Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

NATIONAL SCHEME OF DELEGATION:

The proposal constitutes Schedule 2 development which is eligible for referral to Planning Committee. The application would not raise matters of significance and is therefore delegated to Officers for determination.

APPLICATION NO./ADDRESS:

DC/26/1503
Nyetimber Farm, Gay Street, Pulborough, West Sussex, RH20 2HH

DESCRIPTION:

Use of building as offices and provision of parking for 10 cars. (Retrospective).

RELEVANT PLANNING HISTORY:

DC/26/0712	Application to confirm the continuous use of part of a building for commercial office purposes for a period in excess of ten years. (Lawful Development Certificate - Existing).	Application Refused on 25.06.2026
DC/07/0333	Continued use of part of barn to form office	Application Permitted on 11.09.2007

DESCRIPTION OF THE SITE

Nyetimber Farm is located beyond the defined built-up area boundary of West Chiltington, within a countryside location. The site is accessed via Lower Jordans Lane, leading off Gay Street.

The building comprises a single storey lean-to building attached to two portal framed barns, with the first being in an agricultural use and the other housing an indoor sand school. Internally, the building provides five separate office spaces, occupied by two tenants, a reception, kitchen, bathroom and a store at first floor level. It has not been possible to locate the original permission for this single storey element and is therefore assumed that planning permission was not sought.

The surrounding area is predominately agricultural in nature, with some commercial uses present and a cluster of residential properties, the closest of which is located 34 metres to the east. The site is not within a conservation area and there are no Article 4 Directions or Enforcement Notices applicable to the site.

DESCRIPTION OF THE APPLICATION

Background:

This application follows the refusal of DC/26/0712, which sought a Lawful Development Certificate to confirm the continuous use of the building as an independent commercial office for a period exceeding

ten years. The application was refused as the Council concluded that, whilst the building had been in office use since at least 2014, the evidence indicated that the office accommodation remained part of the wider planning unit authorised under planning permission DC/07/0333 until 2021, when it was first occupied independently by third-party businesses. As such, it was not considered that the independent office use had become lawful through the passage of time. The current application therefore seeks retrospective planning permission for the continued use of the building as offices.

This application follows on the from CLUED application detailed above and seeks retrospective consent for the change of use of the building to a Class E Use, with the building currently being used as offices. The application does not seek consent for any external alterations, with the appearance of the building retained as such. Parking provision for 10 vehicles, is provided immediately to the east of the building.

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 10 - Rural Economic Development
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 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

West Chiltington Neighbourhood Plan
EH1: Green Infrastructure and Ecosystem Services
EH2: Flooding, Drainage and New Development
EH5: Conserve and Enhance the Heritage Environment
EH6: Dark Night Skies
EE2: Employment Land

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
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 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 29: New Employment
Strategic Policy 30: Enhancing Existing Employment
Policy 31: Rural Economic Development

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

Parish Design Statement

Planning Advice Notes:
Shaping Development in Horsham
Biodiversity and Green Infrastructure

The Local Plan is currently at examination, where the Inspector's letter dated 30.10.2026 concludes that the plan is sound, subject to the proposed main modifications and the limited number of further changes discussed within the letter. The final report from the Inspector is anticipated to be received in January 2027, where changes to the draft Schedule of Main Modifications will need to be published for consultation. Given this letter and the status of the Local Plan, the policies contained within the Horsham District Local Plan 2023-2040 (HDLP) are considered to be of significant weight.

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 Team: No Objection

Comments: The office use and additional car parking spaces do not harm the setting of the listed building.

HDC Environmental Health Team: No Objection

No adverse comments to make regarding the application.

HDC Planning Compliance: Comments received

OUTSIDE AGENCIES

Southern Water: No Objection

- The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.
- If the developer seeks adoption of the proposed SuDS, the system must be designed in accordance with the Design and Construction Guidance, exclude soakaway connections to the public surface water sewer, and comply with SuDS adoption requirements where it forms part of a continuous sewer network.
- Where SuDS include non-adoptable components, suitable long-term maintenance arrangements must be secured to ensure their effectiveness in perpetuity, and the submitted drainage details must meet the Local Planning Authority's required criteria.
- The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.
- No Soakaways should be connected to the public surface water sewer.

WSCC Highways: No Objection

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 (in line with TR6 paragraph 4) and that there are no transport grounds to resist the proposal.

PUBLIC CONSULTATIONS:

Representations:

None received

Parish Comments:

West Chiltington Parish Council: Comment

The Parish Council does not object to the principle of allowing third party use of the office space but feels that there is a need for any approval to be subject to conditions to control the times of the day use is allowed to take place, the volume of traffic permitted to come and go, and the nature of the businesses allowed to operate from the site. In summary, it is felt that any use should be sympathetic to the site's location and conform with the Parish's Neighbourhood Plan policies and Design Statement.

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:

Policy 26 of the Horsham District Planning Framework (2015) seeks to protect the rural character and undeveloped nature of the countryside against inappropriate development. Any proposal must be essential to its countryside location, and in addition, meet one or more additional criteria. Such criteria relate to the needs of agriculture or forestry, the extraction of minerals or disposal of waste, quiet informal recreational use or the sustainable development of rural areas. Policy 26 also requires that proposals must be of a scale appropriate to their countryside character and location, and requires that development does not lead to a significant increase in overall activity in the countryside on a cumulative or individual basis while further preserving the character of its respective setting.

Policy 7 of the HDPF states that sustainable development in the District will be achieved by: redevelopment, regeneration, intensification and smart growth of existing employment sites; the formation and development of small, start-up and move-on business, as well as home working and home based businesses, by encouraging provision of small units through development proposals; and identifying additional employment areas to meet the need for appropriate new business activity.

Policy 10 of the HDPF supports sustainable rural economic development and enterprise that generates local employment and wider economic, social and environmental benefits. In countryside locations, development is supported in principle where it maintains the quality and character of the area, is appropriate to its setting, contributes to the wider rural economy, and is contained within suitably located buildings appropriate for conversion, with the conversion of rural buildings to business or commercial uses supported in preference to residential use.

Policy 14 of the Horsham District Local Plan (HDLP) states outside built-up area boundaries, secondary settlements and development plan allocations, the rural character and undeveloped nature of the countryside will be protected against inappropriate development having regard to national policy. In addition, all proposals must be appropriately integrated within the landscape and be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, conserves, and seeks to enhance, the key features and characteristics of the landscape character area in which it is located, including;

a) The development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change;
b) The pattern of woodlands, fields, hedgerows, trees, waterbodies and other features;
c) The landform of the area; and
d) The protection of dark skies, in particular where it may impact on a designated International Dark Sky Reserve (IDSR), Neighbourhood Plan designations and High Weald AONB Management Plan objectives.

Policy 31 of the HDLP, states sustainable rural economic development and enterprise within the District as a whole will be supported where it is shown to generate local employment opportunities and economic, social and environmental benefits for local communities. Outside built-up area boundaries or secondary settlements, economic development, which maintains the quality and character of the area whilst sustaining its varied and productive social and economic activity, will be supported in principle. Any development should be appropriate to the countryside location, and will be supported provided that:

a) It does not prejudice, and contributes to, the diverse and sustainable farming enterprises within the District;

b) It contributes to the sustainable custodianship of the countryside; and

c) In the case of non-farming countryside-based enterprises and activities, it contributes to the wider rural economy and/or promotes recreation in, and the enjoyment of, the countryside, and complies with the following hierarchy:

    i. As first preference, is contained within suitably located existing buildings which are appropriate for conversion or, in the case of an established rural industrial or commercial site, within the existing boundaries of the site;

    ii. Where i) is not feasible, proposals for new buildings or development will be supported where it can be demonstrated that the proposal will contribute to sustainable rural economic growth that supports balanced living and working communities.

2. Proposals will be supported provided that they:
    a) Do not adversely affect the character, appearance or visual amenities and the intrinsic character and beauty of the countryside and the location in question; and
    b) Demonstrate a net increase in biodiversity in and around the site.
3. Proposals will be supported provided that car parking requirements can be accommodated satisfactorily within the immediate surroundings of the buildings or an alternative logical solution is proposed.

Policy EE2 of the West Chiltington Neighbourhood Plan states changes of use to Class E Uses will be supported where the impact on surrounding residential and community amenity is acceptable and other policy considerations are complied with. Development proposals that would result in the creation of small scale employment opportunities in residential properties or other non-commercial premises will be supported where they have no unacceptable impacts on the amenity of neighbours and the wider community by virtue of noise, fumes, vibration and odours, transport system, traffic flows, parking or infrastructure.

The application building comprises a single storey lean-to building attached to two portal framed barns, with the first being in an agricultural use and the other housing an indoor sand school. Internally, the building provides five separate office spaces, a reception, kitchen, bathroom and a store at first floor level. The surrounding area is not subject to a landscape designation and is not sited within a Conservation Area, with the locality comprising agricultural uses alongside residential properties, the closest of which is Lintotts, located 34 metres to the east.

The office spaces are contained within a suitable building, providing small scale office accommodation within a suitably located existing building, which is appropriate in scale to its countryside setting. Given the limited scale of the development, and the previous use of the building, it is not considered that the scheme leads to a significant increase in overall activity in the countryside or harm the character of the area. The development does not prejudice the sustainable farming enterprise of the site, and the proposed development when considered cumulatively alongside the other lawful uses on site, is not considered to result in an unacceptable level and intensity of activity in the countryside location.

The retention of the building for office space is considered acceptable in principle, in which it does not adversely affect the character, appearance of visual amenities of the countryside, provides a suitable level of car parking requirements without impact to its surroundings and allows for the sustainable economic growth of the rural area in which the site is located. It is therefore considered to accord with Policies 7, 10 and 26 of the HDPF, Policies 14 and 31 of the HDLP and Policy EE2 of the WCNP.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves, and enhances the townscape 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 19 of the HDLP relates to development quality and seeks to ensure that all development is of a high-quality and inclusive design, informed by an understanding of the local context, in order to conserve and enhance the natural and built environment and deliver sustainable buildings and places. The Policy also seeks to ensure development makes efficient use of land, responds sympathetically to its surroundings, protects the amenity of existing and future occupiers, and provides safe, accessible environments that promote sustainable travel and reduce opportunities for crime and antisocial behaviour.

No external changes are proposed as part of this application, with the application solely relating to the change of use of the premises. The existing mono-pitched, timber cladded, single storey lean-to building therefore retains its current appearance.

As part of the supporting documentation submitted under DC/26/0712, alongside independent evidence, the Council considered that the external alterations were substantially completed four or more years ago and were therefore lawful, being immune from enforcement action. No external alterations are proposed and no concerns with regard to design and appearance are raised.

Residential Amenity:

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.

Policy 19 of the HDLP seeks to protect the amenity of existing and future occupiers.

Policy P3 of the NPPF states that development proposals should be appropriate to their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the

development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site and its intended occupiers and users, as well as that of the environment and population in the surrounding area. Within this context, development proposals should provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life. Development proposals should not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site.

Policy EE2 of the West Chiltington Neighbourhood Plan states changes of use to Class E Uses will be supported where they have no unacceptable impacts on the amenity of neighbours and the wider community by virtue of noise, fumes, vibration and odours, transport system, traffic flows, parking or infrastructure.

The established nature of the office use is acknowledged, with no objections to the application having been received. The application building is located close to a cluster of residential properties, the closest of which being Lintotts, located 34 metres to the east. It is acknowledged that the development results in an increased level of activity on the site, however, given the scale of the building and the use, this level of activity is not considered to be detrimental to neighbouring amenity.

The comments by the Parish Council are acknowledged. It is considered that given the countryside location of the site and the proximity of residential properties, it is appropriate to ensure a condition be imposed that removes permitted development rights and restricts the use of the building solely to Class E(g)(i), alongside hours of use conditions and no external lighting. Whilst the Parish Council have requested further conditions connected to delivery hours, this is not considered a necessity given delivery onto the site would be ancillary to the opening and use hours, which themselves are restricted by condition.

It is considered that given the nature of this current application and the site's planning history, no unacceptable harm to neighbouring amenity would arise, subject to the recommended conditions outlined above. It is therefore considered to accord with Policies 25, 33 and 33 of the HDPF, Policy 19 of the HDLP and Policy EE2 of the WCNP.

Highways Impacts:

Policy 40 of the HDPF deals with sustainable transport and seeks new developments to provide safe and suitable access for all vehicles, pedestrians, cyclists, horses riders, public transport, and the delivery of goods. Policy 41 which relates to parking requires adequate parking and facilities to be provided within developments to meet the needs of anticipated users.

Strategic Policy 24 of the HDLP relates to sustainable transport and seeks to minimise the need to travel, prioritising safe and convenient walking, cycling and wheeling routes, access to public transport and passenger rail services. The Policy also encourages innovative sustainable transport solutions and requires development to have regard to relevant national and local transport and design guidance. Policy 25 relates to parking and seeks to ensure that development provides adequate, safe and secure parking provision, having regard to adopted standards, highway safety, residential amenity and the needs of all users. The Policy also encourages sustainable transport through the provision of secure cycle parking and electric vehicle charging facilities and seeks to prevent the loss of existing parking spaces unless suitable alternative provision or mitigation is secured.

The application site is served by an existing site, via Lower Jordans Lane, an unclassified road subject to national speed limit, with parking provision for around 10 vehicles. No alterations to this existing access arrangement are proposed.

WSCC Highways, in their role as the Local Highways Authority, have been consulted as part of the application process. The LHA confirm that the proposed development is not anticipated to give rise to a significant material intensification of the existing access and the level and nature of the parking

provision is considered suitable, appropriately laid out, with on-site turning for vehicles being achievable.

In conclusion, there are no transport grounds to resist the proposal.

Other Matters:

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 (on unregistered sites) 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 application is retrospective made under Section 73(A) of the Town and Country Planning Act.

Conclusions:

This retrospective application seeks full planning consent for the building to continue operating with a Class E Use, being used for offices. Given the scale of development, providing small scale office accommodation, within a suitably located existing building, the development is appropriate in scale to its countryside setting and would not lead to a significant increase in overall activity in the countryside or harm the character of the area. The development would not result in unacceptable harm to residential amenity or highway safety. The development is therefore considered in accordance with the relevant local and national planning policies and is recommended for approval.

Recommendation: Application Permitted

Conditions:

2 **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 for Class E(g)(i), and for no 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 site's countryside location and the relationship with surrounding uses and land, in accordance with Policies 26, 31 and 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: The development hereby permitted shall not be open or in use except between the hours of 07:30 - 18:00 Monday to Friday, 08:00 -13:00 hours on Saturday and at no time on Sundays or Bank / Public Holidays.

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

4 **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).

5 **Regulatory Condition**: The development hereby permitted shall strictly accord with the parking, turning and access facilities necessary to serve the development, as shown on the approved plan [527/26/P/01, received 17/09/2026] and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition:** Within 3 months of the development hereby permitted, cycle parking facilities shall be provided within the site and made available for use. The facilities shall thereafter be retained for use at all times. 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).

NOTE TO APPLICANT
Biodiversity Net Gain Condition
Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

Under Regulations 4, 5, 7 & 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which meet a defined criteria.

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

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/26/1503
(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 & Block plan	Location & Block/Roof Plans	527/26/P/01	17.09.2026
Floor plan	Existing Floor Plan	527/26/P/02	17.09.2026
Supporting Statement	Planning Statement	NONE	17.09.2026

DELEGATED

Case Officer sign/initial Sam Nye Date: 10/11/2026

Authorising Officer sign/initial Tamara Dale Date: 12/11/2026