently vacant premises is likely to enhance the vibrancy and appearance of this part of the Conservation Area. The Conservation Officer has confirmed that the proposed change of use will have a positive impact within the Conservation Area by bringing the building back into use and maintaining the vibrancy of the village core.

As such, the proposal is considered to preserve the character and appearance of the Conservation Area and the setting of the nearby listed buildings, in accordance with statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant HDPF policies.

Residential Amenity:

Policies 32 and 33 of the HDPF, supported by paragraph 198 of the NPPF, seek to ensure that development does not cause unacceptable harm to the amenity of neighbouring occupiers by way of noise, disturbance, loss of privacy, or loss of light.

The proposed use as a chiropractic practice is not inherently noise-generating and would operate during standard business hours (09:00–17:00 Monday to Friday) with no evening or weekend activity. This is materially different from the former use as a drinking establishment, which involved later operating hours and the potential for higher levels of noise and disturbance.

Given the scale and nature of the proposed use, together with the stated operating hours, it is not considered that the change of use would result in any harmful impact on the amenity of surrounding residential occupiers. The Council's Environmental Health team has raised no objection to the proposal. The scheme is therefore considered to comply with Policies 32 and 33 of the HDPF in respect of residential amenity.

Highways Impacts:

Policies 40 and 41 of the Horsham District Planning Framework (HDPF) require that development provides safe and suitable access for all users, does not result in adverse highway impacts, and includes adequate parking provision. These are supported by paragraphs 115–118 of the NPPF (2024), which state that development should only be refused on transport grounds where the residual cumulative impacts on the road network would be severe and should prioritise sustainable modes of travel where possible.

The Local Highway Authority has assessed the proposal, where it is noted that the site was previously in A2 use prior to its current use and does not benefit from vehicular access or on-site parking due to site constraints.

While on-street parking in the immediate area is limited, the presence of comprehensive parking restrictions is considered sufficient to prevent unsafe parking practices. The LHA has advised that the proposed nil car parking provision would not result in a detrimental impact on highway safety. The Planning Statement indicates that only one client would be treated at a time, suggesting a lower trip generation than the existing use. Furthermore, the site is sustainably located within walking distance of public transport links, including bus stops and Pulborough train station.

For these reasons, the proposal is not considered to result in harm to the safety and function of the public highway network, in accordance with the above policies.

Water Neutrality:

The application site lies within the Sussex North Water Supply Zone, which sources its water from groundwater abstraction at Hardham. Natural England has issued a Position Statement for this area, advising that it cannot be concluded with the required level of certainty that new development would not have an adverse effect on the integrity of the Arun Valley SAC, SPA, and Ramsar sites.

In accordance with this guidance, all new development within the zone must demonstrate, with sufficient certainty, that it will not contribute to the existing adverse effect on these protected sites. This requires the submission of a water neutrality statement to assess and offset any additional water demand arising from the proposed development.

The proposal seeks to change the use of the premises from a drinking establishment (Use Class A4) to a chiropractic clinic (Use Class E). The applicant has submitted a Water Neutrality Statement which includes a detailed comparison of historic and proposed water usage. The historic use as a pub resulted in an average daily water consumption of approximately 775–822 litres per day, based on metered data and usage assumptions. It is noted that the micro-pub ceased operations in mid-2024. In contrast, the proposed use as a part-time healthcare clinic is expected to consume only 18.67–20 litres per day, representing a significant reduction in water demand.

The proposed development does not include any new water-intensive fixtures or fittings, and no showers, dishwashers, or bar equipment will be installed. The existing water fittings (taps and toilets) are retained from the previous use and are considered efficient. The applicant has demonstrated that the proposed use will result in a net reduction in water consumption compared to the previous lawful use and therefore achieves water neutrality.

As such, the proposed development will not have a likely significant effect on the integrity of any designated site, either alone or in combination with other plans or projects, and has been screened out from the requirements of water neutrality.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of

land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusions:

The proposed change of use from a drinking establishment (sui generis) to a chiropractic clinic (Use Class E) represents a sustainable and appropriate re-use of a vacant commercial property within the built-up area of Pulborough. The development would contribute to the vitality and viability of the village centre, maintain an active commercial frontage, and provide a community-serving facility in a sustainable location. The proposal would not result in the loss of an essential community use, would preserve the character and appearance of the Conservation Area, and would not give rise to any adverse amenity or highway impacts. Accordingly, the principle of development is considered acceptable and in accordance with the Horsham District Planning Framework (2015) and the National Planning Policy Framework (2024).

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**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) (or any order amending or revoking and/or re-enacting these Orders), the premises hereby permitted shall be used for the purposes of Class E only 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 proximity to neighbouring properties and the nil parking provision under Policy 33 and 41 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: The premises shall not be open for trade or business except between the hours of:

- 08:00 and 18:00 Monday to Friday
- 08:00 and 13:00 Saturdays

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 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).

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/25/0901
(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		NONE	17.06.2025
Location plan		NONE	30.05.2025
Floor plan	Proposed Floor Plan	A1.0	26.06.2025

DELEGATED

Case Officer sign/initial Shazia Penne Date: 03.11.2025

Authorising Officer sign/initial Tamara Dale Date: 04.11.2025