

Statement of Case for the Local Planning Authority

Prepared by Daniel Holmes, MSc, MRTPI

PLANNING INSPECTORATE REFERENCE:	6007051
HORSHAM DISTRICT COUNCIL REFERENCE:	DC/26/0024

Town and Country Planning Act 1990

Planning appeal by **Mr Matt Smith** at:

Bentley House North Heath Lane Industrial Estate North Heath Lane Horsham

The appeal relates to application DC/26/0024 for the Change of use of a building to provide 9 residential units

Appeal to be determined by an Inspector appointed by the Secretary of State by way of Written Representations

07th May 2026

Table of Contents

1.0	INTRODUCTION AND APPEAL PROCEDURE.....	5
2.0	THE APPEAL SITE AND PROPOSAL.....	6
3.0	REPRESENTATIONS AND CONSULTATIONS RESPONSES	10
4.0	THE CASE FOR THE LOCAL PLANNING AUTHORITY	10
5.0	PLANNING BALANCE AND OVERALL CONCLUSION.....	21
6.0	LIST OF CONDITIONS	24

Appendices

Appendix A: Horsham District Council – Strategic Planning Response 20/04/2026

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Our ref: DC/26/0024
PINS ref: 6007051
E-mail: Daniel.holmes@horsham.gov.uk
Direct line: 01403 215244
Date: 7th May 2026

To: The Planning Inspectorate

Appeal Against Non-Determination – Covering Letter

This letter accompanies the Council's Statement of Case in relation to the above appeal made against the non-determination of planning application DC/26/0024.

The statutory determination period for the application expired on 6 March 2026. However, during the course of the application, a number of technical and policy matters arose which required further clarification and assessment before the Local Planning Authority was in a position to reach a fully informed decision.

Throughout the determination process, officers sought to engage proactively and positively with the applicant and their agent in accordance with the requirements of the National Planning Policy Framework.

During consultation on the application, the Council's Environmental Health Officer raised concerns regarding the submitted Noise Impact Assessment, specifically inconsistencies within the monitoring results and the implications of noise arising from surrounding employment uses within the industrial estate. Additional information was requested from the applicant on 4 March 2026 and subsequently provided. This information was forwarded to Environmental Health for review.

In order to allow sufficient time for the Council to consider the additional noise information and consultee response, an Extension of Time was agreed with the applicant until 13 March 2026.

Following receipt of Environmental Health comments on 12 March 2026, further internal review of the proposal was undertaken. During that process, concerns were identified regarding the adequacy of the evidence submitted to justify the loss of employment floorspace under Policy 9 of the Horsham District Planning Framework (2015), together with the relationship of the site to the wider North Heath Lane Industrial Estate and the implications of the site's proposed designation as a Key Employment Area within the emerging Horsham District Local Plan.

Given the significance of these matters, officers considered it necessary to seek further input from the Council's Strategic Planning team regarding the weight to be afforded to the emerging allocation and the implications for the overall planning balance. Concurrently, officers engaged with the applicant's agent regarding the additional information that may assist in addressing the Council's concerns, including further detail relating to marketing, viability, and the continued employment function of the site.

At all stages, officers sought to avoid unnecessary refusal of the application and instead attempted to provide the applicant with the opportunity to address the identified concerns through ongoing dialogue and the submission of further supporting information.

Correspondence between officers and the applicant's agent demonstrates that discussions remained active and ongoing following expiry of the agreed Extension of Time. However, before these matters could be fully resolved, an appeal against non-determination was lodged on 26 March 2026. The email exchanges are appended in the Statement of Case for PINS to review.

The Council does not consider that it acted unreasonably in the handling of the application. Officers maintained regular communication with the applicant, sought clarification on matters of concern as they arose, and attempted to progress the application positively and transparently throughout the determination process.

The Council's full position on the planning merits of the proposal is set out within the accompanying Statement of Case.

Yours faithfully,

Daniel Holmes

Senior Planning Officer
Horsham District Council

1.0 INTRODUCTION AND APPEAL PROCEDURE

- 1.1 This appeal is made against the non-determination of application DC/26/0024 for the following development:

‘Change of use of building to provide 9 residential units’

- 1.2 This statement sets out a full assessment of all material planning considerations based on the information provided, concluding that the proposal would be unacceptable as follows:

1.3 **Reason for Refusal 1**

The proposed development would result in the unjustified loss of an established employment site within the built-up area boundary of Horsham. Insufficient evidence has been provided to demonstrate that the site is no longer required or viable for employment use, and the proposal would undermine the continued function of the wider employment area, including the North Heath Lane Industrial Estate identified as a Key Employment Area in the emerging Horsham District Local Plan (2023–2040).

The proposal is therefore contrary to Policy 9 of the Horsham District Planning Framework (2015), emerging Policy 30 of the Horsham District Local Plan (2023–2040), and the economic objectives of the National Planning Policy Framework.

1.4 **Reason for Refusal 2**

The introduction of residential use within an established employment area would create an incompatible relationship between residential and commercial uses. The presence of residential occupiers would likely place pressure on surrounding businesses through complaints relating to noise, disturbance, and operating conditions, thereby prejudicing the continued operation and function of the wider employment area. The proposal is therefore contrary to Policies 9 and 33 of the Horsham District Planning Framework (2015).

1.5 **Reason for Refusal 3**

The proposed development would fail to provide acceptable living conditions for future occupiers by reason of its location within an active industrial estate characterised by commercial activity, vehicular movements, and associated noise and disturbance. Insufficient information has been provided to demonstrate that future occupiers would be adequately protected from these impacts, and the proposal would provide a poor standard of residential amenity. The proposal is therefore contrary to Policy 33 of the Horsham District Planning Framework (2015) and the amenity objectives of the National Planning Policy Framework.

- 1.6 It is noted that all other aspects of the proposal are found to be either acceptable on balance or could be made acceptable via the use of planning conditions. The Council's recommendation is therefore that the appeal is dismissed, and that planning permission is not granted for the proposed development.

2.0 THE APPEAL SITE AND PROPOSAL

Description of the Site

- 2.1 The appeal site relates to Bentley House, North Heath Lane Industrial Estate which lies approximately 1.5 miles north of Horsham town centre within the defined Built-Up Area Boundary (BUAB) of Horsham. The estate comprises a mix of two-storey office buildings and terraced industrial units set around a central access road with surface level parking and circulation space.
- 2.2 Bentley House is a detached two-storey office building positioned toward the rear (southern end) of the estate, set behind the central terrace of industrial units. It is relatively screened from North Heath Lane. Windows to the rear are partially screened by existing trees on the Pondtail Park recreation ground border, located to the south, with views towards the car park and industrial units to the north and west.
- 2.3 The estate is surrounded on its outer boundaries by established residential development, with Pondtail Park forming the southern boundary. The surrounding character is therefore mixed, comprising industrial/commercial activity within the estate itself, with residential areas beyond.
- 2.4 Bentley House provides approximately 624.77 sq.m (6,725 sq.ft) NIA of office accommodation. The building is currently vacant.

Description of the Application

- 2.5 The application seeks full permission for the change of use of Bentley House from office use (formerly Use Class B1, now falling within Class E(g)) to form 9 residential dwellings (Use Class C3) comprising of 2 x 1 bedroom, 6 x 2 bedroom, and 1 x 3 bedroom.
- 2.6 No significant alterations to the external envelope of the building are proposed beyond those necessary to facilitate residential occupation. Associated works include provision of parking, cycle storage and refuse storage.
- 2.7 Supporting documentation includes:
- Planning Statement
 - Marketing Summary
 - Noise Impact Assessment
 - Transport Statement
 - Flood Risk Assessment
- 2.8 The application follows the withdrawal of a prior notification under Class MA (DC/23/2323), which could not proceed due to an extant condition restricting the use of the building.

Relevant Planning History

- 2.9 A full planning history for the appeal site is as follows:

DC/23/2323	Prior Notification for Change of Use of building from Office to form 10 residential units.	Withdrawn Application on 15.02.2024
HR/44/52	Two proposed buildings (From old Planning History)	Application Permitted on 08.10.1952
HR/45/52	Erection of building (From old Planning History)	Application Permitted on 10.09.1952
HR/56/50	Proposed offices (From old Planning History)	Application Permitted on 11.10.1950
HR/57/50	Proposed workshop (From old Planning History)	Application Permitted on 11.10.1950
HR/54/52	Use part of depot for manufacture of concrete products (From old Planning History)	Application Permitted on 10.09.1952
HR/101/54	Proposed erection of 2 buildings (From old Planning History)	Application Permitted on 08.12.1954
HR/29/56	Proposed building for manufacture of concrete pipes (From old Planning History)	Application Permitted on 11.04.1956
HR/8/60	Workshop for manufacture of precast concrete products (From old Planning History)	Application Permitted on 10.02.1960
HR/42/58	Office extension (From old Planning History)	Application Permitted on 11.06.1958
HR/82/55	Proposed building at contractors depot Comment: Kaymat (From old Planning History)	Application Permitted on 09.11.1955
HR/119/62	Use of buildings for housing contractors plant and storage of materials (From old Planning History)	Application Permitted on 14.09.1962
HR/186/64	Erection of offices (From old Planning History)	Application Permitted on 15.01.1963
HR/155/79	Alteration to existing office and modified 2 storey extension. Comment: William press (From old Planning History)	Application Permitted on 05.10.1979
HR/158/77	Alteration to existing office and 2 storey extension. (From old Planning History)	Application Permitted on 26.01.1978
HR/2/79	Vehicle and plant maintenance workshop extensions Comment: Mod order no. 15 (From old Planning History)	Application Permitted on 12.11.1979
HR/216/80	2 storey extension to existing office building to form laboratories (From old Planning History)	Application Permitted on 18.02.1981
HR/154/81	C/u to allow light industrial building to be partly partitioned as offices plus workshop/maintenance area and ancillary storage yard Comment: Carter horseley engineers (From old Planning History)	Application Permitted on 31.07.1981

HR/16/81	Retention of existing office/general/industrial/storage buildings (From old Planning History)	Application Permitted on 19.02.1981
HR/111/82	Demolition of old office building and erection of 2 storey office building. (From old Planning History)	Application Permitted on 26.08.1982
HR/128/82	Erection of 2 light industrial units with car parking (From old Planning History)	Application Permitted on 26.08.1982
HR/205/84	New office building - outline Comment: Appeal allowed 07/06/85 (From old Planning History)	Application Permitted on 07.06.1985
HR/151/85	Erection of office (reserved matters) (From old Planning History)	Application Permitted on 13.08.1985
NH/34/88	2 storey business building (From old Planning History)	Application Permitted on 10.05.1988

Relevant Planning Policies

2.10 The planning policy and guidance relevant in this instance is set out below.

The National Planning Policy Framework (NPPF) (2024)

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 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

2.11 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).

- 2.12 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The presumption in favour of sustainable development within paragraph 11(d) of the NPPF is therefore engaged. Policies most important for determining the application insofar as they relate to the supply of housing are consequently considered out-of-date for the purposes of paragraph 11(d). However, Policies 7, 9 and 33 of the HDPF remain broadly consistent with the Framework's objectives relating to economic growth, protection of employment land, and securing high quality development, and continue to attract significant weight..
- 2.13 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 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 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 30: Enhancing Existing Employment
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

Supplementary Planning Guidance:

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

Planning Advice Notes:

Shaping Development in Horsham (SDPAN)
Biodiversity and Green Infrastructure

3.0 REPRESENTATIONS AND CONSULTATIONS RESPONSES

- 3.1 All formal consultation, public representation and parish council representations have been submitted to the inspectorate within the appeal questionnaire.
- 3.2 However, following submission of the appeal questionnaire, the Council's Strategic Policy Team provided a late internal representation. This response was not available at the time the Council's questionnaire was completed. The comments provide an assessment of the proposal against relevant strategic and development plan policy considerations, and are appended to this Statement of Case for completeness (**Appendix A**)

4.0 THE CASE FOR THE LOCAL PLANNING AUTHORITY

Principle of Development

Policy Context

- 4.1 As it stands, the development plan relevant to the proposed development comprises the Horsham District Planning Framework (HDPF, 2015). In accordance with planning law, these documents form the statutory development plan and the starting point for the assessment of the development proposals. The National Planning Policy Framework and accompanying Planning Practice Guidance are material considerations relevant to the development proposals.
- 4.2 The appeal site lies within the defined Built-Up Area Boundary (BUAB) of Horsham, where development is generally directed in accordance with the spatial strategy set out under Policy 2 – Strategic Development of the Horsham District Planning Framework (HDPF) (2015). Policy 2 seeks to focus the majority of development within existing settlements in order to promote sustainable patterns of growth whilst also safeguarding important employment sites and supporting the local economy.
- 4.3 Policy 7 – Economic Growth is relevant to the assessment as it seeks to support sustainable economic development through the redevelopment, regeneration and intensification of existing employment sites and premises.
- 4.4 Policy 9 – Employment Development is of direct relevance to the proposal. The policy seeks to protect employment sites and premises from unjustified loss and requires proposals involving the redevelopment of employment sites outside designated Key Employment Areas to demonstrate that the site or premises are no longer needed and/or viable for employment use. The policy reflects the Council's objective of maintaining a sufficient supply of employment land and commercial premises to meet the needs of the District's economy.
- 4.5 Policy 33 – Development Principles is also relevant and requires development to function well within its surroundings, make efficient use of land, and avoid unacceptable harm to the amenity of existing and future occupiers. In this case, the policy is relevant in considering the compatibility of introducing residential accommodation within an established industrial estate environment.

- 4.6 In addition to the adopted Development Plan, material consideration is also given to the emerging Horsham District Local Plan 2023–2040 (eLP). Whilst the emerging plan currently attracts only limited weight, regard is had to Strategic Policy 30 – Enhancing Existing Employment, which seeks to safeguard employment premises and sites and identifies North Heath Lane Industrial Estate as a proposed Key Employment Area. The policy seeks to protect the integrity and function of such areas and resist proposals resulting in the unjustified loss of employment floorspace.
- 4.7 The Council's Shaping Development in Horsham District Planning Advice Note (2025) is also material to the assessment. The document confirms the Council's position that the employment policies contained within the HDPF remain justified, up-to-date and consistent with the National Planning Policy Framework (NPPF), notwithstanding the age of the adopted Local Plan and the status of the emerging plan.

Principle of Development Assessment

- 4.8 The proposal The application proposes the change of use of Bentley House from office accommodation (Use Class E(g)) to provide 9 residential units. Whilst the site lies within the Built-Up Area Boundary of Horsham, where residential development is generally acceptable in spatial terms, the site forms part of the wider North Heath Lane Industrial Estate and therefore raises significant considerations regarding the loss of employment floorspace and the compatibility of residential use within an established employment area.
- 4.9 The primary policy consideration is Policy 9 of the HDPF, which seeks to safeguard employment sites and premises unless it can be satisfactorily demonstrated that they are no longer needed and/or viable for employment purposes. In this regard, the applicant has submitted a marketing and viability report prepared by Crickmay together with supporting commentary regarding Bentley House and the wider estate.
- 4.10 The submitted evidence confirms that Bentley House has been marketed for a prolonged period and has remained vacant for a number of years. Officers acknowledge that the marketing exercise undertaken included a range of advertising platforms, marketing boards, circulation to commercial agents, flexible leasing arrangements and varying rental approaches. The report also identifies wider changes within the office market, including reduced demand for secondary office accommodation, increased preference for modern and sustainable premises, and the changing nature of office occupation following the Covid-19 pandemic.
- 4.11 Notwithstanding this, Officers are not satisfied that the evidence submitted robustly demonstrates that the premises are no longer needed and/or viable for employment use in accordance with Policy 9. Whilst the marketing exercise demonstrates difficulty in securing a tenant for the building in its current form and condition, the evidence provided is largely focused on prevailing market conditions and general commentary relating to the wider estate rather than a comprehensive assessment of the realistic long-term employment potential of Bentley House itself.
- 4.12 Limited evidence has been provided regarding alternative employment scenarios, refurbishment options, reconfiguration opportunities, or whether the building could viably

support smaller scale or flexible employment uses that may better reflect modern occupier requirements. Whilst reference is made to wider viability work undertaken for the estate, no detailed financial viability appraisal specific to Bentley House has been submitted as part of the application to demonstrate that continued employment use, refurbishment, or adaptation of the building would be unviable.

- 4.13 Furthermore, significant weight is attached to the fact that the site forms part of an established employment area which continues to accommodate a range of active commercial uses. Although the site is not designated as a Key Employment Area within the adopted HDPF, it is identified as such within the emerging Horsham District Local Plan under Strategic Policy 30. Officers acknowledge that only limited weight can presently be attributed to the emerging policy given its stage of preparation; however, the proposed allocation nevertheless represents a material consideration and reflects the Council's evidence base and strategic objective of retaining and enhancing employment land within the District.
- 4.14 The Council's Economic Development Officer objects to the proposal on the basis that it would result in the permanent loss of employment floorspace within the District, undermining economic objectives and contributing to the cumulative erosion of commercial premises. This concern is material and attracts weight, particularly given the recognised importance of maintaining a sufficient range and quality of employment accommodation to support inward investment and business growth.
- 4.15 In this respect, the proposal is considered to give rise to concerns regarding the integrity and long-term function of the wider industrial estate. The introduction of residential accommodation within an active employment estate has the potential to create land use conflicts between future occupiers and surrounding commercial activities, particularly having regard to noise, disturbance, servicing arrangements, vehicle movements and the lawful operation of surrounding employment uses. Environmental Health officers identified concerns in relation to noise impacts and the agent of change principle, particularly given the range of uses capable of operating within Use Class E and the potential for future business activities to intensify or evolve over time.
- 4.16 Whilst it is acknowledged that mitigation measures could potentially address aspects of internal living conditions, Officers remain concerned that the introduction of residential use in this location could prejudice the continued operation, flexibility and evolution of the wider employment area. This concern is amplified when considered cumulatively alongside the wider context of the estate and the potential precedent such development may establish for further erosion of employment floorspace within the area.
- 4.17 The benefits of the scheme are recognised and include the re-use of a previously developed building, the provision of 9 additional residential units within a sustainable location, and the contribution towards housing delivery within the District. These benefits attract moderate weight in favour of the proposal, particularly in the context of the Council's housing land supply position.
- 4.18 However, having regard to the above, Officers conclude that the applicant has failed to provide sufficiently robust evidence to demonstrate that Bentley House is no longer needed and/or viable for employment use as required by Policy 9 of the HDPF. Furthermore, the

proposal is considered likely to undermine the ongoing function and integrity of the wider employment area and could give rise to future land use conflicts detrimental to the operation of surrounding employment uses.

Overall Conclusion on Principle of Development

- 4.19 For the reasons set out above, the proposed loss of employment floorspace has not been satisfactorily justified and the development is therefore considered to conflict with Policies 7, 9 and 33 of the Horsham District Planning Framework (2015). In addition, whilst only limited weight is afforded to the emerging Horsham District Local Plan, the proposal would also fail to accord with the objectives of emerging Strategic Policy 30 which seeks to safeguard the integrity and function of identified employment areas.
- 4.20 Accordingly, Officers conclude that the principle of residential development in this location is unacceptable.

Design and Appearance

Policy Context

- 4.21 The assessment of design and visual impact is undertaken having regard to Policy 33 (Development Principles) of the Horsham District Council Local Plan (2015). Policy 33 requires that development conserves and enhances the natural and built environment and sets out detailed criteria relating to design quality, relationship with surroundings, amenity, materials, landscaping, parking integration, security and spatial legibility.

Assessment

- 4.22 The proposal involves the change of use of an existing two-storey office building to residential use, with only limited external alterations. As such, the scale, massing and overall built form of Bentley House would remain unchanged. In visual terms, the proposal does not introduce additional bulk, height or footprint, and therefore would not materially alter the established townscape of the industrial estate.
- 4.23 In respect of criterion 1, the proposal represents the reuse of a previously developed building within the Built-Up Area Boundary. The proposal would reuse an existing building and would not require substantial external alterations.
- 4.24 With regard to criteria 3 and 4, the building would retain its existing external appearance and relationship with surrounding development. The site sits within a mixed context comprising commercial buildings internally within the estate and residential properties and open space beyond its boundaries. As no significant external remodelling is proposed, the development would not harm the character of the surrounding area, nor would it adversely affect the skyline, important views or the wider townscape. The external character of the estate would remain largely unchanged.
- 4.25 In relation to materials and finishes (criterion 5), any minor external alterations required to facilitate residential use can be secured by condition to ensure that they are of an appropriate quality and sympathetic to the existing building. There are no identified important landscape

features within the immediate curtilage of Bentley House that would be affected by the proposal, and the development would not result in the loss of significant trees or natural features, thereby complying with criterion 6.

- 4.26 Criterion 8 requires that parking, cycle storage and refuse facilities are provided in a convenient and visually appropriate manner without dominating the site. The proposal utilises the existing parking areas associated with the building, and subject to appropriate detailing of cycle and bin storage, the scheme would not result in visually intrusive parking arrangements.
- 4.27 In terms of criteria 9, 10 and 11, the conversion to residential use has the potential to increase natural surveillance within the estate outside traditional office hours, particularly in the evenings and weekends. This may provide a modest benefit in terms of perceived security. Clear demarcation between private residential space and communal or parking areas can be secured through appropriate layout and boundary treatment.

Overall Conclusion on Design and Appearance

- 4.28 Overall, given the limited extent of physical alteration proposed, the development would not give rise to harm to the character or appearance of the site or its surroundings. Subject to conditions controlling external materials and detailing, the proposal is considered to comply with Policy 33 in design and visual terms

Residential Amenity

Policy Context

- 4.29 The impact of the proposal on residential amenity is principally assessed against criterion 2 of Policy 33 (Development Principles) of the Horsham District Council Local Plan (2015). Criterion 2 requires that development is designed to avoid unacceptable harm to the amenity of occupiers and users of nearby property and land, for example through noise or overlooking, whilst having regard to the sensitivities of surrounding development. This policy consideration applies both to the protection of existing neighbouring occupiers and to the living conditions of future residents of the proposed dwellings.

Assessment

- 4.30 The proposal involves the conversion of an existing office building into nine flats within an established industrial estate environment characterised by active Class E and industrial operations. While there would be no material change to the external building envelope in terms of overlooking, loss of light, or overbearing impact, this does not resolve the fundamental planning constraint arising from introducing permanent residential accommodation into a commercial estate environment.
- 4.31 The site is inherently constrained by its location within an active industrial estate where operational activities occur in close proximity on multiple sides. The Council's Environmental Health Officer has reviewed submitted noise monitoring data, which identifies both steady-state background levels and discrete peak noise events (Lmax) associated with typical

industrial operations, vehicle movements, and yard activity. These characteristics are intrinsic to the established use of the estate and are likely to continue and potentially intensify over time.

- 4.32 In this context, future occupiers would be exposed to an incompatible acoustic environment by virtue of the site's location within an operational industrial yard. This includes intermittent but significant noise events and general activity associated with Class E and light industrial uses, which would be experienced at close range and over extended periods. The proximity and orientation of the proposed residential units would result in a poor relationship between the sensitive use and the surrounding employment activities.
- 4.33 Whilst the "agent of change" principle is relevant, it does not overcome the fundamental planning tension arising from siting permanent residential accommodation within an active industrial setting. Even with mitigation, there is an inherent limitation to what can be achieved in terms of protecting future occupiers from external noise sources generated within a functioning industrial estate. As such, the baseline conditions of the site are such that future residents would be required to rely heavily on closed-window ventilation and mechanical systems to achieve acceptable internal conditions, which is not indicative of a high-quality residential environment.
- 4.34 Notwithstanding the above, the absence of private amenity space or balconies further compounds the constrained living environment. Whilst proximity to Pondtail Park provides access to public open space, this does not address the deficiencies in immediate residential amenity arising from the industrial yard setting, including noise exposure, limited private external space, and reduced perception of residential tranquillity.

Overall Conclusion on Residential Amenity

- 4.35 In conclusion, the proposal would result in harm to future occupiers by reason of its siting within an active industrial yard, where the prevailing operational character of surrounding Class E and industrial uses gives rise to an inherently poor residential environment. Future occupants would be exposed to noise and disturbance associated with ongoing industrial activity, which cannot be fully mitigated given the proximity and nature of surrounding uses.
- 4.36 Whilst mitigation measures could reduce internal noise levels, they would not overcome the fundamental incompatibility of introducing residential accommodation into this industrial context. The proposal would therefore fail to provide a satisfactory living environment for future occupiers and would conflict with criterion 2 of Policy 33 and the objectives of ensuring high standards of residential amenity.

Character and Function of the Employment Area Policy Context

- 4.37 Policy 7 of the Horsham District Planning Framework (2015) seeks to support sustainable economic growth through the retention, regeneration and continued operation of employment land and premises across the District. Policy 9 further seeks to safeguard employment sites from unjustified loss in order to maintain an adequate supply and range of employment

accommodation capable of supporting existing businesses, inward investment and future economic activity.

- 4.38 In addition, Policy 33 requires development to function appropriately within its surroundings and avoid giving rise to unacceptable conflicts between neighbouring uses. These objectives are reflected within the National Planning Policy Framework, which supports economic growth whilst recognising the importance of ensuring that existing businesses are able to operate effectively without unreasonable restriction arising from neighbouring development.
- 4.39 Whilst only limited weight is currently afforded to the emerging Horsham District Local Plan (2023–2040), Strategic Policy 30 identifies the North Heath Lane Industrial Estate as a Key Employment Area. The emerging policy seeks to protect the integrity, functionality and economic role of such areas from inappropriate or conflicting forms of development.

Assessment

- 4.40 The appeal site forms part of the wider North Heath Lane Industrial Estate, which functions as an established and active employment area accommodating a range of commercial, industrial and Class E uses. The estate is characterised by servicing activity, commercial vehicle movements, deliveries, external circulation, operational yard activity and patterns of use typically associated with a functioning employment environment.
- 4.41 Whilst surrounding residential development exists beyond the boundaries of the estate, the internal character and function of the estate itself remains commercial in nature. Bentley House occupies a position within the operational core of the estate and is surrounded in close proximity by active business premises and circulation areas associated with those uses.
- 4.42 The introduction of permanent residential accommodation into this environment would introduce sensitive receptors into a location not intended for residential occupation. In the Council's view, this would give rise to an inherently incompatible relationship between residential and commercial uses. The proposal would create the potential for future conflict arising from noise, disturbance, servicing operations, vehicle activity, hours of operation and other impacts typically associated with the lawful functioning of an employment area.
- 4.43 This concern is not limited solely to existing activities currently taking place on the estate. The permitted scope of uses within Class E, together with the potential for surrounding units to intensify, change occupier, or operate differently over time, means that future occupiers of the proposed flats could reasonably be expected to experience ongoing disturbance associated with the normal operation of the estate. The Council considers that the introduction of residential use in such close proximity to active commercial operations would create pressure for restrictions on existing businesses, either directly through complaints or indirectly through constraints on future operational flexibility.
- 4.44 The Council attaches significant weight to protecting the continued operation and economic function of the wider employment area. Whilst the proposal relates to a single building, it would nevertheless erode the commercial integrity of the estate by introducing a sensitive residential use into its operational environment. Officers are concerned that permitting residential conversion in this location could also establish a precedent for further

encroachment of non-employment uses within the estate, resulting in the gradual erosion of employment floorspace and weakening of the estate's long-term economic role.

- 4.45 Although the benefits of additional housing delivery are acknowledged, particularly in the context of the Council's housing land supply shortfall, the Council considers that these benefits do not outweigh the identified harm arising from the introduction of an incompatible residential use within an established and functioning employment area.

Overall Conclusion on Character and Function of the Employment Area

- 4.46 For the reasons set out above, the proposal is considered to conflict with the established commercial character and operational function of the North Heath Lane Industrial Estate. The development would introduce an incompatible residential use into an active employment environment, resulting in potential land use conflict and harm to the continued operation, flexibility and integrity of the wider employment area.
- 4.47 The proposal therefore conflicts with Policies 7, 9 and 33 of the Horsham District Planning Framework (2015), the objectives of emerging Strategic Policy 30 of the Horsham District Local Plan (2023–2040), and the economic objectives of the National Planning Policy Framework.

Highways impacts

Policy Context

- 4.48 The assessment of highways and parking matters is undertaken with regard to Policies 40 and 41 of the Horsham District Council Local Plan (2015). Policy 40 (Sustainable Transport) seeks to ensure that development is located and designed to reduce the need to travel by private car, promotes sustainable modes of transport, and provides safe and suitable access for all users. The policy requires that development does not result in severe residual cumulative impacts on the transport network and that safe access arrangements are secured.
- 4.49 Policy 41 (Parking) requires that development provides appropriate levels of vehicle and cycle parking in accordance with the standards set by the local planning authority and the Highway Authority. Parking provision must be well designed, safe, convenient and integrated into the development without dominating the site or causing harm to character or amenity.

Assessment

- 4.50 The application proposes the provision of 14 off-street car parking spaces to serve the 9 residential units. In accordance with the current West Sussex County Council Residential Parking Demand Calculator (2020), a development of 9 dwellings of the size proposed would generate a requirement of approximately 14 spaces (inclusive of visitor parking). The proposal therefore meets the County Council's maximum parking standards.
- 4.51 The site benefits from an established vehicular access via North Heath Lane serving the wider industrial estate. The change of use from office (Class E(g)) to residential (Class C3) would not be expected to materially intensify traffic movements when compared with the lawful use. Office use can generate peak-hour traffic associated with commuting patterns, whereas residential trips are typically more dispersed throughout the day. The submitted

Transport Statement concludes that the net change in trip generation would not result in a material impact on the local highway network.

- 4.52 West Sussex County Council, as Highway Authority, raises no objection to the proposal. In the absence of technical objection and having regard to the scale of the development, it is not considered that the proposal would result in severe impacts on highway safety or capacity.
- 4.53 Cycle parking and refuse storage are proposed within the site and can be secured by condition to ensure compliance with Policy 41 and to provide convenient and visually appropriate facilities in accordance with Policy 33.

Overall Conclusion on Highways impact

- 4.54 Overall, the proposal provides parking in accordance with adopted standards, utilises an existing lawful access, and would not give rise to unacceptable impacts on the local highway network. The development is therefore considered to comply with Policies 40 and 41 of the Local Plan.

Water Efficiency

Policy Context

- 4.55 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.
- 4.56 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.
- 4.57 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.

Assessment

- 4.58 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.

Overall Conclusion on Water Efficiency

- 4.59 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.

Climate Change

Policy Context

- 4.60 Policies 35 (Climate Change), 36 (Appropriate Energy Use) and 38 (Flooding) of the Horsham District Council Local Plan (2015) require that development mitigates and adapts to the impacts of climate change. These policies seek to secure improved energy efficiency, reduce flood risk, minimise water consumption, protect and enhance biodiversity, and promote sustainable transport modes. They reflect the objectives of Chapter 14 of the Ministry of Housing, Communities and Local Government National Planning Policy Framework (NPPF), which requires the planning system to support the transition to a low carbon future and shape places in ways that contribute to radical reductions in greenhouse gas emissions.

Assessment

- 4.61 The proposal relates to the conversion and reuse of an existing building. The retention and adaptation of the existing structure represents an inherently sustainable form of development, as it avoids the significant embodied carbon emissions associated with demolition and complete redevelopment.
- 4.62 The submitted information and proposed mitigation indicate the following measures:
- Water consumption to be limited to 110 litres per person per day in accordance with optional Building Regulations standards;
 - Provision of dedicated refuse and recycling storage to promote waste separation;
 - Provision of cycle parking facilities to encourage sustainable modes of transport;
 - Installation of electric vehicle charging points within the proposed parking area (precise number to be secured by condition);
 - Opportunities for biodiversity enhancement within the site, including soft landscaping improvements where feasible;
 - Flood Risk Assessment confirming the site lies within Flood Zone 1, with no increased flood risk arising from the proposal.
- 4.63 As this is a conversion of an existing building with limited external works, there are no significant opportunities for large-scale green infrastructure or site-wide SuDS features beyond existing arrangements. However, any external hardstanding alterations and drainage details can be secured by condition to ensure appropriate surface water management in accordance with Policy 38.

- 4.64 In terms of energy performance, the dwellings will be required to comply with current Building Regulations Part L standards. Through condition, the development can secure details demonstrating improved fabric efficiency and appropriate low-energy design measures commensurate with a building conversion scheme.

Overall Conclusion on Climate Change Impact

- 4.65 Subject to conditions, and having regard to the sustainable reuse of an existing building within the Built-Up Area Boundary, the proposal is considered to accord with Policies 35, 36 and 38 of the Local Plan and national climate change objectives.

Biodiversity Net Gain

Policy Context

- 4.66 The 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.
- 4.67 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.

Assessment

- 4.68 The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:
- 4.69 The development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

5.0 PLANNING BALANCE AND OVERALL CONCLUSION

Housing Land Supply and Tilted Balance

- 5.1 The Horsham District Council Authority Monitoring Report confirms that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The most recent position identifies a supply significantly below the required five-year benchmark. This is a material consideration which engages paragraph 11(d) of the National Planning Policy Framework (NPPF).
- 5.2 In these circumstances, the presumption in favour of sustainable development applies, and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
- 5.3 Policies most important for determining the application insofar as they relate to the supply of housing are therefore considered out-of-date for the purposes of paragraph 11(d). However, this does not render them irrelevant, and they continue to attract weight according to their consistency with the Framework and the extent to which they seek to secure sustainable development.

Benefits of the proposal

- 5.4 The proposal would deliver 9 additional dwellings within the Built-Up Area Boundary of Horsham. In the context of a significant housing land supply shortfall, this contribution attracts moderate weight in favour of the proposal.
- 5.5 The proposal would also facilitate the reuse of an existing vacant building on previously developed land, which would assist in avoiding long-term vacancy and support the efficient use of land and existing built form. This attracts moderate weight.
- 5.6 Limited economic benefits would also arise through construction activity and expenditure from future occupiers supporting local services and facilities. Given the scale of the proposal, this benefit attracts limited weight.

Adverse Impacts

- 5.7 The proposal would result in the permanent loss of an established employment site within the North Heath Lane Industrial Estate. Insufficient evidence has been provided to demonstrate that the site is no longer required or viable for employment purposes, and the proposal would undermine the continued function of the wider employment area. Significant weight is attributed to this harm given the Council's evidence base identifying the importance of retaining employment land.
- 5.8 The introduction of residential use within an active employment area would also result in an incompatible relationship between residential occupiers and surrounding commercial operations. The presence of sensitive residential receptors would likely place pressure on nearby businesses through complaints relating to noise, disturbance, and operational activity, thereby prejudicing the ongoing function and viability of the wider employment area. This harm attracts significant weight.

- 5.9 Furthermore, the proposal would fail to secure an acceptable standard of living conditions for future occupiers. The site is located within an active industrial estate characterised by commercial activity, servicing, vehicular movements, and associated noise and disturbance. The Council is not satisfied that sufficient information has been provided to demonstrate that future residents would experience acceptable living conditions. In addition, the constrained nature of the site and limited external amenity provision further contribute to the poor quality of the proposed residential environment. Significant weight is attached to this harm.
- 5.10 Whilst no significant objections have been raised in relation to highways, flood risk, or ecology, these neutral considerations do not outweigh the identified policy conflicts and amenity concerns.

Overall Conclusion

- 5.11 The proposal would deliver a modest contribution towards housing supply and would reuse a vacant building within the built-up area. These benefits weigh in favour of the development and attract moderate weight in the planning balance.
- 5.12 However, the benefits are significantly and demonstrably outweighed by the adverse impacts arising from the unjustified loss of employment floorspace, the introduction of an incompatible residential use within an active employment area, and the poor living conditions that would be experienced by future occupiers.
- 5.13 When assessed against the policies of the Framework taken as a whole, the proposal would not constitute sustainable development. Accordingly, notwithstanding the tilted balance engaged by paragraph 11(d) of the NPPF, the appeal should be dismissed.
- 5.14 It is, therefore, recommended that the appeal should be dismissed for the reasons set out below:-

Recommendation: Appeal is Dismissed

Reasons for Refusal

1. Loss of Employment Floorspace

The proposed development would result in the unjustified loss of an established employment site within the built-up area boundary of Horsham. Insufficient evidence has been provided to demonstrate that the site is no longer required or viable for employment use, and the proposal would undermine the continued function of the wider employment area, including the North Heath Lane Industrial Estate identified as a Key Employment Area in the emerging Horsham District Local Plan (2023–2040).

The proposal is therefore contrary to Policy 9 of the Horsham District Planning Framework (2015), emerging Policy 30 of the Horsham District Local Plan (2023–2040), and the economic objectives of the National Planning Policy Framework.

2. Incompatible Land Use and Impact on Employment Area

The introduction of residential use within an established employment area would create an incompatible relationship between residential and commercial uses. The presence of residential occupiers would likely place pressure on surrounding businesses through complaints relating to noise, disturbance, and operating conditions, thereby prejudicing the continued operation and function of the wider employment area.

The proposal is therefore contrary to Policies 9 and 33 of the Horsham District Planning Framework (2015).

3. Living Conditions of Future Occupiers

The proposed development would fail to provide acceptable living conditions for future occupiers by reason of its location within an active industrial estate characterised by commercial activity, vehicular movements, and associated noise and disturbance. Insufficient information has been provided to demonstrate that future occupiers would be adequately protected from these impacts, and the proposal would provide a poor standard of residential amenity.

The proposal is therefore contrary to Policy 33 of the Horsham District Planning Framework (2015) and the amenity objectives of the National Planning Policy Framework.

6.0 LIST OF CONDITIONS

Whilst the Council does not consider that the identified amenity harm can be fully overcome through condition, the following conditions are provided on a without prejudice basis should the Inspector be minded to allow the appeal.

1. A list of the approved plans and documents
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. **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
 - (a) the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials
 - (b) the provision of wheel washing facilities (if necessary) and dust suppression facilitiesThe approved details shall be adhered to throughout the construction period.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

5. **Pre-Commencement Condition:** Prior to commencement of development (other than demolition), a scheme of noise mitigation and mechanical ventilation sufficient to prevent overheating and maintain thermal comfort to all habitable rooms located on the northern elevation of building to be converted shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve the habitable room standards as detailed in BS8233:2014 with no relaxation for exceptional circumstances and appropriate consideration of L_{Amax}. The Assessment shall demonstrate that CIBSE TM59 compliance would be achieved with the proposed design, and that CIBSE TM49 has been considered as part of the modelling. Any mechanical ventilation shall have due regard to the design standards of the ANC Acoustics Ventilation and Overheating: Residential Design Guide 2020. The scheme shall be fully implemented and thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details for the provision for the storage of refuse and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to occupation (or use) of the development hereby permitted and thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces necessary to serve it have been constructed and made available for use in accordance with approved drawing number Site Plan P001 Rev P01. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

8. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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).

9. **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

10. **Regulatory Condition:** The dwelling hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015), and to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
E(c)(iii)		690.6	
C3	690.6		
		Total Gain	0
		Total Demolition	0

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.



Horsham
District
Council

HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Horsham District Council – Planning Dept
LOCATION:	Bentley House North Heath Lane Industrial Estate North Heath Lane Horsham
DESCRIPTION:	Change of use of building to provide 9 residential units.
REFERENCE:	DC/26/0024
RECOMMENDATION:	<u>Advice</u> / No Objection / Objection / More Information / Modification / Refusal
SUMMARY OF COMMENTS & RECOMMENDATION: The main issue from a policy perspective is that North Heath Lane Industrial Estate including Bentley house is an existing employment area afforded some protection from non-employment development by the Horsham District Planning Framework and has been identified for allocation as a Key Employment Area (KEA) in the emerging Horsham District Local Plan. The site falls within an area proposed to be designated in the emerging Horsham District Local Plan 2023-40 as a Key Employment Area. The designation is intended to protect existing employment and commercial sites from non-employment use development to ensure there are sufficient local employment opportunities to meet the needs of the District (see HDPF Chapter 5: Economic Development objectives, page 33). It is considered that the change of use of Bentley House to residential could conflict with HDPF Policy 9: Employment Development and emerging Horsham District Local Plan ('eLP') Strategic Policy 30: Enhancing Existing Employment. However, this needs to be confirmed by way of the case officer reviewing the applicant's evidence submitted in relation to HDPF Policy 9 and ideally also to eLP Strategic Policy 30. On that basis, it is for the case officer to decide if the evidence provided is sufficient to warrant that Bentley House is no longer needed and/or viable for employment use and if a residential development of nine dwellings within an existing industrial estate is considered an appropriate use of the building. Note that this response focuses solely on the issue of whether the principle of residential development in this location is appropriate, and makes no assessment or comment on any other aspect of development with regards the development plan.	

MAIN COMMENTS:

Introduction

Preamble

These comments discuss national and local policy (emerging and adopted) that relate to the proposed development. They do not set out advice on every issue that may be of relevance to the proposal and do not reference every policy in its entirety. Instead, the comments focus on the following issue:

1. Whether the loss of employment floorspace is acceptable in policy terms.

Proposal

The proposal intends to remove 599.57sq.m. of office floorspace and replace it with 9 residential units within the existing Industrial Estate.

Development Plan

The development plan for North Heath Industrial Estate includes the Horsham District Planning Framework (HDPF, 2015), the West Sussex Joint Minerals Local Plan (2018), the West Sussex Waste Local Plan (2014) The respective Minerals and Waste Local Plans are not relevant in this case, but the HDPF is. Also of relevance is the emerging Horsham District Local Plan (eLP).

Horsham District Planning Framework (HDPF) 2015-2030

Policy 2: Strategic Development criterion 9 states that the HDPF will "Identify existing sites of important employment use, and to safeguard their function through flexible policies and designation of Key Employment Areas, together with supporting the rural economy, to allow people the opportunity to work close to where they live."

Policy 7: Economic Growth criterion 2 aims to achieve sustainable employment in the Horsham district by the Redevelopment, regeneration, intensification and smart growth of existing employment sites.

Policy 9: Employment Development seeks to balance the need to ensure protection of valued employment and commercial sites to ensure there are sufficient local employment opportunities to meet the needs of the District, whilst enabling sites which are no longer economically viable to be considered for other appropriate uses.

Policy 9 criterion 2 states that redevelopment of employment sites and premises outside Key Employment Areas, must demonstrate that the site/premises is no longer needed and/or viable for employment use.

Shaping Development in Horsham District Planning Advice Note (2025) (SDPAN)

The Council recognises that since the adoption of the HDPF there have been significant changes to national planning policy. Given the current situation with the examination of the Horsham District Local Plan 2023-2040 the Council therefore approved a Shaping Development in Horsham District Planning Advice Note on 17 September 2025. This document sets out clear and consistent planning advice in relation to the determination of planning applications. Note that the SDPAN was published before the draft new NPPF was published.

Paragraphs 5.43 to 5.48 are the most relevant to this application. In summary, it indicates that the HDPF policies on employment remain justified, up-to-date and

consistent with the NPPF. Paragraphs 5.45 to 5.47 signpost the evidence considered to support this position.

Horsham District Local Plan (HDLP) 2023-2040 (the 'eLP')

The Council submitted the Horsham District Local Plan 2023-2040 (HDLP) to the Secretary of State for examination in July 2024. The emerging Local Plan (eLP) sets out policies and proposals intended to guide development in the district, excluding the South Downs National Park, up to 2040. Examination hearings started in December 2024, but the remaining hearings were cancelled by the Inspector due to his view that the Council had failed to satisfactorily comply with the legal Duty to Co-operate. Since then, several material considerations have changed, including updates to national policy and regulations which has revoked the legal Duty to Co-operate and the withdrawal of Natural England's Position Statement on Water Neutrality. In January 2026, a new Inspector was appointed to undertake the examination of the Local Plan and examination hearings will recommence on 23 April 2026.

It is the Council's view that the submission HDLP remains the emerging Local Plan (eLP) in the context of NPPF para 49 at the time of writing. However, given the context described, it is considered that only limited weight should be given to its policies.

Strategic Policy 30 Enhancing Existing Employment seeks to ensure that all employment premises and sites are safeguarded as far as is possible

Table 7 allocates North Heath Lane Industrial Estate as a Key Employment Area and is protected for industrial, storage and distribution uses (B2, B8 and E(g)ii / iii Use Classes).

Paragraph 4 states that all proposals within a Key Employment Area, including proposals for alternative sui generis 'employment' uses and offices must demonstrate they:

- a) support the integrity and function of the Key Employment Area; and
- b) do not result in the overall net loss of employment floorspace unless it can be demonstrated that the loss is not significant, and would lead to a significant upgrade of the retained employment floorspace.

It is recommended that the case officer considers whether residential dwellings within the industrial estate would support the integrity and function of the employment area. It is for the case officer to decide if the loss of 599.57sq.m. of employment floor space is significant albeit the weight of the eLP as still emerging is then relevant in respect of the planning balance.

Main issue

Assessment is required as to evidence has been provided to demonstrate that the premises is no longer needed and/or viable for employment use. Furthermore, although the site was not allocated as a Key Employment Area in the HDLP it is identified as such in the eLP to afford protection from non-employment use development. Residential development within the industrial estate may prejudice the comprehensive long-term development of the industrial estate and inhibit any intensification of employment uses. It is important to consider whether residential development in this location would support the integrity and function of the employment area, result in a net loss of employment floorspace and support the objective of providing opportunities for businesses to grow and expand when considering against the eLP, the objectives in the adopted HDLP and also against national policy.

Recommendation

It is for the case officer to assess the submitted evidence against the relevant adopted policy requirements and determine whether the evidence provided is sufficient to warrant that Bentley House is no longer needed and/or viable for employment use and if a residential development of nine dwellings within the existing industrial estate is an appropriate use of the building. As per the Council-endorsed Shaping Sustainable Development in Horsham District Planning Advice Note, the HDPF policies on employment remain justified, up-to-date and consistent with the NPPF. Regard should also be had to the emerging Horsham District Local Plan 2023-40 Policy 30 which proposes designation of the North Heath Industrial Estate as a Key Employment Area.

ANY RECOMMENDED CONDITIONS:

This is for the case officer to determine.

NAME:	Mark Daly
DEPARTMENT:	Strategic Planning
DATE:	20 April 2026