



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/1887

Macklins @ The Riverside, Swan Bridge, Pulborough, RH20 2BJ

DESCRIPTION:

Retention of two timber pergolas and a 4-foot timber boundary fence and change of use of area for outside seating area / entertainment space with lighting

RELEVANT PLANNING HISTORY:

None

DESCRIPTION OF THE SITE

The application site is located within the defined Built-Up Area Boundary of Pulborough and within the Pulborough (Church Place) Conservation Area and is the rear of an established coffee shop / bistro namely Macklins, situated to the east side of the A29 London Road and north of the Grade II listed Pulborough Bridge over the River Arun.

DESCRIPTION OF THE APPLICATION

Retrospective planning permission is sought for retention of two timber pergolas and a 4-foot timber boundary fence around a rear outside seating area / entertainment space with 2 x 20w LED lights facing downwards into the site, for occasional use by the established business.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 10 - Rural Economic Development

Policy 11 - Tourism and Cultural Facilities

Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres

Policy 13 - Town Centre Uses

Policy 14 - Shop Fronts and Advertisements

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 41 - Parking

Policy 43 - Community Facilities, Leisure and Recreation

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision

making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 1 year. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Horsham District Local Plan (2023-40) (Regulation 19):

Strategic Policy 19: Development Quality

Strategic Policy 20: Development Principles

Policy 21: Heritage Assets and Managing Change within the Historic Environment

Policy 22: Shop Fronts and Advertisements

Policy 25: Parking

Policy 28: Community Facilities, Leisure and Recreation

Strategic Policy 30: Enhancing Existing Employment

Strategic Policy 34: Tourism Facilities and Visitor Accommodation

Strategic Policy 36: Town Centre Uses

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

Pulborough Parish Neighbourhood Plan 2015-2031:

Policy 12: Tourism Development

Policy 13: Community Facilities

Policy 15: Design

Policy 16: Water Neutrality

Pulborough Parish Design Statement

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

HDC Conservation: No Objection

Content the pergolas and fencing do not harm the character of the conservation area'

Environmental Health: No Objection

However, recommend a condition to restrict the installation of any speakers or sound systems in the external area. Events involving music should be acoustic only with no amplified music or any other form of entertainment.

South Downs National Park: No comments to make

PUBLIC CONSULTATIONS:

Representations:

3 letters for Support have been received from 3 addresses, supporting the application on the following grounds:

- The outdoor space is in keeping with the area.
- The owners have done so well to bring the community together as there is nowhere else in Pulborough.
- Great addition to local area and community, there is a lack of hospitality options in Pulborough, and this outside addition is very much needed
- Is not offensive and compliments the vista.

Parish Comments:

Pulborough Parish Council: Support

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:

The application site is located within the defined Built-Up Area Boundary of Pulborough and within the Pulborough (Church Place) Conservation Area, and is the rear area of an established coffee shop / bistro namely Macklins. The development proposal is retrospective and as constructed provides additional space at the rear amenity area for use by the business and therefore sustains and supports the enterprise. The development supports the continued needs of the established business. The proposal would also contribute to the fostering of economic and social wellbeing of the local community. The principle of the development is therefore considered acceptable, subject to all other material considerations.

Design, Appearance and Heritage:

Policy 32 of the Horsham District Planning Framework Policy (HDPF) relates to improving the quality of new development. It states that permission will be granted for developments which ensure the scale, massing, and appearance of the development is of a high standard of design which relates well to the host building, and adjoining neighbouring properties. Policy 33 also seeks to ensure that development proposals make efficient use of land, cause no harm to amenity, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

Policy 34 of the HDPF recognises the importance of heritage assets and requires that proposals make reference to the significance of heritage assets by making a positive contribution to the character and distinctiveness of the area, ensuring that development is consistent with the special character of those areas.

Policy 15 of the Pulborough Neighbourhood Plan states that all buildings must be well designed, sustainable, and take appropriate account of climate change. The scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings and landscape. In particular, the effects of any proposed development within a Conservation Area or that affects its setting should respect the particular special characteristics of that area.

The application site relates to the rear of the established business within the Pulborough (Church Place) Conservation Area and seeks retrospective permission for erection of two timber pergolas and a 4-foot timber boundary fence for use as an outside seating area / entertainment space with 2x LED lights facing downwards into the site.

The timber structures erected are modest and of basic design, and whilst located within a prominent location along a main thoroughfare, are read and perceived in the context of the adjacent built form utilising materials that would not be unexpected within the built-up area. The structures are considered to be lightweight in nature, where each would weather down.

No concerns have been raised by the Council's Conservation Officer, and it is not therefore considered that the development results in harm to the special character of the designated Conservation Area and locally listed building.

On the balance of these considerations, the development is considered to sit appropriately within the context of the site and the visual amenities of the street scene, in accordance with the above policies.

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 scale and siting of the proposal and the resulting relationship with neighbouring properties and land is such that there would be no unacceptable impacts on amenity and accords with Policy 33 in this respect.

The application site has an established use, and the development, taking into account the previous and existing arrangement would not be expected to result in an increase in the intensity of on-site activity and / or noise to warrant refusal. It is however recognised that activity within the outside area into the evening hours could lead to noise and disturbance, to the detriment of nearby residential properties. The Council's Environmental Health Team have suggested conditions to restrict amplified music and sound systems within the external areas. This is considered reasonable and necessary to limit potential impact on residential amenity.

Subject to the suggested conditions, it is not considered that the development would result in harm to the amenities of neighbouring properties and users on land, in accordance with the above policies.

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

Conclusions:

The development would positively contribute to supporting an established business and would also contribute to the fostering of economic and social wellbeing of the local community, without undue harm arising onto identified amenities, and is recommended for approval.

Recommendation: Application Permitted

Conditions:

- 2 **Regulatory Condition:** The enclosed garden area as shown on plan reference 110/3001 Revision A shall not be used except between the hours of 16:00 and 23:00 Monday to Saturday and between the hours of 12:00 and 20:00 on Sundays..

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

- 3 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plans. All such lighting shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** No amplified music or public address system shall be played within the enclosed garden area as shown on plan reference 110/3001 Revision A at any time, other than with the permission of the Local Planning Authority by way of formal application.

Reason: To safeguard the amenities of neighbouring properties and 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.

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/25/1887

(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
Block plan	Detailed Site Plan	110/3000 Revision A	18.11.2025
Elevation plan	Proposed Detailed Elevation	110/3002 Revision A	18.11.2025
Elevation & Floor plan	Proposed Floor Plan and Elevations	110/3001 Revision A	18.11.2025
Location & Block plan	Location and Site/Block Plan	110/1000 Revision A	18.11.2025
Elevation & Floor plan	Existing Floor Plan and Elevations	110/2000 Revision A	18.11.2025
Supporting Statement	Heritage	NONE	01.12.2025

DELEGATED

Case Officer sign/initial Steve Astles Date: 04.08.2026

Authorising Officer sign/initial Tamara Dale Date: 04.08.2026

