Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1743
Boars Head, Worthing Road, Horsham, West Sussex, RH13 0AD

DESCRIPTION:
Replacement kitchen extraction system (Full Planning)

RELEVANT PLANNING HISTORY:

DC/24/1744	Replacement kitchen extraction system (Listed Building Consent)	Pending consideration
SQ/2/89	Two storey extension for restaurant, toilets and living accommodation. new car park layout (From old Planning History)	Application Permitted on 22.03.1989

SITE AND SURROUNDS

The application site sits the public house of The Boars Head, a two-storey Grade II listed building first listed in 1980 as The Boar's Head Tavern (list entry number: 1354148). The site is located at the corner of Worthing Road and Tower Hill, in the countryside outside of any built-up area. The principal (east) elevation of the building fronts Worthing Road with an outdoor seating area to the north, and a small outdoor parking area to the east. The south elevation of the building fronts Tower Hill, and the existing west elevation fronts a larger outdoor parking area for the public house to the west of the building on Tower Hill.

Detached residential dwellinghouses with large plots, including a number of listed buildings are found to the south of the application site along Salisbury Road, with paddocks at the north of the site and a Public Right of Way also to the north, running parallel to Tower Hill.

DETAILED DESCRIPTION

The application seeks to replace the existing kitchen extract system, forming of two extract fans with grills to the ground floor south elevation of the building, with kitchen extract system consisting of a large stainless steel flue located at the west elevation of the existing building. The location of the existing extract fans would be filled by matching face bricks.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 7 - Strategic Policy: Economic Growth
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 34 - Cultural and Heritage Assets
Policy 37 - Sustainable Construction

Southwater Neighbourhood Development Plan (2019-2031):
Policy SNP1 - Core Principles
Policy SNP16 - Design

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
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
Strategic Policy 30: Enhancing Existing Employment
Policy 31: Rural Economic Development

Southwater Parish Design Statement 2011

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: Objection
[In Full] The Council's Conservation Officer has objected to the proposal: -
'*The Boars Head is situated in a corner location between the junction of Worthing Road and Tower Hill. The building is identified on the 1875/6 OS as the Fox and Hounds with the name changing to the Boars Head in the 1970's.*

The property due to its location is experienced from the Worthing Road elevation, and also from the rear and side from Tower Hill. The proposed extraction system would remove the existing grills and replace them with a new extract system to the rear.

The building is grade 2 listed and although its principal elevation is to Worthing Road, the building is experienced from Tower Hill, particularly as this is where the large car park is accessed.

The proposed system would appear incongruous with the traditional proportions and materials of the building and would result in harm to the appreciation of the building as a historic dwelling which has evolved into a public house. Whilst it is understood that an extraction system is required I would request further information as to whether a more sensitive solution could be considered either through internal ducting, relocation to a less sensitive position of through boxing the ducting.'

HDC Environmental Health: Comment
[Summary] The Council's Environmental Health Officer has initially objected to the proposal due to concerns over odour control performances of the proposed ventilation system, as well as the lack of details of noise impacts. Subsequent information has been submitted by the applicant, including a noise assessment and the use of fine particular filter, and the Council's Environmental Health Officer is satisfied that proposed Odour Control and Noise impacts are now acceptable. Conditions have been recommended.

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:
Southwater Parish Council: no objection subject to approval from Heritage Officer

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

Design, Appearance and Heritage:

Policies 25, 32 and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Policy SNP16 of the SNDP requires development to be of high quality design.

Paragraph 135 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

Paragraph 212 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).' Paragraph 213 continues to state that 'any harm to, or loss of, the significance of a designated heritage asset (from its alterations or destruction, or from development within its setting), should require clear and convincing justification.'

This follows the requirements of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that 'In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' In applying s.66, the identification of harm to a listed building or its setting carries significant importance and weight in the planning balance.

Policy 34 of the HDPF states that development should reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials.

The application site comprises a Grade II Listed Building in the countryside south of Horsham Town, on the corner of Worthing Road and Tower Hill. The existing kitchen extraction fans at the ground floor south elevation would be replaced by a new extraction unit, a stainless steel flue with a height of approximately 3.85 metres, at the west elevation close to the corner of the south elevation facing Tower Hill.

The flue of the proposed extraction unit would be located at the rear (west) elevation of the site. Due to its siting, it would be immediately visible from public view on Tower Hill. The proposed flue would appear visually dissimilar to the existing extraction unit, as the existing unit only consists of two fans. Its appearance and colour would also not match that of the existing building.

It is recognised that the proposed extraction system would be located at the rear (west) elevation of the building, which is a two-storey modern extension built under approved planning application SQ/2/89. It is acknowledged that a replacement system is needed, and it would be the most practical location to install a new extraction system for the existing kitchen.

However, such modern extension blends in well and is sympathetic to the appearance and form of the original building fronting Worthing Road. A stainless steel flue with and appearance and colour that would not match the existing building would visually detract from the special architectural interest of the building and would thus result in harm to the appreciation of the historic building.

The Council's Conservation Officer has therefore recommended alternative options to be explored, including internal ducting to minimise the visual impact to the rear elevation of the building, boxing in the ducting, or a relocation to a less sensitive, more screened location.

The applicant's planning agent has been notified regarding options to alter the proposed flue by email on 16 December 2024. After subsequent email correspondence, preliminary drawings for amendments

have been requested on 30 December 2024 to assess the impacts of possible revised proposals to the listed building.

With no submission of revisions received, follow up emails have been sent in January and February 2025, including emails requesting the submission of amendments by mid-February. No response was received and a telephone call was also unanswered.

Due to time constraints, this application is considered with originally submitted plans received by the Council on the 8th and 19th of November 2024. The proposed kitchen extraction unit is therefore considered contrary to the above policies.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

Paragraphs SNP16.1(d) and (e) of Policy SNP16 of the SNDP seeks to ensure the design of new development actively responds to other properties in the vicinity ensuring no unacceptable impacts on residential amenity occur, and should not result in unacceptable harm to the amenities of existing and proposed buildings, particularly with regard to privacy, outlook, daylight and sunlight.

The nearest residential dwellinghouses are located to the south of the application site. However, they are of a considerable distance and the site is well-screened by existing established trees and vegetation to the south of Tower Hill.

A noise assessment has been submitted to the Department on 28 December 2024, and is considered acceptable by the Council's Environmental Health Officer. A condition is also recommended by the officer should this application be permitted, requesting a post-commencement noise assessment measured at a position closest to the nearest residential dwelling to ensure the noise impacts to nearby residential occupiers remain at an acceptable level.

It is considered that the proposed replacement kitchen extraction unit would not result in an unacceptable harm to amenity of neighbouring users, through both noise or overlooking.

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 occupation of the dwelling necessitating 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 193 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) 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 proposed development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024, and is therefore exempt from achieving a 10% Biodiversity Net Gain.

Conclusions:

Whilst the replacement of kitchen extraction system is supported in principle and amenity impacts, and the proposed noise and odour control of the existing proposal are considered acceptable, the proposed external kitchen extraction system is considered to be an incongruous addition that would result in an unacceptable impact to the traditional proportions and materials of the listed building. The development is therefore considered contrary to Policy 34 of the HDPF and NPPF paragraph 213.

Recommendation: Application Refused

Reason for Refusal:

1. The proposed replacement extraction equipment is considered to be an incongruous addition that would result in an unacceptable impact to the traditional proportions and materials of the Grade II Listed Building of The Boar's Head Tavern (list entry number: 1354148), contrary to Policy 34 of the Horsham District Planning Framework (2015) and Paragraph 213 of the National Planning Policy Framework (2024), and duties of the Local Planning Authority under s.66 of the Planning (Listed Building and Conservation Areas) Act 1990.

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/24/1743
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs		Odour Control Details	09.12.2024
Supporting Docs		Noise Assessment	28.12.2024
Site plan		2CD41028-06	18.11.2024
Design & Access Statement	and Heritage	none	08.11.2024
Location plan		2CD41028-03	08.11.2024
Elevation & Floor plan	Existing	2CD41028-01	08.11.2024
Elevation & Floor plan	Proposed	2CD41028-02	08.11.2024

DELEGATED

Case Officer sign/initial	Joshua Lee	Date:	27.02.2025
Authorising Officer sign/initial	RHERMITAGE	Date:	03.03.2025