Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/1091
The Black Jug , 31 North Street, Horsham, West Sussex, RH12 1RJ

DESCRIPTION:

Extension of external areas and associated works.

RELEVANT PLANNING HISTORY:

None relevant to this application

DESCRIPTION OF THE SITE

The application site is located on the western side of North Street. The main property is a public house. The site is adjacent to Parkside Office building to the southwest and the pedestrian bridge to the town centre and the property adjoins a restaurant to the northeast which is a Grade II listed building. The property is primarily accessed via the main entrance on North Street.

The site has several external areas: the frontage along North Street currently used for outdoor seating, a grassed garden located to the southwest of the building, an existing external area to the northwest, and a tarmacked access, car parking and storage area situated directly to the north.

DESCRIPTION OF THE APPLICATION

The proposal seeks planning permission for the extension of external areas and associated works.

The rear external area located to the northwest of the building will be extended into the adjacent tarmac parking and storage area. The extended area will be block-paved and will provide additional outdoor dining space. Along the boundary of this new area, four six-seater dining huts will be installed, with a central break to accommodate a water butt store.

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 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
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 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Horsham Blueprint Business Neighbourhood Plan 2019-2036
Policy HB4: Design of development

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 8: Sustainable Design and Construction
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
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
Policy 28: Community Facilities, Leisure and Recreation

Parish Design Statement:
None

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 Arboricultural officer: Comment

There are no foreseeable impacts on trees of high merit or significant landscape value from the development proposals at the site, and as such, no tree-related concerns are raised with the scheme.

HDC Conservation (Initial Response): Comment

It is considered that the proposed works would not result in harm to the appreciation of the adjoining listed buildings or result in harm to their setting. However, it would be suggested that more consideration is given to the boundary treatment adjoining the reduced parking area (it is shown as a timber fence) due to its relationship with the listed building, and the roofing of the pergolas so as to respect more appropriately the quality of the building, and its surroundings.

HDC Conservation (Subsequent Response): Comment

It is noted that the boundary treatment has been amended and this is supported. However, it doesn't appear that the comments regarding the roofing of the pergolas have been addressed. This was raised in terms of design to respect more appropriately the quality of the building, and its surroundings. As previously identified overall it is considered that the proposed works would not result in harm to the

appreciation of the adjoining listed buildings or result in harm to their setting. Consequently, no overall objection is raised.

HDC Environmental Health: No adverse comments to make regarding this application.

WSCC Highways: Comment

The site is located on Park Street, a B-classified road subject to a speed restriction of 30 mph.

No alterations are proposed to the existing vehicular access arrangement. The proposals do represent an increase in available outdoor seating, which could see an increase in material movements to or from the site. However, considering the site location within Horsham Town Centre that is well accessible on foot, by cycle and by public transport, the LHA does not anticipate that the proposals would adversely impact upon the operation of the local highway network.

The existing staff car parking area will be reduced in size, retaining 4-5 car parking spaces. I do note that the reduced space may restrict the ability to turn on-site, especially if the car park is busy. As such, vehicles may have to reverse out of the site if this is the case. The existing access point on Park Street does benefit from good visibility in both directions, so no highway safety concerns would be raised in regards to this aspect.

Tables and chairs are proposed along the southern frontage along Park Street. The applicant is advised that they will need to obtain a pavement licence from Horsham District Council for the placement of tables and chairs on the pavement, and the furniture will need to be removable.

In summary, 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.

NatureSpace: Comment

The proposed development is not considered to be relevant to the District Licensing Scheme in this case and we consider there would be no likely impact on great crested newts or their habitats. Therefore have no comments to make at this time.

PUBLIC CONSULTATIONS:

Representations:

1 letters of Objection have been received from 1 no. addresses, objecting to the application on the following grounds:

- No proposal for increasing the provision for toilet facilities, present situation would not adequately support the intended increase in customer numbers.

Parish Comments:

Horsham Denne Neighbourhood Council

- *The application form states that there is no change to parking but the plans indicate that spaces will be lost due to the extension of the outdoor area at the rear*
- *Would like confirmation of the additional number of people that could be seated outside. Have worked out that, according to the plans submitted, currently 58 people can be seated outside. The application will increase this to 140 people (rear, front and side) and the space is presumably intended for use all year.*
- *Queries any regulations applicable to the proposed increase in outside seating*
- *Note the location of the proposed freezer room next to the proposed external bar. Will the bar just serve drinks or will food also be served?*
- *The application refers to the retention of grass at the side of the building but the installation of 5 table/bench fixtures will diminish its effectiveness & cause undue wear.*
- *Over development of the site*

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 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.

Policy HB14 of the Horsham Blueprint Business Neighbourhood Plan aims to maintain proposals that enable the diversification and flexible use of the buildings through the extension of and shared use of such buildings, to provide additional community facilities for example, will be supported.

The extension to the existing external area would provide additional facilities for the Public House, offering additional space associated with the established use. The development would support and enhance the facility. Therefore, the principle of the development is considered acceptable, subject to all other material considerations.

Design and Appearance:

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 HB4 of the Horsham Blueprint Business Neighbourhood Plan aims to maintain that development is expected to demonstrate a high quality of design, which responds and integrates well with its surroundings, meets the changing needs of residents and minimises the impact on the natural environment.

The proposal would involve the extension and refurbishment of the existing external areas. The external dining huts, the proposed external bar as well as new fridge / freezer room have all been sensitively designed to preserve the setting of the adjacent listed building. The new boundary treatment incorporating soft landscaping would be an improvement to the current arrangement.

Overall, the proposal is considered to be of a design, form and scale which is appropriate to the character and appearance of the site, and which would not harm the character or appearance of the adjacent listed building nor the wider surroundings. It is therefore considered that the visual impact of the proposal is acceptable and would accord with the above policies.

Heritage and Archaeology:

Policy 34 of the HDPF states that reinforce the special character of the district's historic environment through appropriate siting, scale, form and design; including the use of traditional materials and techniques.

It is acknowledged that the building that is now the Black Jug was rebuilt in the 1930's following a fire, with its previous incarnation being known as the Hurst Arms. The building adjoins the Grade II listed building of 33 and 34 North Street which is an early seventeenth century timber framed building. To the southwest is 26 – 30 (even) North Street which again is timber framed and Grade II listed. North Street originally ran along the front of the property through to Carfax. The Park Terrace Gardens Conservation Area is sited to the east.

During the course of this application the boundary treatment has been amended and this is supported by the Council's Conservation Officer. Whilst the Conservation Officer raised concerns regarding the roofing materials of the pergolas, given the light weight material coupled with the design of the pergolas, on balance, the proposed roofing material is considered acceptable.

Following consultation with the Conservation Officer, overall it is considered that the proposed works would not result in harm to the appreciation of the adjoining listed buildings or result in harm to their setting.

Residential Amenity:

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 nature of the proposed development would involve extending an existing external area. Therefore, it is considered that the siting and layout of the proposal and the resulting relationship with adjacent properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Highways Impacts:

Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users.

There are no alterations proposed to the existing vehicular access arrangements. The proposals would result in an enlarged outdoor seating area, which could see an increase in vehicular movements to or from the site. However, considering the site location within Horsham Town Centre, where it is well accessible on foot, by cycle and by public transport, the Local Highway Authority (LHA) does not anticipate that the proposals would adversely impact upon the operation of the local highway network.

The existing staff car parking area would be reduced in size, retaining 4-5 car parking spaces. Following consultation with the Local Highways Authority it is noted that the reduced space may restrict the ability to turn on-site, especially if the car park is busy. As such, vehicles may have to reverse out of the site if this is the case. However, the existing access point on Park Street does benefit from good visibility in both directions, so no highway safety concerns would be raised in regards to this aspect.

In respect to the Tables and chairs proposed along the southern frontage along Park Street, the applicant is advised that a pavement licence from Horsham District Council will need to be obtained for the placement of tables and chairs on the pavement, and the furniture would need to be removable.

Overall, 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 and that there are no transport grounds to resist the proposal.

Trees and Landscaping:

Policy 33 of the HDPF states that development should presume in favour of the retention of existing landscape and natural features. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.

Following consultation with the Council's Arboricultural Officer, it is noted that there are no foreseeable impacts on trees of high merit or significant landscape value from the development proposals at the site. Consequently, there were no tree-related concerns raised with the scheme.

Water Neutrality:

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

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 development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Due to the minor nature of the proposed development, and as there is no loss of priority habitat greater than 25sqm, the development is exempt from national BNG requirements through the de minimis exemption.

Conclusions:

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

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**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

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).

4 **Regulatory Condition**: The external area hereby permitted shall be used in association with The Black Jug, 31 North Street, Horsham only and shall not operate independently.

Reason: The establishment of an additional independent unit would give rise to an over-intensive use of the site contrary to Policy 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition**: The use of the external area including the external bar hereby permitted shall be limited to the hours of 11:30am and 23:00pm Mondays to Saturdays and 12:00pm to 10:30pm on Sundays (inclusive).

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

6 **Regulatory Condition**: No public address external sound amplification system to the external area including pergola shall be installed or used except between the hours of 11:00am and 9.00pm (inclusive).

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

7 **Regulatory Condition**: The external area including pergola hereby permitted shall only be illuminated between the hours of 11:30am and 23:00pm Mondays to Saturdays and 12:00pm to 10:30pm on Sundays.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policy 33 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:

1. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric);

2. is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;

3. is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development (In determining whether a development is undertaken solely or mainly for this purpose, no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee);

4. consists of no more than 9 dwellings, is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding ("Self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended)).

In addition, the Biodiversity Gain Plan Condition does not apply to applications for major development made before 12 February 2024, or non-major development made before 2 April 2024.

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.

NOTE TO APPLICANT

The applicant is reminded that a pavement licence from Horsham District Council would need to be obtained for the placement of tables and chairs on the pavement, along the southern frontage along Park Street, and the furniture would need to be removable.

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/25/1091
(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 plan	Site Location Plan	NONE	15.10.2025
Block plan	Block Plan	NONE	15.10.2025
Elevation & Floor plan	Garden Pergola Details	03	02.07.2025
Site plan	Proposed Site Plan	02	02.07.2025
Elevation plan	North West Boundary Treatment	07	02.07.2025
Elevation & Floor plan	Proposed External Areas Floor Plan and Elevations	02-25-1460	02.07.2025
Supporting Docs	Detail on irrigation.	NONE	15.10.2025
Site plan	Proposed Rear Garden Layout	05	15.10.2025
Site plan	Existing Site Plan	01	02.07.2025

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 19.11.2025

Authorising Officer sign/initial Tamara Dale Date: 20.11.2025