Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0874
The Olive Branch , 12 Bishopric, Horsham, West Sussex, RH12 1QR

DESCRIPTION:

Retention of free standing timber canopy structure.

RELEVANT PLANNING HISTORY:

DC/24/0371	Replacement of glass conservatory roof with traditional rosemary clay tiled roof (Full Application).	Application Permitted on 03.05.2024
DC/24/0372	Replacement of glass conservatory roof with traditional rosemary clay tiled roof (Listed Building Consent).	Application Permitted on 03.05.2024

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 11 - Tourism and Cultural Facilities
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 13 - Town Centre Uses
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 43 - Community Facilities, Leisure and Recreation

Horsham Blueprint Business Neighbourhood Plan (HBBNP) 2019 - 2036:
Policy HB3 - Character of Development
Policy HB4 - Design of Development
AIM2 - Conserving Heritage Assets

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application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).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.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 4: Horsham Town
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Policy 28: Community Facilities, Leisure and Recreation
Strategic Policy 30: Enhancing Existing Employment
Strategic Policy 34: Tourism Facilities and Visitor Accommodation
Strategic Policy 35: Town Centre Hierarchy and Sequential Approach
Strategic 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:
HDC Conservation: Despite its rather utilitarian form, the shelter does not harm the setting of the listed building.

HDC Environmental Health: This department seeks assurance that that no nuisance, disturbance or loss of amenity is caused to nearby properties.

The Olive Branch has a Premise Licence issued by this department under the Licensing Act 2003 with Conditions on the licence to minimise the impact of noise:

- No recorded music, other than low level background music, to be played after
- 23:00hrs.
- Sources of noise from music, singing and speech, whether amplified or non-
- amplified should be barely audible outside noise sensitive premises, such that it is inaudible inside noise sensitive premises between the hours of 2300 and 0700
- No sale, supply or consumption of intoxicating liquor in the outside drinking area after 2300hrs
- Notices advising customers to leave quietly and respect neighbours to be display prominently throughout the premises particularly at the exits.

Conditions recommended for consideration by the Local Planning Authority.

- No speakers to be installed in the structure.
- All other speakers installed in the garden to play background music only

To comply with the requirements of the Smoke-free (Premises and Enforcement) Regulations 2006 the structure must not be wholly enclosed, or substantially enclosed if allowing patrons to smoke in the covered structure.

Natural England: Standing Advice: -

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

PUBLIC CONSULTATIONS:

Representations:

None received

Parish Comments:

Horsham Denne NC has no objection to this application.

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

This application is for the Retention of free standing timber canopy structure. The Olive Branch is a historic public house in the centre of Horsham. It is a Grade II Listed Building (indexed 1974) with Historic England describing the listed building (officially listed and formerly known as Green Dragon) as "*Late C17 or early C18. Timber-framing visible on west side. 2 storeys. 3 windows. Hipped tiled roof. Upper floor hung with decorative tiles. Sashes on upper floor, glazing bars intact. Modern front on ground floor*".

Principle of Development:

Policy 43 of the HDPF seeks to acquire the provision for new or improved community facilities where they meet the identified needs of the community. A community's sustainability is dependent on the services and facilities that they access. As such, this policy seeks to provide, retain and enhance existing facilities and services for the local community to benefit from.

The proposed development is for the Retention of free standing timber canopy structure, to the rear garden of the Olive Branch. The structure would serve as covered area for outdoor seating allowing enjoyment in fair weather. The development would support the continued vitality of the public house and would accord with the policies above and is considered acceptable subject to other material considerations.

Design and Appearance; Heritage Impact:

Paragraph 208 of the NPPF (2024) states that "the local planning authority should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise". Paragraph 213 adds that "[a]ny harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Policy 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

Policy 34 of the HDPF seeks to conserve, sustain and protect the cultural and heritage assets that are within the district. It ensures that development within conservation areas is consistent with the special character of buildings and areas of which they are located within. Areas and buildings that fall under conservation, Listed Building designations or are approximate to them will be protected from inappropriate development which will harm the character and setting of the area / building.

Policy HB3 and HB4 of the HBBNP cover the design and character of development within Horsham which is supported by the neighbourhood councils of Forest, Denne and Trafalgar. It advocates for high quality design and construction that integrates with its surroundings whilst minimising impact on natural environments. It should reflect the character and architectural forms of the area in order to protect against inappropriate design.

AIM2 of the HBBNP is to protect and conserve the historical interest and character of Horsham. Horsham has many buildings of historic interest and conservation areas which purpose is to protect buildings from being harmed by development that is not in character to the area.

The timber structure though of a notable size is though of a lightweight construction and considered to be appropriately sited in relation to the principal listed building and surrounds. There would be no adverse impacts on principal views of The Olive Branch with the historic interest and integrity of the building unaffected. While the design of the structure is of no particular merit, it is not considered that the development results in harm to the significance of the designated heritage asset, where the Conservation Officer has raised no objection. The development is considered to result in some public benefit derived from supporting and enhancing the existing use of the site.

Overall, the presence of the structure, would not be unexpected in a location such as this, with the visual impact acceptable and in accordance with the above policies.

Amenity Impacts:

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

The scale and siting of the physical structure would not lead to unacceptable impacts on neighbouring amenity. The structure would not amount a change of use of the land, which would remain in use as outdoor space associated with the public house.

It would not therefore be reasonable or necessary to impose restrictions which go beyond those already associated with the use of the site, and indeed any conditions could only relate to the proposed structure and not the wider use of the site. It is considered that restrictions specific to the structure could therefore be easily circumvented by moving outside of the structure, such that they would serve and achieve no meaningful purpose. As such, while the comments of the Environmental Health Team are noted, it is considered that any future noise complaints would be best addressed through non-planning legislation. No conditions in this regard are therefore recommended.

Water Neutrality:

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive use of the site which would necessitate an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

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).

The development is retrospective.

Conclusions

It is considered that the proposal would accord with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

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/25/0874
(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	Location & Site Plan	2CD50523/03	27.05.2025
Elevation plan	Existing Layout Plan and Elevations	2CD50523/01 Rev A	17.06.2025
Elevation plan	Proposed Layout Plan and Elevations	2CD50523/02 Rev A	18.06.2025

DELEGATED

Case Officer sign/initial JBurrowes Date: 12/08/2025

Authorising Officer sign/initial TDale Date: 13/08/2025